

Committee on the Elimination of Discrimination against
Women (CEDAW)
Office of the United Nations High Commissioner
for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
SWITZERLAND

Subject
Comments to interim report

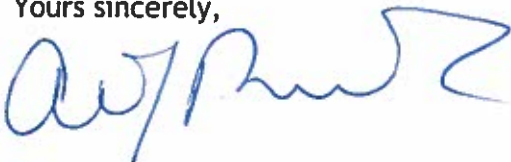
Date
January 22nd, 2019
Our reference
2019/0005/AvD/IB/RG

Distinguished members of the Committee,

The Netherlands Institute for Human Rights (NIHR) welcomes the submission of the follow-up information by the government of the Netherlands in November 2018. In the Annex to this letter, please find the Institute's comments to the government's information.

In case you have any questions or require further information, please do not hesitate to contact Ms. Ineke Boerefijn, coordinating policy adviser at the NIHR (tel.: +31 (0)30 888 38 12, email: i.boerefijn@mensenrechten.nl).

Yours sincerely,



Adriana C.J. van Dooijeweert
President

ANNEX

Recommendation 22(c): Intensify engagement with relevant actors and allocate resources to finance effective awareness-raising campaigns to promote positive and non-stereotypical portrayals of women in the media and advertisements and conduct a study of the possible impact of sexist portrayals of women and girls in the media and the extent to which they exacerbate gender-based violence against women in the State party.

The Netherlands Institute for Human Rights reiterates the importance of increasing awareness of the impact of gender stereotyping on the position of women in society.¹ The Institute welcomes the government's increased attention to (gender)stereotyping and the media. However, further measures are necessary to address the consequences of gender stereotyping in all areas of government policies.

The Ministry of Education, Culture and Science is responsible for most policies in this field. This has as an - unintended - consequence that other ministries do not place the issue of gender stereotyping on their agenda. For example, the Ministry of Health, Welfare and Sports is responsible for policies to combat violence against women. A recently developed action plan does not sufficiently integrate a gender perspective. Therefore, there is no focus on the added value of gender awareness in their policies.²

The measures to improve gender equality taken by the Ministry of Education, Culture and Science include innovative initiatives (media-coalition and alliances with NGOs). However, they are restricted in time and it is uncertain whether there will be a follow-up.³

The government considers that existing instruments, such as the Advertising Code Committee and complaints mechanisms established by the sector itself, are adequate to address issues regarding stereotyping and discrimination of women. The question is, however, whether such self-regulation will lead to elimination of stereotypes and discrimination. The government does not present any examples of good practices or initiatives taken by the sector itself.

Recommendation 24(c): Systematically collect data on all forms of violence against women, disaggregated by age and relationship between perpetrator and victim, protection measures, prosecutions and sanctions imposed on perpetrators, particularly in the municipalities of Bonaire, St. Eustatius and Saba;

The government primarily refers to studies to obtain non-disaggregated data on domestic violence. Disaggregated data and data on other forms of violence against women are missing.

¹ Presentation to the UN Committee on the Elimination of Discrimination against Women (CEDAW), 7 November 2016, Netherlands Institute for Human Rights, Kathelijne Buitenweg, Commissioner.

² Netherlands Institute for Human Rights. Written Contribution to the Group of Experts in Action against Violence against Women and Domestic Violence, 2018.

³ 'Beperkt zicht' ('Limited view'), WomenInc, 2016, www.womeninc.nl

Data on domestic violence

Statistics Netherlands (CBS) collects data on the extent and nature of domestic violence and violence against children since 2015.⁴ However, the data collection of the Safe at Home support services is not uniform and are therefore not comparable. The government announces that will improve the information protocol to align registration of the Safe at Home services but a clear timeline is missing. Moreover, these data are not disaggregated by, for example, background or disability. It is positive that the government focuses on improving the reliability and validity of the figures; disaggregation of data should be part of this project.

Data collected by the public prosecutor and the judiciary about domestic violence do not include details about the number of women and men who are victims of domestic violence. Neither do they provide information about the relationship between the victim and the offender. Further, there is no information about the number of incidents that are reported and do not lead to prosecution. There is significant under-reporting of cases of domestic violence and violence against women. In addition, in a large number of cases reported to the police, victims do not wish that their initial report is dealt with as a reported crime. This can result in the discontinuation of the examination of their report, unless there are sufficient grounds for the police to continue the criminal investigation without such a complaint. In information submitted to CEDAW, the government reported that 'Every year the police deal with some 95,000 incidents of domestic violence in connection with which they make about 15,000 arrests. The Public Prosecution Service handles around 11,000 to 12,000 domestic violence cases a year. (...)'⁵ There is no clarification of the low number of arrests. There is no further information about the number of convictions, nor of compensation awarded to victims.

Data on violence against women and girls with disabilities

There are no comprehensive data on the various forms of violence against persons with disabilities, neither on domestic violence, nor on violence in the public sphere. The Institute has commissioned a research into the Dutch policy and practice on violence against women with disabilities.⁶ This study shows that there is little awareness of the intersection of gender and disability at the level of policy makers in central and local government. Most policy measures apply to all persons. The most recent government policy document on domestic violence does not address violence against women with disabilities. Quite a number of measures do pay attention to persons in a vulnerable situation, which is understood to include persons with a disability. There is no attention for women with disabilities. Local governments work with the concept of tailored support (*maatwerk*), rather than on the basis of policies developed for groups. This hinders the development of

⁴ CBS, *Veiligheidsmonitor 2017* [Safety monitor], The Hague: CBS, 2018; SCP & CBS, *Emancipatiemonitor 2016*, The Hague: SCP & SCP, 2016.

⁵ CEDAW/C/NLD/Q/6/Add.1, List of issues and questions in relation to the sixth periodic report of the Netherlands. Addendum. Replies of the Netherlands to the list of issues (2016), par. 66.

⁶ Suna Duysak, Leonie Bakker & Katrien de Vaan, *Geweld tegen meisjes en vrouwen met een beperking. Invulling van mensenrechtelijke verplichtingen in Nederland: een inventarisatie* [Violence against girls and women with a disability], Amsterdam: RegioPlan, 2018.

the understanding of the specific needs of women with disabilities. Also, there is no insight into the effectiveness of measures to guarantee their right to be free from violence.

Data on violence against women in Bonaire, St. Eustatius and Saba

Despite research⁷ in 2014 indicating the significant scope and severity of domestic violence in Bonaire, St. Eustatius and Saba no disaggregated data has been systematically collected. The administrative agreement on domestic violence and child abuse for the period of 2017-2010 referred to in the report of the government does neither mention a specific timeline nor whether and how disaggregated data on all forms of violence against women will be collected.

Recommendation 36(d): Intensify efforts to investigate, prosecute and sanction reported cases of pregnancy-related discrimination, including sexual harassment

A study published by the Institute in 2016 underlines the urgent need for concrete and effective measures to prevent and combat pregnancy related discrimination. The number of women who experienced possible pregnancy related discrimination was hardly lower than reported in the Institute's 2012 study on the same issue (from 45% to 43%). Especially women with flexible contracts are at high risk to lose their job due to this form of discrimination.⁸ In addition, the Institute noted a significant increase in reported pregnancy related discrimination complaints in 2017.⁹

As the government reports, in 2017 it launched the Pregnancy-Related Discrimination Action Plan, complementary to the 2014 Labour Market Discrimination Action Plan. The presentation of this plan shows that the government recognises the seriousness of the persistent problem of pregnancy related discrimination. While the launch of this plan is in itself a positive step, the Institute considers that this is not sufficient 'intensification of efforts' to comply with CEDAW's recommendation. The plan lists a series of measures taken by a variety of parties. The Institute regrets that the Action plan does not specify the goals to be achieved, nor does it elaborate how the measures will contribute to eliminating pregnancy related discrimination.

The government report refers to the role of the Labour Inspectorate. The Inspectorate largely focuses on awareness raising, which is one of the necessary measures. However, the Institute observes that this is not sufficient to put an end to pregnancy related discrimination. The Inspectorate's current mandate does not cover the process of hiring and selection. Moreover, the Inspectorate cannot impose sanctions.

The Institute therefore concludes that the government should undertake more efforts to comply with this recommendation. Specifically, it should formulate concrete and measurable goals. For each action in its Action plan, it should motivate how this will contribute to achieving the goal and within which timeframe. Further, the government should examine the effects of the measures it has taken. When necessary, it should intensify or modify its efforts.

⁷ *De aanpak van huiselijk geweld op de BES-eilanden*, Amsterdam: Regioplan 2014.

⁸ *Study on discrimination because of pregnancy and motherhood at work*, Utrecht: Netherlands Institute for Human Rights, 2012, *Follow-up study on discrimination because of pregnancy and motherhood*, Utrecht: Netherlands Institute for Human Rights, 2016.

⁹ *Monitor discrimination cases 2017*, Utrecht: Netherlands Institute for Human Rights, 2018.