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## **Committee on the Elimination of Discrimination against Women**

### **Sixty-fifth session**

24 October-18 November 2016

Item 4 of the provisional agenda

### **Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women**

## **List of issues in relation to the sixth periodic report of the Netherlands**

### **Legal and policy framework**

1. With reference to the Committee's previous concluding observations (CEDAW/C/NLD/CO/5, para. 12), please provide information on specific steps taken to incorporate the provisions of the Convention into domestic law and to ensure the availability of effective remedies for all women, particularly migrant women in all territories of the State party. Please provide information on the concrete measures taken to address the disparities in the implementation of the Convention in the territories of the State party (CEDAW/C/NLD/CO/5, para. 14). Please provide information whether a commission mandated to draft an integrated national gender policy for Aruba has been appointed (para. 216). Please also provide an update on the progress made by the Ministry of Public Administration, Planning and Service of Curaçao to develop a gender mainstreaming policy (para. 288). Please also state if there is a national strategy on gender equality covering all territories of the State party.

2. In light of the Committee's previous concluding observations (CEDAW/C/NLD/CO/5, para. 16), please provide an update on the concrete measures taken to raise awareness about the Convention and its Optional Protocol, particularly among legal practitioners and members of the judiciary. Please provide an update on measures taken to implement the Committee's recommendations in the case concerning *De Blok et al v the Netherlands* (CEDAW/C/57/D/36/2012).

### **National machinery for the advancement of women**

3. The Committee in its previous concluding observations (CEDAW/C/NLD/CO/5, para. 18), expressed concern at the lack of a unified strategy and policy for the implementation of the provisions of the Convention among the different territories of the

State party. Following the constitutional restructuring of the State party (para. 4),<sup>1</sup> which elevated Curaçao and St Maarten to the status of countries and designated Bonaire, St Eustatius and Saba as the ‘Netherlands in the Caribbean’, please provide information on the structure of the national machineries for the advancement of women’s rights and the coordination of gender-mainstreaming in all territories of the State party. To what extent does the State party conduct gender impact assessment of laws and policies as well as gender budgeting analysis? Please provide information on results of the implementation of gender mainstreaming in the State party.

#### **Temporary special measures**

4. The Committee in its previous concluding observations ((CEDAW/C/NLD/CO/5, para. 22), noted the lack of understanding of temporary special measures as interpreted by the Committee in its General Recommendation No. 25 (2004) on temporary special measures. The report in paragraph 20 states that legislation is now in force setting out targets for the percentage of women in top-level positions in the private sector and that the legislation would be evaluated in 2015. Please provide information on the results of the evaluation of the legislation and whether the State party envisages introducing sanctions for non-compliance with the targets set out in the legislation. Please provide information on other temporary special measures adopted in order to accelerate the achievement of substantive equality between men and women in the public sector. Please specify the temporary special measures that are in place that are aimed at addressing inequality experienced by disadvantaged groups of women, particularly migrant and ethnic minority women apart from the “Thousand and One Strong” volunteer project (para. 24). What measures are envisaged to adopt prescriptive temporary special measures, including the use of quotas, to promote *de facto* participation of women in political life?

#### **Stereotypes and harmful practices**

5. The Committee in its previous concluding observations (CEDAW/C/NLD/CO/5, para. 24), expressed concern regarding traditional attitudes and stereotypes regarding the roles of women and men in the family and in the society. In the report, the State party acknowledges that “negative stereotyping of girls and women is still widespread in Dutch society”, particularly in advertisement where “catalogues show little girls with toy vacuum cleaners and irons” (para. 15). Please provide information on measures taken to address the persistent sexist and discriminatory advertisement including sexualisation of women by the media in the State party. What progress has been achieved since the announcement by the government to support a platform for the media and non-governmental organisations on the subject of women and the media? Please also provide information on specific measures taken to eliminate gender stereotypes reflected in discriminatory attitudes towards migrant women in the society. Please also provide an update on the status of a legislative proposal to introduce civil-law measures to prevent forced marriages, which has been before the State party’s senate (para. 91). According to information before the Committee, there is a problem of so called “marital captivity” among certain migrant communities in the State party, which constitutes forced marriage. Please provide information on measures taken to address this phenomenon.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth to seventh periodic reports of the State party.

### **Violence against women**

6. The report in paragraph 76 acknowledges that every year around 220, 000 adults are victims of serious violence in their domestic environment and that in “nearly 75% of cases of known domestic violence”, the majority of victims are women who are subjected to physical and sexual abuse”. Please indicate the number of cases, investigations, prosecutions, convictions and the nature of punishment for perpetrators of violence against women, including domestic violence as well as data on violence targeting migrant women. Please provide information on the challenges and achievements in the implementation of the Temporary Domestic Exclusion Order Act, 2009, which, inter alia, provides for the “exclusion” of perpetrators of domestic violence from their homes (para. 78). Please provide data on recidivism following the evaluation of the impact of the Temporary Domestic Exclusion Order Act, 2009, which indicated that domestic violence is less likely to recur after a temporary exclusion order (para. 78). Please provide an update on the status of the Temporary Domestic Exclusion Orders bill for Aruba (para. 222). Please provide an update on progress made to amend the Social Support Act in order to introduce provisions on the prevention of domestic violence.

7. The report in paragraph 194 indicates that the results of an exploratory study on violence against women in the Netherlands in the Caribbean (Bonaire, St Eustatius and Saba) give cause for concern. Please provide data on the extent of problem of violence against women including domestic violence in the Netherlands of the Caribbean. Please provide an update on progress made to develop and implement legislation to combat child abuse and domestic violence in Curaçao (para. 298). Please also provide an update on the status of the National Action Plan on against Violence in Curaçao since a Committee was established to develop it sometime in 2012.

8. According to para. 83, under the new Youth Act, municipal authorities will be responsible for preventing child abuse and providing assistance to victims. Please provide information on the impact and challenges of these changes in addressing child abuse. Please also state the extent to which municipal authorities have provided shelters and assistance to victims of domestic violence (para. 82). Please also provide information on the extent to which municipalities have used guidelines on drafting and developing policy on the prevention of domestic violence, which were issued by the central government in 2009 (para. 82). What has been the impact of the change in approach to have a gender neutral police service that deals with gender based violence? What steps have been taken following the study “*Genderscan aanpak huiselijk geweld (2014)*” to ensure that that systematic attention is paid to gender policy and practice on violence against women, particularly the role that stereotypes and unequal power relations play between men and women in families (para. 80)? What measures are in place to enhance the capacity of the organisation that handles medical examinations of asylum seeking women in order to ensure thorough assessments and the identification of gender-based violence?

### **Trafficking and exploitation of prostitution**

9. The report indicates that 2012 figures from the “National Rapporteur on Trafficking in Human Beings” show that the Public Prosecution Service recorded the highest number of cases of human trafficking since 2000 (para. 105). Please provide information on assessments that have been conducted to understand this sharp increase in cases of trafficking in human beings. What specific interventions were employed in order to ensure an increase in the number of convictions from 25% between 2004 and 2009 to 71% in 2010 and 2012 (para. 105). Please provide an update on progress made to establish a national referral mechanism (para. 104). Please provide data on the number of women victims of trafficking who were unwilling to cooperate with law enforcement officers in criminal investigation who have been granted a residence permit on humanitarian grounds (para.

115). Specifically, what measures have been taken to address the vulnerability of migrant women and girls to trafficking for purposes of forced prostitution and labour exploitation? Please comment on the rise in the number of under-age victims of trafficking among sex workers (para. 110). Please also provide data on the age and nationality of sex workers in the State party, particularly in Curaçao and Aruba.

10. Please provide an update on the work of the “Taskforce legislation committee” of Aruba, which has been working to enshrine rights of victims of human trafficking to free legal aid and medical assistance as well as their rights in relation to immigration issues (para. 245). Please provide information on the study on commercial sex workers in Aruba which, inter alia, sought to establish the level of trafficking of women among commercial sex workers (para. 248).

11. Please provide an update on the status of the bill aimed at regulating prostitution and combating abuses in the sex industry which was submitted to the Houses Representatives in in November 2009 (para. 119). What specific measures have been adopted to protect women engaged in prostitution against sexual exploitation, particularly by tourists who visit the territories of the State party for sexual and other services (para.122)? Please provide data on women engaged in prostitution and explain how current regulation of prostitution in the State party protects women and girls from exploitation (para. 121). What specific measures have been taken to reduce the demand for prostitution?

#### **Participation in political and public life**

12. The report indicates that the percentage of women in the senior civil service positions was at 27% in 2013 and that the Minister for Housing submitted an action plan to the House of Representatives that sets out how a 30% women presentation target will be achieved (para. 126). Please provide an update on the status of the action plan and information on progress achieved in improving women’s representation in public and political life, particularly in mayoral and other local council positions. Please explain the effectiveness of the “comply or explain” principle which seeks to ensure the meeting of numerical targets set each year in order to fill positions with women in the State party (para. 128). Please provide information on measures taken to improve the representation of women in decision-making positions in academia, particularly the number of female professors (para. 145). Please provide data on the participation of women in political and public life in the Netherlands of the Caribbean (paras. 201-203). What measures are in place to improve the participation of women in Aruba in political life (para. 249)? The report indicates that in Curaçao, women are underrepresented in political, social and administrative decision making processes, in particular in high level positions (para. 301). Please state the concrete measures in place to address this problem.

13. The report acknowledges that overall female participation at the Ministry of Foreign Affairs, including diplomats, stood at 15% in 2012 but that women only occupied 18% of the highest ranking posts in the diplomatic service (para. 128). Please state the specific measures being taken to improve the representation of women in senior diplomatic positions of the State party’s Foreign Service.

#### **Education**

14. The report indicates that “subject choice is not only gender-stereotyped, it also depends strongly on ethnic background, and thus on prejudices about certain sectors” (para. 140). Please inform the measures that have been taken to address these prejudices. Please provide information on the progress made to encourage girls to pursue non-traditional courses, particularly science and technology. What steps have been taken to address the root causes responsible for the high number of non-Western ethnic minority students who fail their final exams (para. 137)? Please provide information on progress made to address

illiteracy in the State party. Specifically, please explain the impact of the *Tafel van Een* (“Table of One”) method “geared to communication with, assistance for, and recruitment and activation of poorly educated women who are unemployed and receive no benefits” (para. 22).

15. Please specify the measures taken to address the decrease in school attendance by girls over 15 years in Aruba (para. 256). Please also provide information on the delivery of mandatory age-appropriate education on sexual and reproductive health rights, including responsible sexual behaviour in the State party, particularly in Curaçao (para. 365). According to information before the Committee, the school dropout rate in Curaçao is between 32 and 34 per cent, and that undocumented migrant children do not receive diplomas upon completing their education. Please provide data on number of girls who drop out of school and the measures taken to address the non-issuance of diplomas for undocumented migrant children when they complete school.

### **Employment**

16. The report acknowledges that the gender wage gap remains an issue of concern and that most women work part-time (para. 52). Please provide information on the progress made to close the gender wage gap including the follow up measures required to combat discrimination in the labour market following “SER’s advisory report” (para. 55). Please state the measures in place to ensure women’s access to full-time and part-time employment as well as to ensure career progression? What measures are envisaged to address gender disparity in terms of pension contribution, which might be responsible for old-age poverty among women in the State party (paras. 66, 68 and 69)? The report indicates that ethnic minority women work longer hours than women of Dutch origin (para. 35). What measures have been introduced to address this phenomenon and to improve the participation of migrant women in the labour market? Please provide information on measures being taken to address the concentration of women in low-paid and “traditional occupations” in Curaçao (para. 316)? Please provide data on women’s unemployment in Curaçao considering that the overall rate of unemployment is 15 per cent.

17. The report indicates that the number of women taking parental leave has grown. However, women take more hours of parental leave per week than men (para. 51). Please provide data on the percentage of women with child caring responsibilities who use flexible working arrangements in order to balance work and family life (para. 44). Furthermore, what steps are being taken to ensure that men are actively involved in the care for their children so that there is shared responsibility in child care between women and men? Please provide information on the provision child care services considering that there has been a drop in the use of child services (para. 49). Please explain the involvement of the government in regulating the use of flexible working arrangements in light of the position that this is mainly a between employers and employees (para. 41). Please also state the measures taken to address discrimination in employment on grounds of pregnancy and maternity, and to provide information to women on their labour rights (para. 61).

18. In its previous concluding observations (CEDAW/C/NLD/CO/5, para. 38), the Committee expressed concern that domestic workers have limited access to social security, disability benefits and pension. The report in paragraph 38 indicates that the government has appointed a committee to investigate the scope for improving the position of domestic workers. Please provide information on the outcome of such investigations and the measures taken to improve the rights of domestic workers in the labour market. What steps have been taken to ratify ILO Convention No. 189 concerning decent work for domestic workers? Please provide additional information on the introduction of a voucher system for paying services rendered by domestic workers (para. 38).

**Health**

19. Please provide information on measures taken to improve female asylum seekers' access to obstetric care in light of the Committee's concern in its previous concluding observations that maternal mortality among female asylum seekers is four times higher than for native Dutch women (CEDAW/C/NLD/CO/5, para. 46). The report states that heart failure is now the number one cause of death among women in the State party (para. 146). Please state the concrete measures being taken to address this phenomenon. Please also provide information on the measures taken to ensure access to health services by disadvantaged groups of women, particularly migrant women. The report indicates that in Aruba, age disability manifests itself more among women (para. 240). Please provide information on concrete measures being taken to understand the root causes and to address this problem. Please provide information on access to abortion services in the State party, particularly in St Maarten and other territories (para. 410). Please provide data on the extent of teenage pregnancy in the State party, particularly in St. Maarten (para. 403).

**Disadvantaged groups of women**

20. The report indicates that women's participation in the labour market is greater in the north than in the west of the State party which is highly urbanised (para. 74). Please provide information on concrete measures being taken to improve women's participation in the labour market in the less urbanised northern part of the State party. Please also provide information on progress made in order to combat the feminisation of poverty and the "isolation of older women and single mothers" in the State party (CEDAW/C/NLD/CO/5, para. 44). Please provide information on the gender impact of new regulations and policies on informal care that provide for residence of older persons in the home so that they are less dependent on municipal facilities. Please provide data on the situation of rural women, women with disabilities, older women and migrant women. What steps have been taken to alleviate the negative impacts that social security reforms and austerity measures in the health care system have had on the living convictions of these women (CEDAW/C/NLD/CO/5, para. 44)?

**Marriage and family relations**

21. The Committee in its previous concluding observations expressed concern at the formal requirements for family reunification, namely the integration test and minimum income requirement, which the State party imposed on certain nationalities and disproportionately affected migrant women (CEDAW/C/NLD/CO/5, para. 42). According to information before the Committee, the income requirement has been lowered but that the civic integration requirements have been made stricter. Please provide information on the gender impact of these changes particularly among those migrant women who do not have high education and literacy levels.

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