



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
10 February 2005

Original: English

---

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

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

**Fourth periodic report of States parties**

**Netherlands\***

---

\* The present report is being issued without formal editing.  
For the initial report submitted by the Government of the Netherlands, see CEDAW/C/NET/1, Add.1, Add.2 and Add.3 which were considered by the Committee at its thirteenth session. For the second periodic report submitted by the Government of the Netherlands, see CEDAW/C/NET/2, Add.1 and Add.2 which were considered by the Committee at its twenty-fifth session. For the third periodic report submitted by the Government of the Netherlands, see CEDAW/C/NET/3, Add.1 and Add.2 which were considered by the Committee at its twenty-fifth session.

## Contents

### 1. General

### 2. Dutch emancipation policy

### 3. Current status: per article

**Article 1: Preventing and combating discrimination and violence against women**

**Article 5: Media and image-making**

**Article 6: Trafficking in women and prostitution**

**Article 7 and 8: Political and public life**

**Article 9: Nationalities law and aliens law**

**Article 10: Education and sport**

**Articles 11 and 13: Employment and economic life**

**Article 12: Health care and welfare**

**Article 14: Women and sustainable development**

**Article 16: Law of persons and family law**

**Appendix 1:** Summary “Towards *different* law and public policy. The significance of Article 5a CEDAW for the elimination of structural gender discrimination”

**Appendix 2:** The UN Women’s Convention in relation to the position of female foreign nationals in Dutch aliens law and the aliens policy by Advisory Committee on Alien Affairs

## 1. General

This is the fourth report the Netherlands has submitted to the Committee of the UN Women's Convention, CEDAW. The third report was submitted to the Committee in 2000.

As planned, the fourth report was preceded by a national report. The second national report, together with the Government's response, was forwarded to the House of Representatives of the States General in 2003. The second national report was in two parts, a general and a thematic section. The general part consisted of an overview of Dutch emancipation policy for the period 1998 – 2002.<sup>1</sup> The thematic section looked at the gender sensitivity of policy on human rights, aliens, newcomers, integration and return, and the relationship between these policy fields.<sup>2</sup>

In July 2004 the Dutch Government sent its second implementation report (*The Netherlands Ten Years after Beijing*) to the United Nations (UNDAW), describing implementation in critical areas of concern, good practice and obstacles encountered. The fourth progress report on the implementation of the UN Women's Convention should preferably be read in conjunction with this report.

### CEDAW recommendations

During the 25th session of the Committee on the Elimination of all forms of Discrimination against Women (CEDAW) in New York on 6 July 2001, the second and third Dutch reports on the UN Women's Convention were discussed. The dialogue with the Committee took place in an open and constructive atmosphere. The Committee was positive about the Dutch multiyear emancipation policy plan and, more specifically, about the introduction of a National Rapporteur on Trafficking in Human Beings and the initiatives relating to the combination of paid work and family responsibilities, the 'life-course savings scheme' and the anchoring of emancipation in regular policy (gender mainstreaming). The Committee asked critical questions about the low employment rate among women and the large number of part-time jobs they do, the protection of illegal prostitutes and victims of trafficking in women, the limited number of women in senior positions, wage discrimination and the position of women from ethnic minorities. The report written by the CEDAW Committee contains 46 recommendations and conclusions. This report takes a closer look at the recommendations and conclusions under the relevant articles.

The Netherlands has taken the recommendation made by the Committee with regard to the participation of representatives from the Netherlands Antilles and Aruba in the delegation of the Kingdom of the Netherlands to heart and, in consultation with the Netherlands Antilles and Aruba, it has been agreed that measures will be taken to ensure that representatives from the Netherlands Antilles and Aruba can participate in discussion of the report.

<sup>1</sup> Prof. Dr. Marianne H. Marchand, *Emancipation sidetracked?*, Second national report on the implementation of the UN Women's Convention, Belle van Zuylen Institute, University of Amsterdam, 2003.

<sup>2</sup> *The UN Women's Convention in relation to the position of female foreign nationals in Dutch aliens law and aliens policy*. Evaluation report by the Advisory Committee on Alien Affairs, The Hague, 2002, and via the website [www.acvz.com](http://www.acvz.com) (Parliamentary Papers, House of Representatives 2002-2003, Just 03-524).

The Netherlands continues to object to reservations made by other states which, in the opinion of the Netherlands, are incompatible with the objectives and purpose of the UN Women's Convention.

## **Chapter contents**

This first chapter explains the structure of the report and outlines the contents of the other chapters.

### *Chapter 2: General emancipation policy*

General emancipation policy provides a structural guarantee of continued interest in improving the position of women and cannot therefore be ignored in this report.

### *Chapter 3: Current status: per article*

- Article 1: preventing and combating discrimination and violence against women: The prevention and combating of violence against women receive special attention in this report. This is a result of the broad emphasis the Dutch Government places – and will continue to place – on this issue.
- Article 5: the media and image-making: This section is specifically concerned with opening up discussion on the current division of roles and tasks between men and women. Image-making in the media is a material aspect of efforts in this direction.
- Article 6: trafficking in women and prostitution: Although the Convention states that the member states should combat the exploitation of prostitution, the Netherlands takes a different view.
- Articles 7 and 8: political and public life: The report distinguishes between the participation of women in politics on the one hand and in public functions and other forms of public life on the other.
- Article 9: nationality law and aliens law: This section is mainly concerned with aliens policy in relation to women.
- Article 10: education and sport: Here the report takes a closer look at the participation of girls in the sciences and technology, the position of girls/women belonging to ethnic minorities and women professors.
- Articles 11 and 13: employment and economic life: The focus of measures under these articles is on improving opportunities to combine employment and care tasks. This section also takes a look at increasing the independence and self-sufficiency of women through measures to improve their employment and income position. The glass ceiling is also discussed.
- Article 12: health care and welfare: Here the report looks specifically at the position of older women, including gay women, and disabled women in health care and welfare work.

- Article 14: women and sustainable development: This section examines combining paid work and family responsibilities and land-use planning, and women who combine different tasks.
- Article 16: law of persons and family law: In the context of law of persons and family law this section takes a closer look at family law provisions on same-sex partners, marriage and divorce and the law on surnames.

## 2. Dutch emancipation policy

### 1. Dutch emancipation policy in terms of objectives

#### *Two-track policy*

The nature of Dutch emancipation policy has changed in recent decades. Increasingly, emancipation has become part of policy at ministries other than the Ministry of Social Affairs and Employment. As a result, the emphasis has shifted from preventing discrimination in legislation to considering differences in policy effects. Tailored solutions are needed if policy implementation is to do justice to the growing diversity in society. This has led to a two-track policy. In fact, the tracks represent two sides of the same coin: on the one hand, specific emancipation policy that promotes change, places new issues on the political agenda, proposes new instruments and stimulates strategic alliances with social partners and non-governmental organisations on the basis of an overall vision, and on the other hand, policy that integrates the gender perspective in all areas of regular policy.<sup>3</sup> The two tracks of policy are closely related; expertise built up in one track represents a key condition for the strategy applied in the other.

#### *From Women's Lib to Inalienable Right*

In 2000 a medium-term emancipation policy document entitled *Van vrouwenstrijd tot vanzelfsprekendheid* (From Women's Lib to Inalienable Right) was published. This document describes trends in five policy areas over the next ten years.<sup>4</sup> A study of future trends was needed to accurately chart the opportunities and risks facing emancipation policy. It was on the basis of this policy document that the initial course for emancipation policy in the 21st century was chosen.

The policy document was the result of an intensive and interactive preparation process using different methods, including forward surveys on policy areas of key future importance, recommendations from several advisory bodies and debates with NGOs. In addition to serving as a building block for future Dutch emancipation policy, it was also used to prepare the Dutch contribution to the Special Session of the UN General Assembly in June 2000.

<sup>3</sup> This shift in policy was documented in the second and third implementation report of the Netherlands on the UN Convention on the elimination of all forms of discrimination against women, and *The Netherlands Five Years after Beijing*. The UN has already received these reports.

<sup>4</sup> The policy areas are 'work, care and income', 'power and decision making', 'human rights and women', 'the information society', and 'combining paid work and family responsibilities'.

***‘Beijing Plus Five’ Special Session of the General Assembly of the United Nations***

In June 2000 during the 23rd Special Session of the United Nations General Assembly on ‘Women 2000: Equality, Development and Peace in the 21st Century’, the Netherlands Government argued that in a plural society, diversity and equality must coexist.

The Netherlands was satisfied with the results of the ‘Five Years after Beijing’ special session of the UN General Assembly.<sup>5</sup> The special session led to a worldwide renewal of political interest in national and international emancipation policy. The priorities set for short and medium-term action led to more rapid implementation of the Platform for Action. The Government (the second Kok administration) took over some of the priorities listed in the ‘Five Years after Beijing’ closing document in its multiyear emancipation policy document, which in turn has recently become the general guideline for the position taken by the Dutch delegation in the Commission on the Status of Women.

***Dutch multiyear emancipation policy plan. Emancipation policy in the short and medium term (2000)***

In 2000, after the Special Session of the UN General Assembly, the medium-term emancipation policy document was further developed into a multiyear emancipation policy plan, which focused on the following areas:

1. *Work, care and income*: to define the promotion of women’s economic independence through participation in the labour force as the essence of emancipation policy.
2. *Combining paid work and family responsibilities*: to stimulate the completion of the emancipation process by creating favourable economic, cultural and social conditions. These conditions should facilitate flexible options.
3. *Power and decision-making*: society should grow towards the equal representation of men and women in influential positions. To achieve this it should be made easier for women to obtain such positions and to further their careers, as well as creating conditions that help women not to abandon the struggle.
4. *Women’s human rights*: achieving and maintaining women’s rights is still the central component of emancipation policy. To achieve this goal, efforts will be stepped up to prevent and counter violence against women.
5. *The knowledge society*: to highlight the opportunities that a knowledge society creates for diversity, for strengthening women’s position in society and for more equal social relations through initiatives undertaken by the Government itself in these areas.

Whereas the medium-term policy document was an investigation of the current state of affairs, the multiyear emancipation policy plan is a policy with goals that stretch to the year 2010. Its main objective is “to create conditions for a diverse society in which everyone, regardless of gender and in interaction with other principles of social organisation such as

---

<sup>5</sup> Declaration and final outcome document of the 23rd Special Session of the General Assembly of the United Nations, 5-9 June 2000.

ethnic identity, age, marital status, disability and sexual orientation, has the opportunity to create an independent existence for themselves, a society in which both women and men can enjoy equal rights, opportunities, freedoms and social and other responsibilities”. Although the essence of this statement has remained the same since 1985, the context has changed over the years and the emphasis has shifted. The *multiyear emancipation policy plan* will be evaluated in 2005.

### ***Interdepartmental Plan of Action on Gender Mainstreaming 1998 – 2002***

In line with the two-track strategy on emancipation, the 1998 coalition agreement reached by the second Kok government (1998-2002) made each ministry responsible for coming up with a plan of action “setting at least three specific goals in the area of implementation and application of emancipation policy to be achieved during this term of office”.

The goals could be accomplished through specific emancipation policy, but also through gender mainstreaming. Progress was documented in annual reports. Of the 46 goals that were set in 1999, 34 (74%) had been implemented by 2002. The majority of these have contributed to stepping up the ministries’ own emancipation policy. Goal setting has proved to be a useful instrument for achieving gender mainstreaming.

### ***Government position paper ‘Gender Mainstreaming, a strategy for quality improvement’***

In 2001 the Government issued a position paper entitled ‘Gender Mainstreaming. A Strategy for quality improvement’ for the period 2001-2006. The paper is a further development of the two-track policy and of the Interdepartmental Plan of Action on Gender Mainstreaming (1998 – 2002)<sup>6</sup>. The ultimate goal is to achieve gender mainstreaming within the ministries and the interministerial organisation, and in policy, by the end of 2006.

According to the position paper, the basic principle of government policy is that gender mainstreaming improves the quality of policy.<sup>7</sup> Optimum results can only be achieved if political and official responsibility for the specific details of embedding emancipation policy in ministerial policy lies mainly with the ministries themselves. Gender aspects must become part of each ministry’s policy and should be reflected in practice. An individual approach is absolutely essential in the light of the ministries’ own ethos, policy areas and networks. Nevertheless, a sound basic structure at ministerial and interministerial level is essential to the success of gender mainstreaming.

## **2. Gender mainstreaming**

The Government position paper on gender mainstreaming 2001-2006 changed the role of the Department for the Co-ordination of Emancipation Policy from that of ‘problem holder’ in terms of emancipation to that of ‘stimulator’. As stated above, the paper is a further elaboration of the two-track strategy and the *Interministerial Plan of Action on Gender mainstreaming* 1998-2002. By 2006 the ministries should have met two basic conditions:

<sup>6</sup> Interministerial Plan of Action on Gender Mainstreaming 1998-2002 (Parliamentary Papers, House of Representatives 1998-1999, 26206, no 11).

<sup>7</sup> Government Position on Gender Mainstreaming (Parliamentary Papers, House of Representatives 2000-2001, 27061, no 15).

gender mainstreaming should be sufficiently embedded in the ministerial and interministerial organisational structure and the necessary instruments should be available. Instruments like the *Emancipatiemonitor* (a biennial publication), gender impact assessments, the gender mainstreaming action plan and manual, the [www.emancipatieweb.nl](http://www.emancipatieweb.nl) website, the interactive policymaking pilot and the auditing committee are intended to reorganise, improve, develop and evaluate policy processes in such a way that policymakers can include the gender perspective in all policy.<sup>8</sup>

### **3. National machinery**

In the Netherlands, political responsibility for coordinating emancipation policy resides either with a lead minister or state secretary for emancipation policy. Under the present administration the Minister of Social Affairs and Employment performs this role. In the interests of gender mainstreaming, other ministers and state secretaries are also explicitly responsible for emancipation policy in their own areas of competence. The interpretation and practical implementation of emancipation policy cannot therefore be separated from the specific policies of the relevant ministries.

A number of ministries have an internal coordinating body to advise their own minister on emancipation issues relating to the ministry's area of competence. This is usually an emancipation committee. The authority and practical influence of these bodies differs from ministry to ministry. Interministerial coordination is facilitated by the Interministerial Coordinating Committee on Emancipation Policy, which is chaired by the director or deputy director of the Department for the Coordination of Emancipation Policy and brings together representatives from all the ministries.

The national machinery helps the government to develop policy and policy-related measures. This has broadened the foundation for emancipation policy and has increased scope for forging alliances and implementing successful initiatives. Grants policy stimulates the process of change towards a society where women and men have equal opportunities.

#### **Grants policy**

This instrument supports and stimulates the process of achieving emancipation in society. Under government-wide emancipation policy various grant schemes have been put in place (see below). In addition, in the context of gender mainstreaming a number of ministries award a variety of emancipation-related grants within the framework of their own grants policy and their specific policy areas. This report confines itself to the grants awarded by the lead minister for emancipation policy.

#### *Emancipation Grant Scheme*

Under this scheme, a variety of grants were awarded in the period 1998-2003 to nongovernmental organisations for activities that supported and stimulated the emancipation

---

<sup>8</sup> The gender mainstreaming instruments are detailed in *The Netherlands Ten Years after Beijing*, which the UN received in July 2004.

process in society and the exchange of knowledge and skills between organisations promoting emancipation. Grants awarded under this scheme were either:

- a. multiyear institutional support to a limited number of institutions;
- b. one-off and one-year project-related grants.<sup>9</sup>

The grants scheme made it possible to subsidise both topical theme-related projects and projects that did not specifically relate to a theme but which fell within the framework of general emancipation objectives. One hundred and thirteen projects (39%) were funded on the basis of these wider objectives.

#### *New grant scheme (from 2004)*

In 2001 and 2002, a number of evaluations were conducted on sections of the emancipation grant scheme, from the perspective of both grant provider and recipient. Partly on the basis of the findings and recommendations of these studies, the grant scheme was replaced on 1 January 2004. The new grant scheme aims at reinforcing the emancipation process in Dutch society. Funding is exclusively granted to projects and a stronger emphasis is laid on result-oriented projects. The new scheme is also a response to wishes expressed by the organisations themselves concerning the feasibility of multiyear projects and the abolition of the system of new themes every year, which leaves these organisations with very little time to formulate and submit a project proposal. The fact that the new scheme focuses on a limited number of policy priorities during a longer period is intended to lead to better and less fragmented results.

The emancipation projects grant scheme comes under Policy Article 12 (2004), the emancipation policy coordination article in the Ministry of Social Affairs and Employment's budget for 2004. Policy Article 12 sets out three priorities in the emancipation area as from 2004: (i) rights and safety, (ii) labour force participation and economic independence, and (iii) decision-making and management. The first and the third topic have been fully incorporated in the grant scheme. With respect to the second topic a derivative has been chosen, social participation. The reason is that other financial resources are available (i.e. under municipal labour market policy and grants from the European Social Fund (ESF)) for the direct promotion of labour force participation and economic independence.

#### **4. Main elements of gender policy in the context of Dutch development cooperation**

Gender is a crosscutting theme in development cooperation policy. Gender equality means securing the human rights of women and girls, and their empowerment. As such it is an important goal in itself. But gender equality is also a means of achieving and sustaining development and is indispensable to the achievement of the Millennium Development Goals.

The Netherlands has continued to keep its ODA at 0.8% of GNP. Priority areas are education, reproductive health and rights, the fight against HIV/Aids, environment and water. In many countries, sector-wide approaches have become the cornerstone of bilateral development

<sup>9</sup> For further details see *The Netherlands Ten Years after Beijing*, July 2004.

cooperation. Apart from mainstreaming gender within sector-wide approaches and stimulating gender budgeting, specific activities to combat violence against women, to promote empowerment and women's rights (e.g. access to land and natural resources) and to promote political and reproductive rights have received support. Efforts are still being made to achieve coherence in formulating annual plans and implementing policies, in other words, to bring together the different crosscutting themes, including gender, in a coherent manner. Gender mainstreaming is one of the focal points in policy discussions with multilateral organisations. The cofinancing organisations have their own gender policy, gender being one of the assessment criteria for the award of grants.

In bilateral cooperation there has been an increasing focus on enhancing the role and position of women (and women's organisations) in the Poverty Reduction Strategy Papers (PRSPs) that a number of developing countries are currently formulating. Embassies and theme experts play an important role in stimulating donor coordination on these issues. The effect of the PRSPs is to intensify the focus on integrating gender issues in contacts and consultation with multinational institutions. Furthermore, gender equality is on the agenda in the revitalised PRSP Expert Group. In assessing the impact of implementing PRSPs and government budgets on disadvantaged groups, including women, attention is focused on the development of gender-sensitive diagnostic tools such as gender budgeting. The focus on gender and poverty in conjunction with macroeconomic developments has increased as a result of these actions. Parts of programmes or of national interventions have been evaluated in terms of their impact on gender equality.

### **3. Current status: per article**

#### **Article 1: Preventing and combating discrimination and violence against women**

In recent years the Government has worked on improving legislation relating to equal treatment and combating discrimination. It also made efforts to further implement the Treaty of Amsterdam and has contributed to the entry into effect of the optional protocol to the UN Women's Convention and the discrimination protocol (No. 12) to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

#### **The optional protocol to the UN Women's Convention**

In August 2002, the optional protocol to the UN Convention on the elimination of all forms of discrimination against women came into effect for the Netherlands, the Netherlands Antilles and Aruba. The protocol provides for an individual right of complaint for women who feel that their rights have been violated. After national legal remedies have been exhausted, they may submit a complaint to the Committee on the elimination of all forms of discrimination against women. The Netherlands promotes adherence to the optional protocol in international fora.

#### **In-depth studies on the implementation of UN Women's Convention**

Within the framework of the UN Convention on the elimination of all forms of discrimination against women, the Department for the Coordination of Emancipation Policy (DCE)

commissioned a number of in-depth studies on the content and scope of the Convention. These are:

1. The Convention in the Dutch legal order (1996)
2. The significance of article 12 of the Convention for the Netherlands: health as a right (1996)
3. The significance of the Convention for the legal status of pregnant women and young mothers (1998)
4. Preventing and combating violence against women (2000)
5. Towards *Different Law* and Public Policy. The significance of Article 5a Cedaw for the elimination of structural gender discrimination (2004).

### **1. Achieving equal treatment and combating discrimination**

The ban on discrimination in the Dutch Constitution is implemented in six specific Acts of Parliament: the Equal treatment Act, the Equal treatment (Men and Women) Act, the Equal treatment (Working Hours) Act, the Equal treatment (Temporary and Permanent Contracts) Act, the Equal treatment in Employment (Age Discrimination) Act, and the Act on Equal treatment of Disabled and Chronically Ill People. In addition, the Dutch Civil Code and the Central and Local Government Personnel Act contain several provisions that prohibit discrimination between men and women in the workplace.

In the European Union, additions have been made to the existing legislation on equal treatment: these additions consist of two directives and an action programme based on Article 13 of the EC Treaty. The two directives offer better protection against discrimination in certain areas (race, ethnic background, age, disability, religion and convictions, sexual preference) than the older directives based on gender alone. The directive on racial discrimination came into force on 19 July 2000. The directive establishing a general framework for equal treatment in the workplace and the professions was adopted in October 2000. At the end of 2002, directive 76/207/EEC of 9 February 1976 was amended to comply with Article 13 obligations by including the principle of the equal treatment of men and women in terms of work procedures, professional training courses, promotion opportunities and terms of employment. As a result of this amendment, comparable protection against discrimination has been extended to gender. In addition, the amended directive contains an explicit stipulation concerning sexual harassment. Implementation should be completed by October 2005.

Three Bills were introduced in Parliament to facilitate the implementation of these directives. These were the Equal Treatment Bill, Equal Treatment in Employment (Age Discrimination) Bill and the Equal Treatment of Disabled and Chronically Ill People Bill. The first two came into effect on 1 April 2004 and 1 May 2004 respectively. The Bill on equal treatment for people with a disability or chronic illness became law on 1 December 2003.

Protocol no. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) provides for a broader basis for the ban on discrimination

contained in the Convention. The Bill seeking approval of this protocol was passed by the House of Representatives on 23 September 2003 and adopted by the Senate on 11 May 2004. It is not yet known when the protocol will come into effect.

The Bill implementing the European directive on the burden of proof in cases of gender-based discrimination came into effect on 1 January 2001.<sup>10</sup>

The Equal Treatment in Employment (Age Discrimination) Act prohibits discrimination on the grounds of age in employment, the professions and vocational training. Age discrimination is permitted only in cases in which setting an age limit is objectively justified. The Act came into effect on 1 May 2004.

The measures outlined above strengthen the international framework for promoting equal treatment and combating discrimination. In the medium to long term, the Government's efforts will remain focused on improving the framework for equal treatment before the law. Important elements are streamlining, attunement and making legislation more accessible. Both the international developments outlined above and the evaluation of the Equal treatment Act make these improvements necessary. The latter has shown that there is little public awareness of equal treatment standards. The Government position paper on the evaluation was presented to Parliament on 12 July 2002. An important point raised during the sitting refers to the extension of the investigative powers of the Equal Treatment Commission. At present, the Commission can only conduct an investigation on its own initiative if it covers a whole sector or a number of sectors. However, this limitation has in practice proven to be unnecessarily strict, and will be abolished following the evaluation of the Equal Treatment Act, which was submitted to Parliament on 21 November 2003.<sup>11</sup>

All these legislative efforts at European and national level have led to a complex system of equal treatment legislation which is not always transparent for third parties. During the Dutch EU Presidency in 2004 a conference will be held to discuss equal treatment now and in the future in the Member States of the European Union, on the basis of a Green Paper drafted by the European Commission.

### ***Equal Treatment Commission (CGB)***

The Commission's work includes promoting and monitoring compliance with equal treatment legislation and any associated tasks. It is empowered to investigate both on written request and on its own initiative whether unlawful discrimination has taken place in contravention of the Equal Treatment Act. Works Councils, interest groups, judges and employers may also approach the Commission. The Commission's decisions are not binding; however, it has been shown in practice that they are usually adhered to. The Commission also has the authority to supplement a decision with a specific recommendation, and to approach the Courts for a binding decision on whether a certain action is compatible with equal treatment legislation.

---

<sup>10</sup> Act of 13 December 2000 on changes to the Equal treatment Act and Title 7.10 of the Civil Code with respect to the implementation of the EC directive relating to the burden of proof in cases of gender-based discrimination (Parliamentary Papers, House of Representatives 1999-2000, 27 026).

<sup>11</sup> Parliamentary Papers, House of Representatives 2003-2004, 29 311, nos. 1-3.

## Applications to and decisions of the CGB

|                        | 1999 | 2000 | 2001 | 2002 | 2003 |
|------------------------|------|------|------|------|------|
| <b>Applications</b>    | 242  | 232  | 464  | 304  | 238  |
| <b>Decisions given</b> | 118  | 101  | 150  | 206  | 166  |

## 2. Preventing and combating violence against women

In combating violence against women, tackling domestic violence took precedence. It is difficult to give precise figures concerning the extent of violence against women in the Netherlands. The number of cases is clearly considerable.<sup>12</sup> According to research by Römken, approximately 20% of women between the ages of 20 and 60 years have at some time experienced physical violence from a person with whom they had a relationship. In this type of violence the husband systematically takes the initiative and the wife seldom or never defends herself using violence, nor otherwise uses physical violence or coercion against the husband. One in forty women questioned (2.4%) report extreme violence, whereby they suffer burns, are beaten weekly or even daily, injured by weapons, systematically humiliated, or are the victims of sexual violence. Men are responsible for by far the most domestic physical and sexual violence. On the basis of the data, Korf and others arrived at an informed estimate of 200,000 women abused annually, 50,000 of whom are the victims of serious or extremely serious violence.<sup>13</sup>

### Preventing and combating violence against women: fourth in-depth study

The report *The prevention and combating of violence against women* issued by the Netherlands Institute of Human Rights (SIM)<sup>14</sup> gives a detailed exposition of the history and substance of Dutch policy in this area. Four main topics are covered: violence in the domestic environment, sexual harassment, trafficking in women and sexual exploitation, and violations of sexual and reproductive rights. Dutch policy is reviewed in the light of the obligations arising from the UN Convention on the elimination of all forms of discrimination against women. The report also addresses the implications of the Convention for the issue of violence against women and it outlines a framework that includes general policy principles and measures, legislation and preventive and protective measures. It concludes with recommendations for improving and stepping up policy. In general the researchers conclude that continuing efforts are necessary to prevent and combat violence against women.

### Violence against women: legal developments - AIV report

In 2000, the Minister for Foreign Affairs and the coordinating state secretary for emancipation policy asked the Advisory Council on International Affairs (AIV) for advice on the subject of

<sup>12</sup> R. Römken, *Violence against women in heterosexual relationships*, 1989.

<sup>13</sup> D. J. Korf, E. Mot, H. Meulenbeek and T. Van den Brandt, *Economic cost of domestic violence against women*, 1997, chapter 2, p. 20-22. On the basis of Römken's figures and the absolute numbers in 1996, an extrapolation was made. The result was 30,000 victims of serious violence and approximately 17,000 victims of extremely serious violence.

<sup>14</sup> Netherlands Institute of Human Rights, *The prevention and combating of violence against women*, April 2000.

women's human rights. This took place in preparation of the multiyear emancipation policy document. The Government specifically requested the AIV to:

- Update its 1998 report on the universality of human rights and cultural diversity. This request was prompted by the fact that the arrival of 'new' Dutch citizens entails a wider range of opinion on women's human rights in Dutch society.
- Give its views on incorporating sensitive subjects such as reproductive and sexual rights in legally binding instruments.

The AIV discussed in general terms the legal aspects of the problem of violence against women and supervision of compliance with standards relating to honour killings, reproductive rights and genital mutilation. It also covered topics such as the international tribunals and the International Criminal Court. The AIV published its report in the spring of 2001.<sup>15</sup>

### **A safe country where women want to live**

In response to a study entitled 'The prevention and combating of violence against women' and to the recommendations in the AIV report, a policy document entitled *Een veilig land waar vrouwen willen wonen* (A safe country where women want to live) was presented to Parliament.<sup>16</sup> The policy document summarises national action plans on several aspects of violence against women. These include domestic violence, sexual violence, sexual harassment, sexual abuse of children, trafficking in women, and female genital mutilation.

It sets out the main points of the international policy framework, and outlines recent activities undertaken by Government and general political conclusions. It also explains how policy improvement will be initiated on the basis of coordination of emancipation policy through renewal and promotion of monitoring. It does not therefore recommend initiation of new policy alongside existing measures, but provides input from the gender mainstreaming perspective.

### **Motion on violence against women**

After the House of Representatives had debated the policy document 'A safe country where women want to live', MP Ayaan Hirsi Ali submitted a motion asking the Government to draft a plan of action to combat domestic violence and violence against women, focusing on the following:

- a. culturally legitimised violence such as honour killings and genital mutilation of girls
- b. international trafficking in women
- c. sexual violence, forced pregnancies and forced abortions, systematic violence with serious physical and/or mental consequences.

In December 2003 the Dutch Government sent Parliament its reaction to this motion, giving a broad overview of the measures taken by the Dutch Government to combat violence. After an introduction

---

<sup>15</sup> Advisory Council on International Affairs, *Violence against women: legal developments*, Report no. 18. February 2001.

<sup>16</sup> *A safe country where women want to live*, December 2002 (Parliamentary Papers, House of Representatives SZW 03-004).

with an overview of the main points of policy, the letter discusses domestic violence, violence against women and girls from an ethnic minority background and trafficking in human beings.

### **Current dossiers**

Policy on preventing and combating violence against women and girls has largely been incorporated into broader policy. On the one hand it covers issues relating not only to women/girls but also to other categories of individual (domestic violence, child sex abuse). On the other, it relates to more than just sex-specific violence (sexual harassment, aggression and bullying at the work; safety at school). This deliberate strategy means that policy on violence against women and girls has therefore been successfully ‘mainstreamed’.

#### **i. Domestic violence**

In the Netherlands domestic violence constitutes a major social problem.<sup>17</sup> No other form of violence involves as many victims. When surveyed, over 40% of Dutch women and men claim to have been confronted with domestic violence. In over a quarter of all cases violent incidents take place weekly or daily and one in five cases involve systematic violence which continues for years on end. Although the survey figures show that men and women are victims in nearly equal measure, there are still major differences.<sup>18</sup> Men mainly become victims of violence at a relatively young age, women are at risk of becoming a victim even when they are much older; of all incidents of domestic violence, 80% are committed by men and 20% by women. Domestic violence occurs both in urban and rural areas, and among population groups of all ethnic origins.

##### ***a. Preventing and combating domestic violence project***

On 1 October 2000 the Minister of Justice launched the ‘Preventing and combating domestic violence’ project, whose aim was to encourage extra efforts on the part of ministries and national organisations and to develop an effective approach to the problem. A number of ministries and dozens of national organisations took part in the project, including the Association of Netherlands Municipalities (VNG), the police, the National Office of the Public Prosecution Service, the Probation Service, Slachtofferhulp Nederland (a Dutch victim aid organisation), the Federatie Opvang (victim support federation), GGZ-Nederland (a Dutch organisation concerned with mental health care and care for addicts) and various support organisations like Transact (Dutch centre for gender issues in healthcare and the prevention of sexual violence) and the NIZW (Netherlands Institute for Care and Welfare).

The ministries and national organisations produced a policy document entitled *Privé Geweld – Publieke Zaak* (Private Violence – a Public Matter).<sup>19</sup> This policy document, which was sent to Parliament in April 2002, contains over 50 specific measures for improving the approach to dealing with domestic violence. The measures are in the areas of method development, enhancement of

<sup>17</sup> Domestic violence is defined in the Netherlands as ‘violence committed by a member of the victim’s immediate family’.

<sup>18</sup> T. van Dijk, *Domestic violence— nature, scope and assistance*, Intomart, 1997.

<sup>19</sup> *Private Violence — a Public Matter. A memorandum on the joint approach to domestic violence*, 2002 (Parliamentary Papers, House of Representatives 2001-2002, 28345, no. 1).

expertise, legislation, research and monitoring. When the policy document was discussed in Parliament in December 2002, the plan of action received broad parliamentary support.

### *Management role for municipalities*

The policy document gives municipalities a management role. They are responsible for ensuring that local partners get together to develop a coordinated approach and enter into binding agreements. An amount totalling €7.8 million has been made available up to 2007 to encourage the 35 municipalities responsible for women's refuges to establish domestic violence advice and assistance centres. The objective is a nationwide structure of recognisable and low-threshold reporting centres. These will provide advice, initial consultations and short-term practical assistance or refer the person in question on if the problem is complex or serious.

In 2004 general social services will start preparing a number of pilot projects on domestic violence case management. In serious or complex matters, case managers will assist the victim, the offender and possibly children who witness domestic violence using an integrated and intensive approach. They will arrange and coordinate input from other organisations in the form of therapy for the offender, refuge for abused women or assistance in reporting violence to the police.

### *Monitoring*

In order to ensure that the policy proposed is properly implemented, the Ministry of Justice has established an interministerial policy committee that meets regularly to discuss progress and, where necessary, formulate new initiatives. The committee maintains regular contacts with the field. Over 30 national authorities participate in a national network on domestic violence that meets three to four times a year at the invitation of the policy committee to exchange information about developments in this area. In November 2003 the Ministry of Justice, acting on behalf of the other ministries involved, sent to Parliament the 'Progress report on the approach to domestic violence', which covers each of the proposed measures.<sup>20</sup>

### *Registration of domestic violence*

On 1 January 2004 the Dutch police launched a programme for the systematic registration of incidents of domestic violence. As from the end of 2004 this system will provide permanent insight into the scope of the problem, insofar as reported to the police.

Improving registration by the police and the Public Prosecution Service will ultimately improve insight into the number of incidents and developments with regard to the seriousness and scope of domestic violence.

The approach to dealing with domestic violence was first mapped out in 2003.<sup>21</sup> A second inventory will take place in 2006. In the context of urban policy, performance indicators for dealing with domestic violence have been formulated in conjunction with the major cities. The first objective is

---

<sup>20</sup> Progress report on the approach to domestic violence, 2003 (Parliamentary Papers, House of Representatives 2003-2004, 28345, no. 5).

<sup>21</sup> Inventory of the status of the handling of domestic violence 2003 (Parliamentary Papers, House of Representatives 2003-2004, 28345, no. 6).

to increase the number of initial reports, because it has been shown that, as a result of the registration system, victims and people in their immediate environment are more prepared to report incidents; the second is to reduce the number of subsequent reports, as this will mean that the approach has been successful. In several major cities, such as Amsterdam, the number of reports to the police has increased in recent years from 386 in 2001 to over 1100 in 2003.

### ***b. Violence and women from ethnic minorities***

A study entitled ‘Domestic violence in the Surinamese, Antillean, Aruban, Moroccan and Turkish communities in the Netherlands’ carried out in 2002 for the Ministry of Justice provides figures concerning the nature and scope of domestic violence against ethnic minority women and men.<sup>22</sup> Twenty-seven percent of the women interviewed admit to having been the victim of domestic violence, compared to 21% of the men. The researchers assume that this is a case of under-reporting. For this reason a qualitative component has been added to the quantitative research.

Domestic violence occurs in all ethnic groups. Certain aspects of dealing with violence among ethnic minorities require specific knowledge on the part of the police and assistance providers, as well as specific methods and approaches. Some of the women in women’s refuges originate from ethnic minority groups. Activities are being developed aimed at opening up discussion on domestic violence among ethnic minorities and reducing the risks for ethnic women. There is specific focus on the risks associated with honour-related violence and genital mutilation.

In 2003 a plan of action was presented for opening up discussion on domestic violence in ethnic minority communities, where it is very much a taboo subject. The Government also supports other initiatives to this end. Knowledge centres work together with ethnic minorities and women’s organisations to disseminate information and organise meetings with people from the target group. During the meetings the issue of honour-related violence is also discussed. The programme is developing a method for promoting expertise among enforcement professionals and supporting services.

In combating discrimination against ethnic minority women there is a specific focus on their achieving economic independence through employment and education. Legislation is being prepared that will oblige current residents from an ethnic minority background and newcomers to go through an integration process. This will give many women among long-term residents in particular the opportunity to learn the language and so achieve better integration into Dutch society (see also articles 9 and 11/13).

### ***c. Independent residence status in cases of domestic violence***

Parliament was informed by letter in October 2003 of the adoption of motions submitted by MPs asking the Government to adjust policy to ensure that being a proven victim of sexual or other

<sup>22</sup> T. van Dijk and others, *Domestic violence in the Surinamese, Antillean, Aruban, Moroccan and Turkish communities in the Netherlands — nature, scope and assistance*, 2002 (Parliamentary Papers, House of Representatives Just 02-959).

violence within a relationship will constitute independent grounds for granting residence status to persons who end their relationships and are in possession of a dependant's residence permit.<sup>23</sup>

## ii. Policy to combat genital mutilation

The extent of female genital mutilation among groups of African origin in the Netherlands is as yet unknown. It is assumed that in these groups the proportion of women who are older than 16 and have suffered genital mutilation is roughly the same as in the country of origin.

In the *Multiyear Emancipation policy plan* (2000) a study was announced that would investigate whether amendments to the Dutch Criminal Code (especially the removal of the double criminality requirement) could contribute to this policy. A study entitled 'Strategies to prevent female genital mutilation. Inventory and recommendations' was carried out by the Vrije Universiteit Amsterdam and Defence for Children International. The study concerns four populations where female circumcision occurs on a large scale: Somalis, Eritreans, Egyptians and Sudanese. It also compares the legal approach in other European countries and describes preventive measures. This study gives a number of recommendations for coherent policy on combating genital mutilation. The study was sent to Parliament in February 2004.

In response to the study, the Government presented its views on female genital mutilation to Parliament. Female genital mutilation is seen as a serious form of child abuse that is not acceptable and will not be tolerated. Consequently, the Government wishes to eradicate this practice amongst girls in the Netherlands as quickly as possible, because of its far-reaching physical and psychological impact. In the plan of action to combat female genital mutilation, the Government formulated an integrated and coherent national and international approach that includes research into the scope of the problem, better prevention and care, a firmer, more repressive approach, and support for the struggle against this practice in countries of origin.<sup>24</sup> The Government has asked the Council for Public Health and Care (RVZ) to examine the scope for putting in place an effective detection, monitoring and enforcement system.

The Government has already begun work on matters which could be covered by regular policy. The RVZ recommendations will be presented to the Government before the end of 2004. On the basis of the recommendations and the outcome of the study into the scope of the problem, the Government will decide whether this plan of action can be further reinforced.

### *Grants*

Pharos, a NGO working with refugees and asylum seekers, plays an important role in the plan of action. Its activities in the field of female circumcision include efforts to strengthen prevention focused on the groups at risk and to increase the knowledge and expertise of relevant professions in the fields of care, education and police work. Pharos supports these professionals in increasing their expertise in this field and intends to further strengthen its own relevant expertise and network. As a

---

<sup>23</sup> Proposed on 7 November 2002 (Parliamentary Papers, House of Representatives 2002-2003, 28 600 VI, no. 45) and 8 April 2003 (Parliamentary Papers, House of Representatives 2002-2003, 28 600 VX, no. 101) respectively.

<sup>24</sup> Government response to *Strategies to prevent FGM* (Parliamentary Papers, House of Representatives 29200 XV, no. 231).

consequence, it will act as a support centre for organisations involved in preventing female genital mutilation (the ‘focal point’).

### *Aliens policy*

The Interim Supplement to the Aliens Act Implementation Guidelines (TBV 2003/48) recently set out policy on genital mutilation. If a girl is at risk of genital mutilation in her country of origin, she and her family members may be granted a residence permit if they meet the relevant conditions.

### **iii. Honour crimes**

Honour crimes occur in the Netherlands, although no figures are available. Honour crimes are not specifically defined in the Criminal Code, and motive is not mentioned in the murder statistics kept by the police and Public Prosecution Service.

The Minister of Justice and the Minister for Immigration and Integration are currently formulating a policy which will provide greater insight into the nature and scale of honour crimes and honour-related violence in the Netherlands, and are developing an approach to tackle the problem.

The Government is also supporting initiatives to break the silence on taboo subjects. The lead minister for emancipation policy and the Minister for Immigration and Integration presented a plan to the House of Representatives in autumn 2003 which contains measures to safeguard the rights and integration of women and girls from ethnic minorities. Some of these are designed to increase knowledge about rights and safety in the target group. This encourages debate on sensitive issues like honour crimes.

Dutch non-governmental organisations – supported by the Dutch Government, the European Union and private funds, among others – have developed initiatives and materials to help raise awareness about domestic violence and honour crimes. For example, the Turkish Community Advisory Association published a handbook (2002) that helps social workers recognise and report honour-related violence. In 2003, TransAct, a national expertise centre which deals with sexual violence and is part of an international programme receiving support from the European Commission, conducted a rough survey on the occurrence of honour crimes in the Netherlands.

### **iv. Policy to combat sexual harassment**

#### *Employment*

In 2000 the Working Conditions Act was evaluated with regard to sexual harassment, aggression, violence and bullying in the workplace.<sup>25</sup> This evaluation showed that large organisations often have a sexual harassment officer and complaints procedure. This is much more difficult for small and medium-sized organisations, as the costs are relatively higher.

Further to the results of this evaluation, new information material about improving social conduct at work was developed for the benefit of employers, employees and occupational health & safety services. There is a task for the latter in the prevention of loss of labour as a result of health and

<sup>25</sup> Letter from the State Secretary for Social Affairs and Employment ARBO/ATB/00 42852, dated June 2000.

safety risks, the reintegration of employees and treatment and provision of aftercare in cases of sexual harassment and aggression. Resulting initiatives will be eligible for support.

Further to the evaluation report into sexual harassment published in March 2000, a second evaluation will be carried out in 2004 into the functioning and effectiveness of current legislation in the area of sexual harassment in the workplace. In this evaluation the themes of sexual harassment and aggression have been supplemented with the themes of bullying and discrimination.

In 2004 an investigation was carried out into the extent to which complaints procedures for individual employees are incorporated into Collective Labour Agreements (CAOs), what the nature of these procedures is and what procedures complainants must follow.<sup>26</sup> The investigation was based on the CAOs of 111 different companies and branches of industry. These CAOs cover 72% of all employees who come under a CAO. The investigation showed that 89 of the 111 CAOs (80%) include complaints procedures for individual employees. Some CAOs have several complaints procedures; a total of 162 complaints procedures were found in 89 CAOs. Of the 4.3 million employees who come under a CAO, a total of 3.6 million (83%) have a complaints procedure available.

In 73% of cases the complaints procedure relates to the employment contract, for instance job classification, assessment of the employee's performance or requests for a change in working hours. In 20% of cases the complaints procedure relates to conduct and perception factors, such as aggression, sexual harassment or moral objections to doing certain tasks. In 7% of cases the procedure relates to illness-related matters, such as assessment by the company physician because of absence through illness.

Further to the formulation of two European directives in the area of emancipation, a legislative proposal to include a ban on harassment in the Equal Treatment Act was submitted to Parliament. This proposal came into effect on 1 April 2004.

### *Education*

On 1 July 1999 the Sexual Abuse and Sexual Harassment in Education Act came into effect. This Act concerns forms of sexual harassment and abuse that are criminal offences. Teachers, support teachers and principals have a reporting duty if they suspect sexual violence and abuse, as does the competent authority as soon as there is reasonable cause for suspicion.

The Project for the Prevention of Sexual Harassment (PPSI) is concerned with information provision. As early as 2000 the PPSI organised a number of conferences in which it informed the participating educational institutions about legislative changes. Information provided to parents, carers and students in secondary education states that schools must formulate a safety plan that outlines what they will do to combat sexual harassment. Schools are also obliged to report suspected cases of sexual abuse. In addition to providing information and advice, the PPSI focuses on enhancing the expertise of confidential advisors.

---

<sup>26</sup> CAO study into the right of complaint (Parliamentary Papers, House of Representatives 2003-2004, 29200 XV, 82).

The way in which sex education is provided is the direct responsibility of individual schools. In accordance with the desired objective of autonomy, schools themselves can determine the focus they wish to place on sex education. The Ministry of Education, Culture and Science cannot and will not dictate the content and structure of such teaching. For instance, in their sex education syllabus, schools may focus on the way women and men relate to each other. The Ministry of Education, Culture and Science does however pursue an overall policy on preventing sexual harassment and sexual abuse. Nearly all primary and secondary schools are linked to the Kennisnet (*Knowledge Net*) where information on sexual harassment can be found.

### *Care*

The prevention of sexual harassment in health care is a matter for the relevant organisations. Much has already been achieved in terms of preventing such harassment. The subject has become more open to discussion, and it has become more acceptable to set limits. Every care provider, whether independent or part of an institution, must have a formal procedure for dealing with complaints. This obligation is laid down in the Clients' Right of Complaint (Care Sector) Act. A 1999 evaluation showed that almost all institutions now have a complaints procedure. It is harder to ascertain whether independent care workers have such a procedure. The Act makes it possible for clients to complain about a wide range of issues.

### *Police*

Preventing sexual harassment in the police service has long been a priority. A recent study by the Labour Inspectorate shows that in spite of policy efforts to prevent sexual harassment there is still a culture in the police service which allows male officers to act in a sexually offensive manner towards their women colleagues. The Health and Safety Covenant of August 2001 contains a list of points for action to prevent such behaviour.<sup>27</sup>

## **v. Women's refuges**

Responsibility for providing refuge for victims of domestic or sexual violence lies with local authorities. The decree on special-purpose grants, shelters for the homeless, women's refuges and addiction policy makes 35 municipalities responsible for the temporary provision of shelter and support to women who, voluntarily or not, have left their domestic situation because of relationship problems or violence. Domestic violence is the main selection criterion. These municipalities will receive €45.9 million from the Government in 2004 to fund women's refuges. An amount of €4 million, payable in increments up to 2007, has been reserved to expand capacity. Such expansion should mainly benefit women who are at real risk (such as the victims of honour crimes or trafficking) and their children. The women's refuges form a local or regional part of a chain of facilities and measures aimed at preventing and combating domestic violence. To an increasing extent, the refuges work together with the police, the Public Prosecution Service, the forensic psychiatry sector and other aid organisations. Research carried out by the Trimbos Institute in 2002 showed that access to refuges is problematic. As a result, the scope for more efficient organisation of access is being investigated. To this effect, clear and unambiguous admission criteria are

<sup>27</sup> Police Health and Safety Covenant, 16 August 2001.

required. The sector itself is responsible for formulating such criteria. The domestic violence reporting centres, which provide information on available places, do not yet function as they should. Further research will be carried out into demand and supply in terms of women's refuges.

In addition, various organisations like FIOM (Netherlands Federation of Centres for Unmarried Mothers and their Children), TransAct and the general social work agencies are active in the area of research into and help with sexual violence. In recent years, FIOM has provided aid to victims of incest, rape and sexual assault and to mothers of children with incest experiences and partners of victims. Because this type of support is not FIOM's core activity, the organisation is handing over this area of expertise to ordinary agencies, including those for general social work.

#### **vi. Public safety**

The availability and accessibility of facilities and public safety are important in a fair society with equal opportunities. In designing houses and structuring public spaces, the authorities must take explicit account of women's actual and perceived safety. This means, for instance, reducing the number of unsafe areas, installing burglary prevention systems in homes, ensuring there is adequate street lighting, preventing areas from becoming run-down and guaranteeing the availability and accessibility of facilities and provisions. All these factors must be incorporated into housing and land-use planning policy.

For this reason a Gender Impact Assessment was commissioned for the Fifth Spatial Planning Policy Document (2001) **and a policy document entitled 'What people want, where people live – living in the 21st century' (2000)**. In the context of the urban renewal investment budget, agreements were entered into with a number of large cities, in which the Government and municipalities define what is for them a safe living environment.

#### **vii. National Action Plan to combat the sexual abuse of children**

The National Action Plan to combat child sex abuse (NAPS), which was submitted to the House of Representatives in April 2000, linked together activities aimed at preventing abuse.<sup>28</sup> A project team consisting of representatives from government and various public organisations assisted in the implementation of the plan.

The approach to the sexual abuse of children and violence against them will only be effective if it is possible to detect such abuse or violence at an early stage and to intervene and provide adequate assistance to victims. The police and the Public Prosecution Service must be able to act on the basis of sound legislation and, finally, it is important that effective treatment methods are established for sex offenders, who will also require close supervision upon their return to the community.

On the basis of this coordinated approach, the Action Plan establishes connections between the activities of the various ministries and organisations. It therefore encompasses both government services and those provided by private institutions and individuals in the areas of prevention, assistance, penalties and legislation.

---

<sup>28</sup> Action Plan to combat the *sexual abuse of and sexual violence against children*, 1999 (Parliamentary Papers, House of Representatives 1998-1999, 26690, no. 2).

The NAPS was discussed in a meeting between the relevant committee of the House of Representatives and members of government on 15 May 2000. The House received a second progress report by letter dated 11 December 2001.<sup>29</sup> The NAPS project was concluded in the middle of 2002 with a final report.<sup>30</sup>

### **viii. Child pornography**

Important changes have been made to the criminal law on child pornography. The age limit has been raised from 16 to 18 years, virtual child pornography also became an offence on 1 October 2002 and a new offence has been introduced: being deliberately present at pornography shows in which underage children perform. In addition, jurisdiction over sexual abuse taking place outside the Netherlands has been expanded. Dutch citizens who sexually abuse children in other countries where these acts do not constitute an offence may be prosecuted in the Netherlands. Foreign nationals who have their permanent address or residence in the Netherlands may also be prosecuted in this country for sexual abuse of children committed outside the Netherlands.

### **3. Emancipation and integration**

In March 2003 the 'Inventory of government policy on ethnic minority women and girls' was presented to Parliament. The aim was to gain an overall view of existing policy in the areas of education, employment rate and economic independence, sexual autonomy and self-development for poorly educated ethnic minority women. In addition, round-table discussions were held with women from the target group. Ministries and members of the target group or representatives of organisations that work with and for the target group also entered into dialogue with each other at a working conference.

On 28 October 2003 the lead minister for emancipation policy, together with the Minister for Immigration and Integration, submitted an outline plan of action on emancipation and integration to Parliament. In the plan the ministers indicated that the focus of emancipation policy must shift from legislation to encouraging initiatives by women and girls themselves. In order to do this, a national campaign is being launched that directly addresses the target group. Over €5.5 million is being reserved for the implementation of the action plan over the next three years (2004-2006).<sup>31</sup>

Women and girls from ethnic minorities still lag behind in terms of empowerment and integration.<sup>32</sup> Extra effort is needed if they are to be successfully involved in society. The Government bases its actions on the assumption that the target group wishes to participate actively in society and considers improvements in their current disadvantaged position to be their own responsibility to an important extent. As stated above, the Government wants to shift the focus from legislation to encouraging initiatives by the target group itself. Where necessary, certain requirements will be

<sup>29</sup> Second NAPS progress report (Parliamentary Papers, House of Representatives 2001-2002, 26 690, no. 11).

<sup>30</sup> NAPS final report, November 2002 (Parliamentary Papers, House of Representatives 2002-2003, 26 690, no. 12).

<sup>31</sup> For further details see *The Netherlands Ten Years after Beijing*, July 2004.

<sup>32</sup> Findings of the AVEM Commission (March 2002); the *Inventory of Government policy on ethnic minority women* (March 2003); details from the *Report on Integration Policy for Ethnic Minorities* (RIEM, September 2003) and associated reports.

specified. This Plan of Action indicates how the target group's own responsibility for equality and integration can be enhanced and, where necessary, encouraged by central government.

On 1 September 2003, the Committee for the Participation of Women from Ethnic Minority Groups (PaVEM) was set up (see also article 11/13). The goal of this independent Committee is to support municipalities in their campaigns to stimulate the participation of ethnic minority women in all aspects of Dutch society.

#### *Diversity and participation: the gender perspective*

On the initiative of the Dutch Presidency of the European Union a ministerial conference entitled 'Diversity and participation; the gender perspective' was held in Rotterdam on 6 and 7 July 2004. The conference was attended by ministers responsible for gender equality and integration policy in the 25 EU Member States and the relevant representatives of European Commission. It gave them the opportunity to discuss progress made and exchange knowledge, experiences, innovative approaches and good practices in gender mainstreaming and gender equality in the field of employment and social policy. They also discussed human rights within integration policy, taking into account the full diversity of women's situations and conditions and recognising that many women face significant barriers to empowerment.

A feasibility study will be initiated for a common programme of action to prevent or eradicate customary or traditional practices that are harmful to the health of women and girls (2006 – 2010). The aim is to develop common strategies, exchange experiences and specific measures and stimulate networks of experts, studies and visibility events.

#### **4. International**

In 2000 and 2002 the Netherlands successfully submitted resolutions to the UN General Assembly with the objective of combating honour crimes. In 2001 it submitted, for the fourth time, a resolution on combating female genital mutilation. In the UN General Assembly of 2003 the Netherlands took the initiative on an omnibus resolution on violence against women. When consensus did not prove to be feasible, the Netherlands submitted a resolution on domestic violence and a resolution on an in-depth study of all forms and manifestations of violence against women as identified in the Beijing declaration and platform for action, and in the outcome document of the twenty-third special session (A/58/185). These were adopted.

The Ministry of Foreign Affairs and the Dutch development cooperation effort support various projects and programmes concerned with violence and supporting the victims of violence. These usually comprise elements such as teaching people about their rights, legal assistance and vocational education to increase the independence of women, media campaigns and changes to legislation. Examples include support for centres that take in women and children who are the victims of domestic violence, for a centre where people can learn about their rights under the law, and for research into and publications about violence against women and relevant legislation. Local media are closely involved in such projects, which means that a wider audience can be reached.

The Netherlands continues to be active internationally in the fight against female genital mutilation. Its activities include interventions in international forums and Dutch development aid. For several

years running, the Netherlands submitted a resolution to the United Nations General Assembly against traditional practices that are harmful to the health of women and girls, such as female genital mutilation. The continuously updated resolution was submitted in 2001 on behalf of 126 countries. In addition, the Netherlands always strongly supports the inclusion of reproductive health care and rights in relevant international documents. These efforts are all part of an attempt to broaden support for issues such as physical integrity and a ban on female genital mutilation.

In the area of development assistance the Netherlands supports non-governmental organisations (NGOs) operating internationally and specialist UN organisations (UNFPA and UNICEF). Female genital mutilation is a subject that is regularly raised in discussions with countries where it takes place. Various embassies, in Africa in particular, support specific national programmes to combat this practice.

Through its diplomatic missions, the Netherlands – frequently in cooperation with other donor countries and UN agencies – supports various projects in developing countries to stamp out honour crimes. The adoption of GA resolution 57/179 in 2002 shows that the Netherlands is particularly active in the field of honour crimes within the UN context.

### **Women and conflict situations**

The fourth UN World Conference on Women in 1995 explicitly set the issue of ‘Women and armed conflict’ on the international agenda. The UN Security Council passed a resolution (1325) on 31 October 2000 concerning women in conflict situations. After Beijing, the Council of Europe published a documented report on gender mainstreaming and various studies into the issue of women as victims of conflict. In December 2000, the European Parliament adopted a resolution on the role of women in the peaceful solution to conflicts (2000/2025 (INI)).

#### *Women’s role in conflict prevention, conflict resolution and post-conflict reconstruction*

The Department for the Coordination of Emancipation Policy commissioned a study conducted by the Netherlands Institute of International Relations at Clingendael on the related theme of the role of women in conflict prevention, conflict resolution and post-conflict reconstruction.<sup>33</sup> The Institute was explicitly requested to formulate conclusions and recommendations that were directly applicable to Dutch involvement in international situations. The report was sent to Parliament on 5 July 2002. The accompanying letter announced the establishment of the Women in Peacekeeping and Conflict Situations Taskforce.

#### *Council of Europe Steering Committee plans peace-building role for women*

In 2002 the Netherlands chaired the Steering Committee for equality between women and men (CDEG), which prepared the ministerial conference held in January 2003. There, the European ministers responsible for equality called for a new approach to conflict prevention and post-conflict peace-building which takes into account the needs and talents of women.

<sup>33</sup> T. Bouta, G. Frerks, *Women’s role in conflict prevention, conflict resolution and post-conflict reconstruction*, 2002 (Parliamentary Papers, House of Representatives SZW 02-501).

Meeting in Skopje, the ministers agreed on a package of measures to give women a voice at the negotiation table. They agreed that if women were not fully involved in rebuilding democracy, efforts to create a stable society were likely to fail.

The aim of the conference was to draw up policy guidelines that will bring a gender perspective to conflict resolution, peacekeeping and democracy-building. It will look at women's participation in the decision-making process, their contribution to the rebuilding of post-conflict societies and at the question of how to build an effective framework to promote gender equality.

The ministers adopted a resolution and an action programme concerning the gender perspective and the role of women and men in conflict prevention, conflict resolution and post-conflict reconstruction.

#### *Women in Peacekeeping and Conflict Situations Taskforce*

In March 2003, to further implement Security Council resolution 1325 concerning women, peace and security (2000), the Ministries of Foreign Affairs and Defence sent a letter to Parliament detailing a number of tasks for both ministries.<sup>34</sup> The contents of the letter were based on the study concerning women in conflict situations commissioned by the Ministry of Social Affairs and Employment and conducted by the Netherlands Institute of International Relations at Clingendael.

The study also prompted the lead minister for emancipation policy to set up for a period of three years an independent taskforce of ambassadors who will promote incorporation of the gender perspective in peace operations and conflict and post-conflict situations. The taskforce was established on 15 November 2003.

The four ministries involved (besides Foreign Affairs and Defence, the Ministries of the Interior & Kingdom Relations, and Social Affairs & Employment) defined a number of tasks, which were then supplemented by activities identified by members of the Taskforce. These were all incorporated in an action plan. The Ministries of Defence and of the Interior & Kingdom Relations consider gender training for peacekeeping missions to be essential. The Ministry of Foreign Affairs, on the other hand, covers a broader area that includes promoting women's participation in peace operations and post-conflict reconstruction (through funding several organisations operating in this area), improving the position of female refugees and displaced persons (through a policy dialogue with the UNHCR) and gender mainstreaming of UN peace operations (financing the DPKO (UN Department of Peace-keeping Operations) gender toolkit). Activities are also being encouraged and funded through Dutch embassies in conflict and post-conflict countries. In 2004 a 'gender and conflict master class' was held in order to improve the expertise of embassy staff.

The taskforce will function as a catalyst for policy development and implementation. It will first and foremost promote the development of training and course material for military and police personnel who take part in military missions. In addition to this, the taskforce will also strive to have a gender paragraph inserted in operation orders.

---

<sup>34</sup> Letter dated 14 March 2003, Parliamentary Papers, House of Representatives Def-03-45.

*Gender perspective in peace operations: Resolution 1325*

Security Council Resolution 1325 helped focus attention on gender in the context of peace and security. In other areas too (for instance, discussions on human rights), there is now specific concern for issues such as women's rights and combating violence against women. The gender activities of the Organisation for Security and Cooperation in Europe (OSCE) are, in the main, implemented by the Office for Democratic Institutions and Human Rights (ODIHR). To a large extent these activities are based on the Action Plan for Gender Issues adopted by the OSCE in June 1999. The plan focuses on equal treatment and equal opportunities within the organisation itself in areas such as recruitment, selection and appointment to senior positions, and on a range of different activities in the field. The ODIHR's Gender Unit, for which the Ministry of Foreign Affairs' Directorate General for International Cooperation provides funding, plays an important role in these efforts.

**Article 5: The media and image-making**

**1. Men taking the lead**

In February 2003 the go-ahead was given for a project entitled 'Men taking the Lead'. This is an innovative project that examines men's contribution to domestic duties, using the internet, television and radio, and through research.

The project aims to open a debate on the current roles of men and women and the division of tasks between them. Through consciousness-raising and encouraging discussion, the project hopes to get men doing a fair share of household tasks. This should in turn make it easier for women to enter paid employment. The project consists of two parts: a multimedia project called 'Who does what.nl' and a study entitled 'Working fathers, care-giving men'.

*'Who does what'*

The aim is to reach the vast majority of the Dutch population through radio and television commercials, the 'who does what' ([www.wiedoetwat.nl](http://www.wiedoetwat.nl)) website, public relations, campaigns, debates, media lobbying and 'free cards'. A TV series entitled 'Fathers' is also part of the campaign. Other activities provide practical tips and assistance, such as a specially developed module for ethnic minority families to be used in integration programmes and activating and work-facilitating programmes for families that have little prospect of employment.

The main focus group consists of young adults of both sexes from the age of 15. To ensure the best possible results, specific target groups are also approached. These include schoolchildren and teachers, top managers, ethnic minority Dutch nationals, employers and employees. These groups are mainly reached through the national project partners, such as the Centre for Innovation and Educational Courses, the Netherlands Institute for Care and Welfare, and a number of intermediary organisations such as employers' organisations, trade unions and sports organisations.

In the meantime the KNVB (Dutch Football Association), CNV Vakcentrale (National Federation of Christian Trade Unions), Young Management VNO-NCW (Confederation of Netherlands Industry and Employers) and Artis (Amsterdam Zoo), have all joined up as intermediary partners. Debates are being organised between young people at various Regional Educational Centres.

*Working fathers, care-giving men*

The Department for the Coordination of Emancipation Policy at the Ministry of Social Affairs and Employment and the Hilda Verwey-Jonker Institute have begun research into men's involvement in care in a European context. The research aims to modernise initiatives and highlight good practice. The research results will be tested in the light of what is called the 'Men's Round Table'. This is a gathering of men from all sections of society who will compare the research results with their personal situations. In recent years men have begun to perform an increasing number of tasks that used to be stereotypically female (like doing the shopping). How can it be that traditional role patterns have been broken when it comes to one task (taking the kids to school) and not when it comes to others? The research aims to answer this question. The research results will be presented in September 2004, during a two-day European conference during the Netherlands EU Presidency.

**2. Image-making in various ministries**

Discrimination between men and women is often unintentional and tends to be based on a specific, deeply rooted historical stereotype. Both men and women inherit such stereotypes regarding a variety of issues, most of which incorporate a value judgement about the issue concerned. For example, beliefs about what it is to be 'male' and 'female'. These generally take men as their yardstick, investing them with higher status than women. This traditional norm is detrimental to role-sharing, freedom of choice and the social standing attributed to men and women.

The creation of gender-based images has been a specific focus of concern of equality policy since 1985. The Government is taking steps to raise public awareness of processes that perpetuate existing sexual stereotypes. This awareness can then be used to influence those who generate and disseminate such images.

*Ministry of Foreign Affairs*

In information and publicity material on foreign affairs and development cooperation, efforts are made to consistently guard against stereotyping, both with regard to gender aspects and to the donor - recipient relationship. This is one of the basic principles of information policy.

The ministry has established an internal working group called 'An organisation in balance' that monitors the composition of committees, particularly the male/female ratio, and staff composition. At present an inventory is being made of all committees (focus groups etc.). In recent years a balanced male/female ratio has been achieved at entry level.

*Ministry of Finance*

Particular attention is paid to recruitment advertisements to ensure that women are not discouraged from applying. As an example, women who work at the Ministry of Finance are shown in pictures and images. The recruiters are female and act as standard bearers for young women academics.

*Ministry of Education, Culture and Science*

The Ministries of Education, Culture & Science and of Social Affairs & Employment have been subsidising a five-year pilot project (due to end this year) on the development of gender-based

images in the media. The purpose of the project, which is run by the national broadcasting corporation, is to find practical ways to generate a broader and more varied image of women and men and of what it means to be female or male in programmes broadcast by the corporation.

This project has had a significant impact, both within Dutch broadcasting and in other countries. It has led to a partnership with Scandinavian broadcasters, who are now conducting a similar experiment. A follow-up project has been launched in the Netherlands to make awareness of gender-based image-making a permanent feature of public broadcasting.

## **Article 6: Trafficking in women and prostitution**

### **1. Trafficking in human beings**

#### **i. National Rapporteur on trafficking in human beings**

On 1 April 2000 the Netherlands became the first country to appoint an independent National Rapporteur on trafficking in human beings, in compliance with the Declaration of The Hague (1997).<sup>35</sup> The Rapporteur reports directly to government and provides insights into the origins, factors and trends in trafficking in human beings. She is further an important driving force in the prevention and combating of trafficking in women for the purpose of sexual exploitation and the provision of information and assistance to victims.

The Dutch Rapporteur's terms of reference are based on article 250a of the Dutch Criminal Code, which is considerably broader than the Hague Declaration. It refers to the exploitation of men, women and children. This is why in the Dutch context the National Rapporteur is concerned not merely with trafficking in women, but trafficking in human beings.

The recommendations in a report may concern various levels of government, administrative bodies, or the Dutch contribution to international and non-governmental organisations (NGOs). The tasks of the independent Rapporteur include informing the Dutch Government on trafficking in human beings in the Netherlands, exposing trends and making recommendations to improve efforts to combat this phenomenon.

To date, the Rapporteur has issued two reports, the first being very detailed and including numerous recommendations,<sup>36</sup> the second being quantitative in nature. In October 2002, the Government sent its response to the findings of the first report to Parliament.<sup>37</sup> In July 2004 the National Rapporteur's third report was sent to the House of Representatives.<sup>38</sup> This year an action plan to tackle trafficking

<sup>35</sup> The Declaration of The Hague was an initiative of the lead minister for emancipation policy and the Minister of Justice during the Dutch EU Presidency in 1997. It spurred on the EU member states to take measures at national, European and international level and concentrated on three main objectives: to prevent violations; to investigate violations, and take appropriate action against the violators; to afford remedies and appropriate assistance to those who have been affected by such violations.

<sup>36</sup> Trafficking in Human Beings. First Report of the Rapporteur on Trafficking in Human Beings, 2002.

<sup>37</sup> Government response to first report of the Rapporteur on trafficking in human beings (Parliamentary Papers, House of Representatives 2002-2003 28 638, no. 1).

<sup>38</sup> Parliamentary Papers, House of Representatives 2003-2004, 28638, no. 10.

in human beings will be drawn up that combines the conclusions and recommendations of the National Rapporteur with measures from the action plan on organising and protecting the prostitution sector.

## **ii. Preventing and combating trafficking in human beings**

Combating trafficking in human beings is a national priority for the police and justice authorities in the Netherlands. This was already the case before the ban on brothels was lifted in 2000. And rightly so, since the offence of trafficking in human beings is one of the most serious offences in the Dutch Criminal Code (Article 250a).

Article 250a makes the transportation of persons across borders for the purposes of prostitution a criminal offence. It is also an offence to:

- place and keep individuals in prostitution by means of coercion or deception
- place and keep minors in prostitution
- profit from such exploitation.

Legalising the provision of sexual services subject to strict conditions has meant that more information relevant to detecting trafficking in human beings has become available. This makes it possible to improve the way trafficking in human beings is dealt with by the criminal justice system. Through their control of the prostitution sector and the information thus obtained, police forces now have a better insight into the sector and are in a better position to interpret indications of trafficking in human beings. Such indications are essential for the detection and prosecution of trafficking in human beings both in and outside the regulated sector.

### *Police*

The police have formulated and implemented specific measures to improve the detection of trafficking in human beings. For instance, there is now regular consultation between the relevant liaison officers in the police forces in order to share expertise and discuss the approach to this issue. There are also specific training courses in the detection of trafficking in human beings and the treatment of victims.

In addition, a registration system (IKPS) has been established in which the names of both potential and existing victims of trafficking and the traffickers themselves are recorded, to improve the information exchange between different police forces. Traffickers in human beings are typically highly mobile, which means they are difficult to track down. If a person who has been registered in the system surfaces elsewhere this can be an indication that criminal activities are taking place. On the basis of this information, a criminal investigation can be launched.

The police forces will ensure that information concerning the supervision of aliens that is relevant to criminal prosecutions becomes available for the detection of trafficking in human beings. The expertise of the aliens police will also be introduced into criminal investigations. Further agreements on this subject will be incorporated in the National Police Framework Document. In addition, the police and the Public Prosecution Service are working with their EU partners on

establishing an EU network for international collaboration in combating trafficking in human beings. This network is a preparation for future work with joint teams.

#### *Public Prosecution Service*

The Public Prosecution Service is also taking measures to further improve the structure for detecting and prosecuting trafficking in human beings. For instance, the national prosecutor responsible for combating trafficking in human beings will take over the management of cases being investigated by the National Crime Squad. This national public prosecutor will also carry out national coordinating tasks relating to the detection and prosecution of trafficking in human beings.

Numbers of cases recorded by the Public Prosecution Service:

| <b>1998</b> | <b>1999</b> | <b>2000</b> | <b>2001</b> | <b>2002</b> | <b>2003</b> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| 134         | 103         | 138         | 130         | 200*        | 156         |

\* In 2002 a special effort was made to ‘catch up’, during which the police submitted more cases. However, the number of registered cases in 2003 was higher than in 2001 and previous years, which means that the numbers continue to rise.

The following positive developments emerged in 2003:

- the number of cases disposed of by the Public Prosecution Service has shown an annual increase since 2000 when the ban on brothels was lifted (189 in 2003)
- the number of summonses has increased since 2000 (132 in 2003)
- the number of cases dismissed remains the same (42 in 2003)
- the number of convictions has increased since 2000 (106 in 2003)
- the number of unconditional (i.e. not suspended) custodial sentences imposed has increased (86 in 2003)
- the total number of sentences imposed has increased since 2000 (106 in 2003)

Caution is necessary in drawing conclusions from the figures relating to trafficking in human beings, since they say nothing about the nature or seriousness of the individual cases. Further information on this subject is required.

In practice, detection and prosecution in these hidden sectors remains difficult for the police and justice authorities. As in other forms of organised crime, reduced visibility means that it is harder to find evidence of trafficking in human beings. These offences therefore demand special effort on the part of the police and the Public Prosecution Service.

In any event, a reasonably transparent part of the sector has now been created that voluntarily cooperates with the administrative bodies that supervise it and is careful not to employ minors or illegal immigrants. Starting from this sanitised part of the sector, the police and justice authorities are now in the process of dealing with trafficking in human beings in the non-licensed sectors.

### iii. Reports by victims of trafficking in human beings (B-9 arrangement)

Foreign nationals who are residing illegally in the Netherlands and who are victims of trafficking in human beings can obtain a temporary residence permit for the duration of the legal proceedings against a suspect, if they report the trafficking in human beings. This arrangement provides support and protection for both victims and witnesses. After proceedings have been concluded they may also be eligible for a permanent residence permit on humanitarian grounds, if their personal circumstances give rise to this.

Victims of trafficking in human beings are given a three-month period in which they can decide whether they wish to report the trafficking. During this period their departure is suspended and they can remain in the Netherlands legally. This means they can also draw on available facilities, such as shelter, medical assistance, and financial and legal support. As yet, people with this type of residence permit are not allowed to work in the Netherlands.

### iv. Support for victims of trafficking in human beings

Victims of trafficking are referred to the regular refuges for women which in principle are the responsibility of the municipalities. Except for a very few municipal initiatives on differentiation, there is no provision for specific assistance for victims of this crime. Admission to women's refuges is problematic: it not always possible to place a victim in a suitable refuge with any speed. An interministerial policy study focusing on social assistance devoted attention to this issue. The Government's response was to earmark €4 million for increasing the capacity of women's refuges for victims of domestic violence and of trafficking in women. The Organisation against Trafficking in Women (STV) plays an intermediary role in finding shelter when the police register a victim. STV is increasing its involvement in the methodological, policy-based and physical support provided to the regional networks involved in the fight against trafficking in women.

Control of prostitution has made it easier to help victims of trafficking escape from prostitution. Figures compiled by the STV show that efforts in this direction are increasingly successful.

| 1999 | 2000 | 2001 | 2002 | 2003              |
|------|------|------|------|-------------------|
| 287  | 341  | 284  | 343  | 240 <sup>39</sup> |

### v. International

In recent years the Ministry of Foreign Affairs/Directorate General for International Cooperation have actively participated in the fight against trafficking in human beings. Since 1995 the Ministry of Foreign Affairs has funded the La Strada programme in collaboration with the STV. La Strada focuses on Central and Eastern Europe and its objective is to make trafficking in women more visible and create a greater awareness of the problem among local authorities, the media and the public. The programme pays particular attention to victims. Dutch embassies also support a variety

<sup>39</sup> Forecast based on reports up to and including August 2003.

of projects, specifically in the area of preventing trafficking in human beings and protecting its victims. These efforts focus on Central and Eastern Europe, the Western Balkans and Southeast Asia.

During the Dutch Presidency of the OSCE (*Organisation for Security and Cooperation in Europe*) in 2003, the attention devoted to trafficking in human beings resulted in the formulation of the OSCE Action Plan to combat trafficking in human beings and the acceptance of the mandate of the Anti-Trafficking Mechanism.

## **2. Lifting of the ban on brothels and prostitution**

### **i. Lifting of the ban on brothels**

The ban on brothels was lifted with effect from 1 October 2000. In taking this measure, the Dutch Government chose to adjust the letter of the law to everyday reality in order to eliminate abuse in the prostitution sector. Its main objectives were to:

1. manage and regulate the exploitation of voluntary prostitution (among other means by introducing a municipal licensing policy);
2. improve measures to combat the exploitation of forced prostitution;
3. protect minors from sexual abuse (in the prostitution sector);
4. protect the position of prostitutes;
5. separate prostitution and peripheral criminal activities;
6. reduce prostitution among illegal immigrants (persons without a residence permit entitling them to work in the Netherlands).

By removing prostitution as a business from the criminal sphere, the Government increased its options for controlling and cleaning up the sector. At the same time, it is able to deal with abuse more severely. Legalisation means that the Netherlands is now one of the first countries where voluntary prostitution by adults is officially regarded as a form of employment.

#### *Evaluation of the lifting of the ban on brothels*

In order to evaluate the legislative changes, the authorities monitored activities in the prostitution sector nation-wide. The potential side effects of the lifting the ban and the implications for trafficking in human beings were also investigated. The evaluation was carried out in 2002, two years after the ban was lifted. In 2003 the Government issued its response to the evaluation report published in 2002.<sup>40</sup> In its response, the Government supports the evaluators' conclusion that it is too early to be able to conclude what the true effects of the legislative changes are.

It is clear that legalising a sector that was illegal for nearly a century is not simply a matter of amendments to legislation and a new policy. For instance, there is still little clarity concerning the rights and obligations of prostitutes and operators, and employment relationships, while better

<sup>40</sup> A.L. Daalder, *The ban on brothels lifted. Prostitution in 2000-2001*, WODC, 2002 (Parliamentary Papers, House of Representatives 2002-2003, Just 02-801).

communication with the prostitution sector is needed. A number of obstacles with regard to the position of prostitutes have still to be removed. The recommendations in the evaluation provide a good starting point for putting the legalisation process on the right track. The Government continues to adhere to its chosen objectives of launching the desired developments and keeping them going.

The Government aims to carry out a second evaluation in 2005, which will specifically examine progress made in resolving the obstacles noted in the first evaluation.

#### *Plan of action for regulating and protecting the prostitution sector*

After the first evaluation in 2002, a different dynamic was set in motion. Various indicators show that by legalising the exploitation of prostitution, the Government is pursuing a difficult but positive course. There is evidence of broad support within the general population, the prostitution sector itself and the various organisations working in the sector for the objectives the lifting of the ban on brothels is intended to serve. Insight into and information about the prostitution sector have improved and the Government's control of the visible part of the regulated sector has increased. It has been shown that levels of abuse continue to decrease in this part of the sector. Operators and prostitutes have together formed interest groups and joined, respectively, the MKB (small and medium-sized enterprises sector) and the FNV (Federation of Netherlands Trade Unions). The latter has initiated negotiations on employment conditions. Consultation between municipalities, various government organisations and the sector has been established. Various implementing organisations are working on a joint policy and on providing information with regard to prostitution. Measures to support prostitutes who wish to leave the profession are now being put in place.

However, in spite of these positive developments the intended objectives have not yet been achieved. The evaluation and debate in the House of Representatives have highlighted a number of obstacles in areas such as municipal control, the employment relationship between prostitutes and operators, the sector's image and the detection and prosecution of criminal forms of exploitation. As a result, an action plan was drawn up and submitted to the House of Representatives early in July 2004.<sup>41</sup> The plan contains an overview of the major obstacles noted after the ban was lifted that impede the achievement of the main objectives of the legislative amendments.

#### *Monitoring of prostitution policy*

In order to follow the normalisation process in the prostitution sector, a national committee to monitor developments in prostitution was set up. All the ministries involved sit on the committee, as well as representatives from national services, public organisations and NGOs. Prostitutes' interest groups are also represented.

#### *Municipal policy*

The formulation and enforcement of prostitution policy were deliberately left in the hands of the municipalities, so that specific circumstances at local level can be taken into account. The municipalities set the conditions under which brothels are allowed to operate within their

---

<sup>41</sup> *Plan of Action regulating and protecting the prostitution sector*, Parliamentary Papers, House of Representatives 2003-2004, 25437, no. 46.

boundaries. To this end, municipalities operate a licensing policy. In other words, operators require a licence to run a prostitution business. Licensing policy can be used to influence the locality in which prostitution takes place. For instance, a prostitution business must not negatively affect the working and living environment in a neighbourhood. The establishment of a business must conform to planning regulations (zoning plan and urban renewal plan) and to bye-laws concerning the residential environment.

Regulations on the establishment of prostitution businesses concern actual size and layout (for instance minimum dimensions of the work space), safety (e.g. fire prevention), security (alarm buttons) and hygiene.

Regulations on operating the business concern the position and status of the prostitute and aim to prevent the business causing unacceptable nuisance to the neighbourhood. Operators are for example obliged to implement a 'safe sex' policy, provide opportunities for information to be passed on and encourage prostitutes to have themselves tested for sexually transmitted diseases on a regular basis. SOA Aids Nederland (the national organisation for STD and AIDS control)<sup>42</sup> has formulated guidelines for family doctors and specialists on STD examinations for prostitutes.

#### *Monitoring compliance with licensing regulations*

Monitoring compliance with the licensing regulations is an administrative affair. The municipality, as central authority, designates the agency that will monitor compliance, in practice often the police. The tripartite authorities (mayor, public prosecutor and local police chief) constitute the forum in which local enforcement policy is coordinated. Agreements between the municipal authorities, the Public Prosecution Service and the police can then be documented in an enforcement arrangement.

Because of the regular checks they carry out, the police are in a good position to take note of any signs that trafficking in human beings is taking place, whether in the regulated or the non-regulated prostitution sectors. This is in the interests of the prostitutes and in the interests of combating trafficking in human beings, social violence and sexual abuse.

#### *Improving the position of prostitutes*

Lifting the ban on brothels has improved the position of prostitutes in a number of ways. The municipal regulations contribute by setting rules relating to safety, hygiene and working conditions within the business of prostitution.

The standard for medical checkups is four times a year. These checkups are voluntary and are generally accepted because prostitutes can see why they are necessary. Safe sex and the availability of proper information for prostitutes and customers are the best protection against sexually transmitted disease.

Lifting the ban has meant that prostitution is now officially recognised as employment, and that prostitutes therefore have the same rights and obligations as all other employed citizens. Because the profession was illegal for many years and the situation was merely tolerated, employment relationships in the prostitution sector have developed differently from those in other sectors. The

<sup>42</sup> SOA stands for 'Seksueel Overdraagbare Aandoeningen' (Sexually Transmitted Diseases).

new employment relationship between the operator of the prostitution business and the prostitute has still to be determined. This is a matter for both parties; the Government cannot easily exert influence in this respect. Many operators prefer not to use employment contracts and simply see themselves as providing a facility.

The Dutch Tax Administration and the Employee Insurance Administration Agency (UWV) determine whether an employment relationship does or does not exist on the basis of joint policy rules. The health & safety inspectorate uses slightly different criteria based on the Working Conditions Act. In the combined projects with the Tax Administration and the UWV in the context of enforcement it has been shown that in many cases the health & safety inspectorate comes to the same conclusion as the Tax Administration.

Attempts to demonstrate the nature of the employment relationship are faced with considerable proof-related problems. In many cases in which the tax authorities and the Health & Safety Inspectorate decide, based on their observations, that there is an employment relationship, the operator and the prostitute present the situation as being one of self-employment. In the coming period both authorities will draw some conclusions about the procedures to be followed in this sector.

### ***Foreign Nationals (Employment) Act***

Pursuant to the Foreign Nationals (Employment) Act (WAV) no work permits can be issued for prostitution. The ban originates from the period when the ban on brothels was still in force. However, this provision continues to be enforced pending amendments to the Aliens Act 2000.

A reason for declaring the Foreign Nationals (Employment) Act inapplicable is the fact that, although the lifting of the ban on brothels has legalised prostitution, the nature of the profession means that the Centre for Work and Income (CWI) cannot actively mediate in finding employment. The Foreign Nationals (Employment) Act states that persons from outside the EU may only be admitted if the job in question cannot be filled by Dutch nationals or aliens who have been awarded priority. Because the Centre for Work and Income does not mediate, this cannot be verified. In the Government's view this means there is no contradiction here, simply an acknowledgment of the special nature of employment in the prostitution sector.

The aforementioned evaluation of the lifting of the ban on brothels does not, however, suggest that the fact that the Foreign Nationals (Employment) Act is inapplicable has resulted in a shift to the illegal circuit.

### ***Exit programmes for prostitutes***

Prostitutes frequently experience a variety of problems when trying to leave the profession. Organisations that have contact with prostitutes, such as social work agencies and the GGD (Municipal Health Services) report that it is difficult for them to integrate into society. This is largely the result of the financial setbacks involved, the way of life and social network in the prostitution circuit, the problems they have with giving up their anonymity and talking about their work experience in the prostitution sector, underlying psychological or addiction problems, practical

difficulties in the area of finances, housing or legal issues, residence status, low level of education and lack of professional skills.

Municipalities are launching an increasing number of initiatives to support prostitutes who want to change their lives. These are encouraging developments.

## **Articles 7 and 8: Political and public life**

### **1. Personnel policy at the ministries**

#### **The Government as employer**

The Government has formulated targets for the proportion of women in senior positions.<sup>43</sup> For instance, by 2010 25% of executive level posts (scale 18 and higher) must be held by women. The proportion of women in the echelons directly below (scale 15-18) must be 30%. Some ministries use additional target figures tailored to their specific situations. For the Senior Civil Service, which is responsible for top-level public service appointments, the representation of women is a focus of attention, particularly in the recruitment phase.

#### **Proportion of women in higher pay scales**

|                     | <b>2000</b> | <b>2001</b> | <b>2002</b> | <b>2003</b> |
|---------------------|-------------|-------------|-------------|-------------|
| scale 11-14         | 24.4%       | 26.0%       | 27.5%       | 28.2%       |
| scale 15 and higher | 10.2%       | 11.2%       | 12.5%       | 14.1%       |
| Total               | 35.9%       | 37.3%       | 38.4%       | 38.5%       |

Source: Ministry of the Interior and Kingdom Relations/IVOP/PA

#### *Employed persons by sector and gender*

Women represent 46% of the public service workforce. The male/female ratio differs considerably between the various sectors. In the education sector more women are employed than men (42%). Teaching hospitals employ twice as many women as men. In contrast, relatively few women are employed in the defence sector (13%), police (31%) and the water boards (24%).

In 2003 the ministries continued to pursue a policy aimed at increasing the proportion of women in management posts. The proportion of women in mid-level posts (scale 10 - 13) increased from 27.7% in 2000 to 31.7% in 2003. The proportion of women in management posts (scale 15 and higher) increased from 10.2% in 2000 to 14.1% in 2003. The ministries have developed specific activities and policy initiatives aimed at increasing the proportion of women in higher level posts and encouraging their promotion.

<sup>43</sup> *Multiyear Emancipation Plan 2000*, p. 71 (Parliamentary Papers, House of Representatives 2000-2001, 27061, no. 3).

| Scale        | 2000         |              | 2003         |              | Comparison 2000-2003 |              |
|--------------|--------------|--------------|--------------|--------------|----------------------|--------------|
|              | Men          | Women        | Men          | Women        | Men                  | Women        |
| Scale 1-4    | 52.4%        | 47.6%        | 55.6%        | 44.4%        | -10.7%               | -21.4%       |
| Scale 5-9    | 59.6%        | 40.4%        | 56.0%        | 44.0%        | -1.5%                | 14.0%        |
| Scale 10-13  | 72.3%        | 27.7%        | 68.3%        | 31.7%        | 13.0%                | 36.5%        |
| Scale 14-16  | 86.9%        | 13.1%        | 83.3%        | 16.7%        | 12.4%                | 49.9%        |
| Scale 17+    | 92.3%        | 7.7%         | 89.0%        | 11.0%        | 20.3%                | 79.5%        |
| <b>Total</b> | <b>64.1%</b> | <b>35.9%</b> | <b>61.5%</b> | <b>38.5%</b> | <b>3.6%</b>          | <b>15.8%</b> |

Source: Ministry of the Interior and Kingdom Relations/IVOP/PA

*Income distribution in percentages by gender*

In 2000 the average wage earned by women was approximately €13.30 gross per hour, or €3.68 less than men. This can partly be explained by the fact that women are more strongly represented in the lower paid professions. In addition, they work more often part-time, which means they may be limited in their career opportunities. The average hourly wage of women in 2000 was 78% of the hourly wage of men. Since 1990 the differences between men and women have diminished; in 1990 the hourly wage of women was 73% of the hourly wage of men.

**Women's average hourly wage<sup>a</sup> as a percentage of men's average hourly wage  
[Gender Pay Gap]**

|   | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|------|------|------|------|------|------|------|------|
| Total                                       | 77   | 77   | 78   | 79   | 79   | 79   | 81   | 81   |
| 15-24 years                                 | 93   | 94   | 95   | 96   | 95   | 97   | 97   | 99   |
| 25-54 years                                 | 80   | 80   | 81   | 81   | 81   | 81   | 83   | 84   |
| 55-64 years                                 | 72   | 72   | 73   | 74   | 73   | 75   | 76   | 76   |
| Profit sector                               | 72   | 73   | 73   | 74   | 74   | 74   | 76   | 77   |
| Civil service (including subsidised sector) | 79   | 79   | 80   | 81   | 81   | 81   | 81   | 82   |

<sup>a</sup>: Gross hourly wage excluding bonuses.

Source: Statistics Netherlands (Wage Structure Survey 1995-2002).

In 2000 women in full-time employment earned €3.80 per hour less than men. In part-time jobs and 'flexible jobs' the differences are not as great, but even here the hourly wage of women employees is, on average, lower than that of men. For both men and women the gross hourly wage in 'flexible jobs' is lower than the hourly wage in other jobs, which is caused by the nature of the work. Women who work in part-time jobs earn, on average, the same hourly wage as women in full-time jobs. For men, however, there is a difference between the hourly wage for part-time and full-time jobs. Men who work part-time earn on average nearly €2 less per hour than their full-time colleagues.

#### Average hourly wage<sup>a</sup> by employment type and gender (in euros)

|             | women     |           |          |       | men       |           |          |       |
|-------------|-----------|-----------|----------|-------|-----------|-----------|----------|-------|
|             | full-time | part-time | flexible | total | full-time | part-time | flexible | total |
| <b>1990</b> | 8.85      | 8.92      | 6.58     | 8.68  | 12.19     | 9.83      | 7.12     | 11.91 |
| <b>1997</b> | 11.98     | 12.15     | 8.12     | 11.69 | 15.55     | 13.96     | 8.53     | 15.11 |
| <b>1998</b> | 12.59     | 12.64     | 8.47     | 12.23 | 16.21     | 14.42     | 8.99     | 15.76 |
| <b>2000</b> | 13.65     | 13.66     | 9.11     | 13.30 | 17.45     | 15.64     | 9.63     | 16.98 |

<sup>a</sup> Gross hourly wage excluding special bonuses.

Source: CBS (*Statistics Netherlands*), Survey into employment and pay

### *Ministry of the Interior and Kingdom Relations*

#### *Police*

The police service carries out quantitative monitoring of the number of women in executive posts. This shows that the number of women in such posts is growing steadily. In 2001 the combined proportion of women in executive posts in the regional police forces and the National Police Services Agency (KLPD) was 17.6%. In 2002 this had increased to 18.5%. Further growth remains a paramount objective.

Together with the police forces the Ministry of the Interior and Kingdom Relations has developed a multiyear action plan for the period 2001-2005 to encourage diversity in the police and the LSOP (police training and knowledge centre). To support these developments the Ministry of the Interior and Kingdom Relations and the police forces have established the National Diversity Expertise Centre (LECD) for the duration of the multiyear action plan. The LECD provides the knowledge and expertise the police forces require to achieve increased diversity.

The issue of diversity remains of paramount importance in the personnel policy of the police forces. Concrete objectives in this field were therefore formulated in the 2003-2006 National Framework. These focus on achieving the regional target figures. The National Centre of Expertise on Diversity, in conjunction with the police forces, set these figures using the population composition in the region, the available CBS (*Statistics Netherlands*) statistics and various other data. Progress is monitored on an annual basis in a number of ways, including the use of a special diversity monitor developed by the LECD specifically for this purpose. Police forces that have only achieved minor

improvements in recent years receive extra support from the LECD, tailored to the latest results obtained through monitoring their progress.

### *Fire service*

The intake of women in the Dutch Institute for the Fire Service and Disaster Management, which employs students during their training, has in recent years been a consistent one-third of the total number of new students. To a large extent these women are still studying and have therefore not yet been included in the latest statistics.

In order to increase the number of female volunteers in non-officer posts, a campaign was planned in 2000, implemented in subsequent years and concluded towards the end of 2003. In the context of this campaign, information material was developed and made freely available to the brigades that were interested in receiving it. Until the end of 2003 it was possible to receive support from promotional teams for local campaigns. A total of 94 municipalities availed themselves of this option.

In order to increase the number of women in the lower professional posts, the spring of 2003 saw the start of a campaign involving three large brigades (Amsterdam, Rotterdam and The Hague) via the 'Equal' project on women in the fire service, with the objective of achieving an intake of 24 women in 2004. This project was partly funded through money from the European Social Fund. In the autumn of 2003 the first women started their training. By July 2004 the objective had been achieved and even surpassed, with 27 women officers. Another 'Equal' project is being considered. If it goes ahead, this project will be concerned with changing the culture in the white-male dominated fire service.

Between January 2000 and December 2002 the number of women volunteers increased by 260 (from 700 to 960) and the number of professional women fire fighters increased by **27** (from 135 to **162**). Because the overall number of professional fire fighters increased in this period, the proportion of women (3.3%) remained unchanged. However, the proportion of women volunteers has clearly increased: from 3.3% to 4.6%, an increase of 39%. This increase was partly the result of the Ministry of the Interior and Kingdom Relations stepping up its policy, as outlined above. The total number of women in the fire service increased from 3.3% to 4.4%.

### *Ministry of Foreign Affairs*

The internal emancipation policy of the Ministry of Foreign Affairs is formulated in an action plan entitled 'An organisation in balance'. Its objectives are to achieve a well-balanced composition of Ministry staff and to utilise women's potential to the full in higher level and high-profile posts. Since 2002 a target figure has been in place for the promotion of women to pay scales 14 to 16. The target is to double the number of women on these scales by the end of 2004, compared to the situation in 2000. For posts in pay scales 14 to 16, preference is given to women if all other qualifications and conditions are equal.

In 2000 the proportion of women on pay scales 14 to 16 equalled 10% and the target for 2004 is 20%. At present the Ministry of Foreign Affairs employs 60 women (14%) on these pay scales. In addition, a total of 33 women employees on scale 13 were given additional opportunities in 2002

and 2003 to work on their personal development, receiving coaching and/or training. Some of these women are participating in a trial project on coaching by email. Finally a study into the causes of the limited promotion of women to pay scale 13 and higher is being carried out.

#### *Heads of mission*

| <b>Heads of:</b>         | <b>men</b> | <b>women</b> | <b>total</b> | <b>% women</b> |
|--------------------------|------------|--------------|--------------|----------------|
| Embassy                  | 100        | 12           | 112          | 10.7%          |
| Permanent Representation | 7          | 0            | 7            | 0.0%           |
| Consulate General        | 24         | 5            | 29           | 17.2%          |
| <b>Total</b>             | <b>131</b> | <b>17</b>    | <b>148</b>   | <b>11.5%</b>   |

#### *Ministry of Defence*

##### *Women in defence (civilian and military personnel)*

The figures make it clear that the proportion of women in the military is barely increasing (0.1% per year). In addition, the proportion of women in the higher ranks and pay scales in most Defence units remain far below the target figure.

##### **Women civilian personnel on higher pay scales**

|                     | <b>KM<sup>44</sup></b> | <b>KL</b> | <b>KLu</b> | <b>KMar</b> | <b>DICO</b> | <b>CO</b> | <b>Total</b> |
|---------------------|------------------------|-----------|------------|-------------|-------------|-----------|--------------|
| % women on scale 10 | 11.7%                  | 13.4%     | 9.2%       | 31.6%       | 16.7%       | 14.3%     | 14.5%        |
| % women on scale 14 | 0.0%                   | 7.1%      | 0.0%       | 0.0%        | 0.0%        | 2.1%      | 3.3%         |

Target: 20% women civilian personnel on scale 10 and 6% on scale 14 by 2010.

##### **Women military personnel on higher ranks**

|                                  | <b>KM</b> | <b>KL</b> | <b>KLu</b> | <b>KMar</b> | <b>Total</b> |
|----------------------------------|-----------|-----------|------------|-------------|--------------|
| % women with the rank of Major   | 4.1%      | 3.1%      | 2.3%       | 5.7%        | 3.8%         |
| % women with the rank of Colonel | 0.7%      | 1.3%      | 0.8%       | 4.5%        | 1.3%         |

Target: 6% women military personnel with the rank of Major and 3% with the rank of Colonel by 2010.

#### *Mentor project*

A start has been made on a mentor project within the Central Organisation. Ten women on pay scales 11, 12 and 13 were mentored by an internal supervisor for a period of 6 to 9 months, to obtain

<sup>44</sup> KM = Royal Navy , KL = Royal Army , KLu =Royal Air Force , KMar = Royal Military Constabulary, DICO = Defence Interservice Commando, CO = Central Organisation

greater insight into women's experience with more senior management posts within the Central Organisation. The responses of the participating employees and of the supervisors who took on the role of mentor have, without exception, been positive. The evaluation will make it clear what contribution the project has made to improving the promotion of women to higher posts.

### *Gender ambassadors*

In 2002 a gender ambassador was appointed for each Defence unit. The ambassadors play an important role in putting gender issues and emancipation policy on the agenda within their own Defence unit, and also through specific initiatives. For instance, the ambassadors have agreed to include the subject of gender in performance assessments. Employees can also address their concerns on this subject to the ambassadors. Increasing gender awareness and gender expertise within the Ministry of Defence will continue to require attention in the future.

### *Ministry of Finance*

The principle of gender equality forms an intrinsic part of personnel policy at the Ministry of Finance, which strives to attract both men and women. One of the main employment benefits is that all staff are given the opportunity to combine work with care. The Ministry is experimenting with flexible conditions of employment to achieve this. It has developed a management curriculum to promote the advancement of women to more senior positions, and women are encouraged to take part in career orientation programmes. In principle, all posts can be filled by part-time workers, and all personnel have access to childcare services. Women who have left the Ministry of Finance to take care of their children retain the status of internal candidate for vacancies for a period of five years after their employment was terminated.

### *Ministry of Justice*

Prior to 2003 the Ministry of Justice introduced a policy promoting equal opportunities for men and women. For instance, a number of instruments were introduced in the context of general government employment conditions, in areas such as childcare and job sharing. In 2001 a Ministry of Justice integrity code was also launched, aimed at preventing unfair discrimination between men and women. In 2003 the integrity code was updated. In addition, courses in diversity management have been set up to focus attention on the issue of diversity and gender equality.

Women currently constitute a substantial proportion of Ministry of Justice staff (43%). However, the great majority are employed in lower-ranking posts. Unfortunately they remain under-represented in high-profile posts (scale 14 and higher).

### *Ministry of Education, Culture and Science*

#### *Proportional representation in primary and secondary education*

The Proportional Representation of Women in Educational Management Posts Act (WEV) came into effect on 7 March 1997. A planning obligation has been in effect since 1998. If women are under-represented in the posts listed in the Act, the educational institution concerned must set target

figures for increasing the proportion of women and introduce specific measures and a timeline for achieving these target figures.

Following an evaluation, the Act was extended in December 2001. It will be evaluated again in 2005. With regard to equal representation in management functions, it is the responsibility of the competent authority to set target figures for schools based on national figures published by the Ministry of Education, Culture and Science once a year in its publication 'O'.

### Representation in management posts

|   | 1993        | 2002        | 2003        |
|---|-------------|-------------|-------------|
| <i>Primary education</i>                    |             |             |             |
| Deputy Head                                 | 49.1        | 47.7        | 42.7        |
| Head Teacher                                | 13.1        | 18.4        | 19.6        |
| <i>Secondary education</i>                  |             |             |             |
| Deputy Principal                            | 19.4        | 16.2        | 17.2        |
| Principal                                   | 7.2         | 10.1        | 12.1        |
| <i>Vocational and Adult Education (BVE)</i> |             |             |             |
| Scale 13 and higher                         | 14.2        | 24.9        | 23.7        |
| <i>Higher Professional Education (HBO)</i>  |             |             |             |
| Scale 13 and higher                         | 5.5         | 18.4        | 19.7        |
|   |             |             |             |
|   | <b>1992</b> | <b>2001</b> | <b>2002</b> |
| <i>University Education (WO)</i>            |             |             |             |
| Professor                                   | 3.6         | 7.1         | 8.1         |
| Senior Lecturer                             | 6.4         | 11.2        | 13.7        |

Reference date 1 October 2003, with the exception of the WO figures for which the reference date is 31 December 2002

In view of the low proportion of women heads in primary education and the growing shortage of management staff for primary education, the Ministry of Education, Culture and Science plans to take a range of measures to attract women to management positions.

In 2002 the job-share project was started up. This project offers women and men the opportunity to work part-time in a management post in primary education, allowing them to combine care tasks and employment. In addition, the management capacities of job-sharing head teachers complement each other and the workload is shared. The project will run up to the end of the 2003-2004 school year. In addition, a number of resources remain available for the 2003-2004 school year to support

and coach new head teachers. Research carried out by the IVA (an institute for policy research and advice) shows that coaching and support for new head teachers during their first year is vital to successful performance.<sup>45</sup> Women in particular indicate that they have a need for coaching, support and supervision. Publicising the project led to 350 applications up to December 2003 and expectations are, therefore, that the maximum number of 450 applications for the 2003-2004 school year will definitely be achieved.

### ***Ministry of Social Affairs and Employment***

Where candidates prove to be equally suitable, preference is given to women. In 2003, 51 women and 168 men were occupying management positions. The proportion of women was therefore 23%.

The following has been agreed within the ministry with regard to management posts, the focus being on removing gender-specific mechanisms from recruitment and selection procedures:

- there must be at least one woman on the selection committee;
- a selection procedure will not be started until there are women candidates;
- by the end of 2004 every management team in the Ministry of Social Affairs and Employment must contain at least one woman;
- the Secretary-General will have an exit meeting with every woman department head who leaves the Ministry of Social Affairs and Employment;
- in 2004 the 'Perspective' development programme (which focuses specifically on women managers) will be launched.

### ***Ministry of Housing, Spatial Planning and the Environment***

The Ministry of Housing, Spatial Planning and the Environment implements an active policy aimed at a diverse staff composition. The policy relates not only to women but also to young people, ethnic minorities and disabled people. With regard to women the Ministry of Housing, Spatial Planning and the Environment aims to facilitate the intake and promotion of women to senior and high-profile management positions within the Ministry. To this effect tasks have been formulated and activities initiated around the issue of jobs made available. The proportion of women in senior posts increased from 17% in 2000 to 20% in 2003. The Ministry has also made efforts to appoint women to its advisory bodies, which led to a figure of 27% being achieved in 2004.

### ***Ministry of Health, Welfare and Sport***

#### *Women in management positions in the healthcare sector*

The Ministry of Health, Welfare and Sport encourages the recruitment of more women to management positions in the healthcare sector and has made it possible for medical specialists to work part-time. The risk of sexual segregation among medical specialists is certainly present, but it was considerably more likely to occur *before* part-time work was made an option. In terms of

---

<sup>45</sup> Final report on job sharing for head teachers and deputy heads in primary education, Tilburg, June 2002.

providing for nursing and care staff, much is being done to offer better career perspectives and improve promotion to senior positions.

In the social service sector, 80% of employees are women and 50% of managerial positions are held by women. In the healthcare sector, the main problem is the lack of promotion or career prospects, and this affects men and women equally. However, it is the responsibility of employers and employees themselves to implement policy. For the period 2003-2004, an ambassador's network for women in senior positions in the healthcare sector has been set up.

The efforts of the Ministry of Health, Welfare and Sport are focused on supporting initiatives in the sector itself to make part-time work a feasible option. The glut of medical specialists on the labour market has also helped to achieve results. More and more specialists are working part-time. The change in work ethos (it is becoming more 'normal' to work part-time) is expected to do the rest.

## 2. Political life

Both at national and provincial level, it appears that the political culture and terms of employment constitute the chief obstacles to women taking up political office. In both areas, the Minister of the Interior and Kingdom Relations has launched initiatives to remove these obstacles. The Minister of the Interior also issues an annual summarised progress report.

### *Concrete objectives*

On the basis of the 2000 *Emancipatiemonitor*, the previous Government set a number of quantitative targets for 2010.<sup>46</sup> These targets indicate the Government's ambitions, which will have to be achieved by others: political parties, civil society, companies. The targets are intended as performance indicators for all concerned: they make it possible to monitor developments over time and to determine whether efforts in this field have been successful, or whether additional measures are needed. They also provide leads for organisations and companies that may wish to draw up their own performance indicators.

|                          | 2000 | 2002 | Target for 2010 |
|--------------------------|------|------|-----------------|
| Government               | 31%  | 21%  | 50%             |
| House of Representatives | 36%  | 35%  | 50%             |
| Senate                   | 28%  | 28%  | 50%             |
| European Parliament      | 36%  | 36%  | 50%             |
| Provincial Councils      | 31%  | 28%  | 50%             |
| Municipal Councils       | 23%  | 23%  | 45%             |
| Queen's Commissioners    | 8%   | 0%   | 30%             |
| Mayors                   | 17%  | 19%  | 40%             |

<sup>46</sup> *Emancipatiemonitor* 2000. Multiyear Emancipation Plan, November 2000 (Parliamentary Papers, House of Representatives 2000-2001, 27 061, no. 3).

|  | 2000   | 2002   | Target for 2010 |
|--|--------|--------|-----------------|
| Water Authority Executives   | 9%     | 11%    | 30%             |
| Council of State, Netherlands Court of Audit   | 16-22% | 20-25% | 40-45%          |
| External advisory bodies, Judiciary  | 38%    | 41%    | 50%             |
| Senior police force positions, interministerial commissions, Autonomous administrative authorities | 4-10%  | 6-10%  | 20-30%          |
| Senior civil servants (from Scale >15)   | 9%     | 11%    | 30%             |
| Senior private sector posts (Top 100, management and supervisory boards)                           | 4%     | 5%     | 20%             |
| Senior posts in non-profit sector: care and welfare (management and supervisory boards)            | 25%    | 31%    | 45%             |
| Senior posts in non-profit sector: other (management and supervisory boards)                       | 13%    | 16%    | 35%             |

Source: *Emancipatiemonitor 2002*, Association for Women's Interests (*Vereniging Vrouwenbelangen*), Ministry of the Interior and Kingdom Relations, 2001.

- The first Balkenende Government (2002) had one woman minister and four women state secretaries (7.1% and 28.6% respectively). The present Government (Balkenende II) looks very different, with 33% women ministers and 50% women state secretaries, the highest proportion of women in any government so far.
- Following the *European Parliamentary* elections in June 2004 the proportion of women is now 12 out of 24 Dutch MEPs (50%).
- The composition of the *Senate of the States General* is still a long way away from the target figure for 2004 of 40% women. At the end of 2002 women accounted for 30.7% of Senate members. The 2003 elections increased this to 33.3%.
- Until the end of 2002, the *House of Representatives of the States General* had a somewhat lower proportion of women MPs than had been the case in previous years (32.0%). The 2003 elections increased this to 38.5%, much closer to the 2004 target figure.
- At the end of 2002, the Netherlands did not have a woman *Queen's Commissioner*. Since then, one woman has been appointed to this position (8.33%). The target figure of 25% is still far from being achieved.
- In 2002 the percentage of women *members of the Provincial Executive* remained unchanged at 21.3%. The proportion of women *Provincial Council members* even declined slightly, to 29.4%, and is still way below the target figure of 40% by 2004.
- The number of *Water Boards* has now been reduced to 48. This has not had any effect on the number of women chairs (2) and secretaries (2). The actual number of women in the executive

boards decreased with the number of authorities, but their proportion increased slightly, from 11.9% in 2001 to 12.7% in 2002.

- At the end of 2003 there were 85 (out of a total of 435) women *Mayors* (19.5%), 5.5% less than the target figure for 2004.
- In April 2004 proportion of women that were *members of the municipal executive* was 16.2%. The proportion of women on municipal councils continues to hover around 22%. In April 2004 the percentage was 23.5.

### 3. Reformed Political Party (SGP)

In its discussion of the second and third Dutch reports on the implementation of the UN Women's Convention, the CEDAW Committee paid explicit attention to the position of the Reformed Political Party (SGP), given the party's refusal to admit women as ordinary members and its view that women cannot hold management positions in political and public life, either within or outside the party.

In its report on the states parties the CEDAW concluded that the presence of the SGP in the Dutch political system, particularly in Parliament, contravenes the Convention.<sup>47</sup> The Committee stressed the need for legislation that brings the membership of political parties in line with obligations under Article 7 of the Convention.

The Government feels it is extremely disappointing that the SGP makes only extraordinary membership available to women. However, it takes the view that Article 7 of the Women's Convention implies that the Government must ensure that individual women have access to the political party of their choice, but that the Dutch legislature is free to decide on policies to ensure compliance with this Convention obligation. Current legislation meets the obligations of Article 7 of the UN Women's Convention. As is clear from the debate in both Houses of Parliament on the Act approving the Convention for the Elimination of all Forms of Discrimination against Women, this is also the standpoint of the Dutch legislature.

The Government can see a number of reasons to exercise caution in enacting new statutory provisions. First, a number of diverse constitutional rights and fundamental rights and freedoms are at stake, which because they are closely related require very careful consideration. Second, policy with regard to Article 20, Book 2 of the Civil Code must be taken into account. Pursuant to this Article a legal entity whose actions or objectives conflict with public policy can be declared unlawful and dissolved by order of the Public Prosecution Service. With regard to political parties this option for combating discrimination is only used if the discrimination or incitement to discriminate takes such forms that it constitutes a systematic, serious disruption of the democratic process. Third, enforcement of existing anti-discrimination regulations is already receiving particular attention. For instance, Section 16 of the Political Parties (Funding) Act provides for an arrangement under which political parties ordered to pay a fine pursuant to the anti-discrimination

<sup>47</sup> Committee on the Elimination of Discrimination against Women, Twenty-fifth session, (2-20 July 2001), Consideration of reports of States parties, the Netherlands, Second and Third periodic reports, CEDAW/2001/II/CRP.3/Add.1, 11 July 2001 and Fifty-sixth Session, Supplement No. 38 (A/56/38).

provisions of the Criminal Code (Articles 137c, d, e, f, or g, and Article 429 *quater*) may lose their funding entitlement for a period of time to be further determined.

The Government notes the fact that the SGP is now reconsidering its standpoint in this matter. In the meantime civil and administrative proceedings have been brought against the State with regard to the SGP. The first involve an action for tort because the State allows the SGP to exist. The second were brought against the State on the grounds that it decided not to terminate funding to the SGP.

#### **4. Separation of powers and local democracy**

In order to implement the recommendations made by the Elzinga state committee, a website on the separation of powers and local democracy has been launched in cooperation with the Association of Netherlands Municipalities. The goal is to open up the political culture in municipalities by allowing the councillors to profile themselves more effectively as elected representatives. This should make local government more appealing to citizens.

The website has guidelines on the recruitment and selection of women and ethnic minority candidates, initially geared to the municipal council elections in 2002.

#### *Departure*

It has been shown that women leave politics earlier than men. Annual reports on women in politics and public administration show that the proportion of women in municipal councils has remained at the same level (22-23%) for a number of years. In the 2002 elections this figure remained unchanged. A similar pattern can be seen among women members of provincial councils: in 1992 the proportion was 29.6% and in 2001 it was still only 29.9%. For this reason the Minister of the Interior and Kingdom Relations commissioned a study into the reasons why members resign from municipal and provincial councils. Both women and men were interviewed. This large group of respondents provided a mine of information that led to some unexpected conclusions. For instance, the reason members resign is related much less frequently than expected to dissatisfaction with the political culture. More often, the reason relates to the time taken up by council activities. The combination of being a member of a municipal or provincial council alongside regular employment or care tasks is frequently seen as an obstacle. People are also of the opinion that municipal and provincial councils do not make very efficient use of their time. However, the majority of respondents expressed the opinion that being a member of a municipal or provincial council is a worthwhile experience.

#### **5. Women from ethnic minorities with political ambitions**

A project launched by the Multicultural Institute for Political Participation offers courses to ethnic minority women with political ambitions. Since June 1999, a number of elected politicians have taken part in an adapted version of the programme. With its sights on the elections of 2002, the Minister of Interior and Kingdom Relations increased the number of places on the course. A total of 50 women have followed the course to date. In the meantime, a tracking system has been developed to monitor the political career of course participants.

---

## **Article 9: Nationality law and aliens law**

### **1. Nationality law**

The Netherlands Nationality Act (RWN) underwent radical change as from 1 April 2003. Roughly speaking, the changes concerned four areas: family law, improvements in the position of minors and young adults, combating fraud, and expansion of the options regarding (and in some cases greater acceptance of) dual nationality. Since 1 April 2003, women, like men, have no longer automatically lost their Dutch nationality if they voluntarily take on their spouse's nationality.

The Netherlands Nationality Act was also amended when the Adoption (Conflict of Laws) Act ('the WCAD') entered into effect on 1 January 2004. To the existing provisions of the Netherlands Nationality Act, which provides for children whose adoption is recognised for the purpose of acquiring Dutch nationality, on the basis of the 1993 Hague Adoption Convention, similar provisions have been added that provide for acquiring Dutch nationality as a consequence of overseas adoptions that do not yet come under the Hague Adoption Convention. The legal requirements for acquiring Dutch nationality are as follows: the adoption must be eligible for recognition under Section 6 or 7 of the Adoption (Conflict of Laws) Act; it must be a 'strong' adoption; at least one of the adopting parties must have been a Dutch national on the day the decision became final; and the child must have been a minor on the date of the decision.

### **2. The Aliens Act 2000 and aliens policy**

#### **i. Aliens Act 2000**

The new Aliens Act came into effect on 1 April 2001. Dutch general asylum policy includes matters relating specifically to gender. Procedure 148 was added to the Aliens Act Implementation Guidelines at the time the Aliens Act 2000 came into effect. A conscious decision was made here not to include a separate chapter on asylum applications submitted by women, but to incorporate the different subjects of the procedure into the equivalent general sections. Not only would a general chapter about women not fit in with the structure of the Aliens Act Implementation Guidelines, but it could also give the erroneous impression that the policy as described applies in the first instance to situations in which the asylum seeker is a man, and that female asylum seekers are exceptions.

#### **ii. Aliens policy in relation to women**

In recent years, several points of Dutch aliens policy in relation to women have been adjusted. On 25 April 2000 a policy memorandum was published on the position of women in the Netherlands' aliens policy, and under current aliens law. The policy proposals incorporated into this memorandum led to the issuing of an Interim Supplement to the Aliens Act Implementation Guidelines (TBV 2000/25). Some of the changes entail permitting marital and other partners to remain in the Netherlands if the marriage or relationship is severed within three years due to the death of the sponsor, and permitting continued residence if the relationship or stay has lasted less than three years and there are additional urgent humanitarian reasons for granting a residence permit (such as the situation of single women or the social position of women in the country of origin).

If a relationship or stay in the Netherlands has lasted more than three years, continued residence is permitted. This policy has lately been widened for cases involving domestic violence. If the relationship is broken off within less than three years as a result of domestic violence, continued residence is permitted if this domestic violence has been demonstrated by means of a medical certificate combined with either an official police report or an official report of the perpetrator's prosecution.

#### *Extensive interview*

If suspicions arise during the initial Application Centre procedure that a particular female asylum seeker cannot be interviewed for medical or psychological reasons, the Municipal Health Services will be asked to make recommendations. In addition, it has been standard practice since August 2003 to ask the woman in question during the first interview whether she would prefer a female interpreter and official for the extensive interview. If she replies in the affirmative, the authorities have an obligation to do their utmost to honour this request. If this obligation proves impossible to fulfil, this does not necessarily mean that due diligence was not observed in the extensive interview. However, the unavailability of a female interpreter must be taken into account during the interview. If there is any cause to suspect that due diligence is being compromised during the interview, the matter will be referred to the Investigation Centre. The official making the decision will also have to take this into account. If there are any vague areas and gaps in the interviewee's story, the absence of a female interpreter at the interview must be taken into account as a possible cause.

#### *Traumatic experiences*

In 2001 and 2002 the Immigration and Naturalisation Service (IND) focused in detail on the subject of traumatic experiences and the way in which interviewing officials deal with such matters. Seminars and training courses on trauma policy were organised for both interviewing officials and decision makers. External experts on interviewing people who may have had traumatic experiences also contributed. In addition, an experiment was started with 'special interviewing officials' – officials given extra training in interviewing people with experiences of this kind. In 2003 there was a renewed focus on training interviewing officials in 'trauma policy and compelling humanitarian grounds', paying particular attention to interviewing techniques.

#### *Childcare*

Each Application Centre has a special area where children can be left, under supervision if necessary. They can also be left there during the extensive interview. However, this area has more limited opening hours than the interviewing section, which means that in some cases an interview may have to be carried out at a time when there are no facilities for children. The offices used to process asylum applications do normally have toys, but there is no supervision for the children. This means that if the children cannot be left alone, and no other childcare can be arranged, they are present during the interview. In such cases, however, the interviewee or his/her legal counsel or other counsellor will be given some time, prior to the interview, to arrange for childcare. In practice, interviews have only occasionally had to be stopped because of disruption by children. If this happens, the interview is resumed at another time and an effort is made to resolve the problem of childcare.

*Dutch policy on established immigrants*

The Netherlands' successful legislation and policy specifically targeting established immigrants are geared towards supporting disadvantaged members of ethnic minorities and helping them to strengthen their overall position in Dutch society. The programmes for carers are attended by large numbers of women and are helping to enhance women's opportunities and to reduce social isolation. In the period 1999-2004, the Dutch government set aside a special budget for language and integration programmes for members of ethnic minority groups who have been in the Netherlands for some time and are still having difficulty becoming integrated into Dutch society. The key factors in this disadvantaged position are an insufficient knowledge of the Dutch language and Dutch society, poor education, and unemployment.

The specific target groups eligible for integration programmes are carers and the unemployed. The goal pursued in prioritising carers is to enable them to give their children the support they need during their upbringing and school career and at the same time to enhance carers' social position by improving their language skills and their knowledge of Dutch society, the education system and so on. Programmes that focus on the combination of language and employability can help jobseekers to find work.

Municipal authorities and educational establishments play a key role in launching, designing and providing the programmes, while central government provides the budget. The policy, which is codified in legislation, was first implemented in the 54 largest municipalities, followed by nationwide implementation in 2003.

**Article 10: Education and sport****1. Education****i. Primary and secondary education****Girls in primary and secondary education**

Achieving equal opportunities for girls and boys, and for ethnically Dutch and ethnic minority children, is a major objective in primary education. Because of this, the main attainment targets for primary education on the one hand, and the level of competence required by new and established teachers on the other hand, are important issues.

The subject 'dealing with similarities and differences between the sexes' has also been explicitly incorporated into the main goals in the basic curriculum of teacher training for secondary school teachers. Students are taught how to identify and deal with cultural and gender similarities and differences, and how they can heighten their own awareness of equal opportunities issues in relation to gender. Teacher training colleges for primary school teachers as well as those training teachers for secondary, vocational and adult education stipulate that by the end of their training, aspiring teachers should have developed an understanding of the cultural, ethnic, social and emotional differences between students. They must incorporate these factors into their educational outlook and know how to increase their skills in this area. This will help to safeguard, among other things, the intercultural and emancipatory dimensions of the education they provide.

### **Girls and science subjects**

The European Union as a whole aspires to be producing 15% more science graduates (relative to the number in 2001) by 2010. On 4 July 2003, the Minister of Education, Culture and Science and the Minister of Economic Affairs presented an action plan detailing fifty steps towards achieving this target. The relevant advisory committee has stated that it considers the modernisation of educational courses more effective than expensive image campaigns.

More money has been made available for broadening the range of technical subjects taught at primary schools. This project does not provide for any activities focusing specifically on girls. It is clear from questionnaires and results, however, that girls do better than boys in this area. As a result of the increased attention paid to technical subjects at primary schools, girls are now taking more interest in them. At secondary school level, gender aspects have been taken into account when legislating for the second stage of secondary education (age 15-18) and in planning components focusing on independent study (*studiehuis*), both in the titles and content of courses. As a result, large numbers of girls have opted for the subject combination entitled 'Science and Health'.

### **Girls from ethnic minority backgrounds**

Neither the Primary Education nor Secondary Education Department at the Ministry of Education, Culture and Science pursues a specific policy for girls from ethnic minorities. Some initiatives are in progress, however, to encourage more people from ethnic minorities to train as teachers. Gender mainstreaming is pursued as a basic principle. A specific compensatory policy is in place to assist ethnic minority students. The Secondary Education Act states specifically that one of the assumptions underlying education is that the students are growing up in a multicultural society.

Dealing with differences in a multicultural society is also an explicit subject in the attainment targets set for basic secondary education (age 12-15). The Education Inspectorate monitors schools' pursuit of these attainment targets. In the programme on teaching staff for the period up to 2007, specific attention will be paid to increasing the proportion of ethnic minority staff within the teaching profession.

## **ii. Higher education (Higher Professional Education (HBO) and Universities)**

### **Participation of women in higher education**

Since 1999 the proportion of women attending higher education has been higher than that of men. There has been little change, however, in the small proportion of women opting to study the exact sciences or technical courses. Compared to their ethnically Dutch peer group, the levels of both men and women from non-Western ethnic minority backgrounds attending higher education are too low. At university level, ethnic minority women lag behind less than men, while the opposite is true in higher professional education. There appears to be a trend towards ethnic minority children staying in education longer: far more are going on from secondary to higher education than in the past, especially to higher professional education.

### Educational standard of the Dutch population aged 15-64 (by ethnic background and age)

|                  | Primary | MAVO <sup>48</sup> | VBO | HAVO/VWO | MBO | HBO | WO | Total<br>(x 1,000) |
|------------------|---------|--------------------|-----|----------|-----|-----|----|--------------------|
| <b>Women</b>     |         |                    |     |          |     |     |    |                    |
| Total            | 15      | 11                 | 15  | 7        | 31  | 15  | 5  | 5,332              |
| Ethnically Dutch | 12      | 11                 | 16  | 7        | 33  | 16  | 5  | 4,324              |
| Ethnic minority  | 27      | 11                 | 11  | 8        | 23  | 13  | 6  | 1,007              |
|                  |         |                    |     |          |     |     |    |                    |
| <b>Men</b>       |         |                    |     |          |     |     |    |                    |
| Total            | 13      | 8                  | 15  | 7        | 33  | 15  | 9  | 5,469              |
| Dutch            | 11      | 7                  | 15  | 6        | 36  | 16  | 8  | 4,443              |
| Ethnic minority  | 25      | 9                  | 14  | 9        | 22  | 13  | 9  | 1,025              |

Source: Statistics Netherlands (census) 2001.

### Female professors

Women are still underrepresented in academic posts at universities, especially at the level of professors. However, research has shown that the main obstacle is at the stage of promotions of female university lecturers to the status of senior university lecturer (UHD), which consequently impedes any promotion to professorships.

For this reason it was decided to start by addressing the promotion of women to senior lecturer positions under the Aspasia programme, which was launched in 2000 and has proven very successful. The most recent evaluation (August 2003) showed that, besides Aspasia's positive impact on the number of women now occupying senior lecturer positions, it has also boosted the number of women professors. Of the 30 women selected in the first round of the programme, eight have since become professors. In view of Aspasia's success, the minister decided to extend the programme to 2005.

### Women and technology

From 1998 until mid- 2004, the government, employers and training institutes cooperated in the platform framework AXIS, designed to support initiatives to boost women's interest in science and

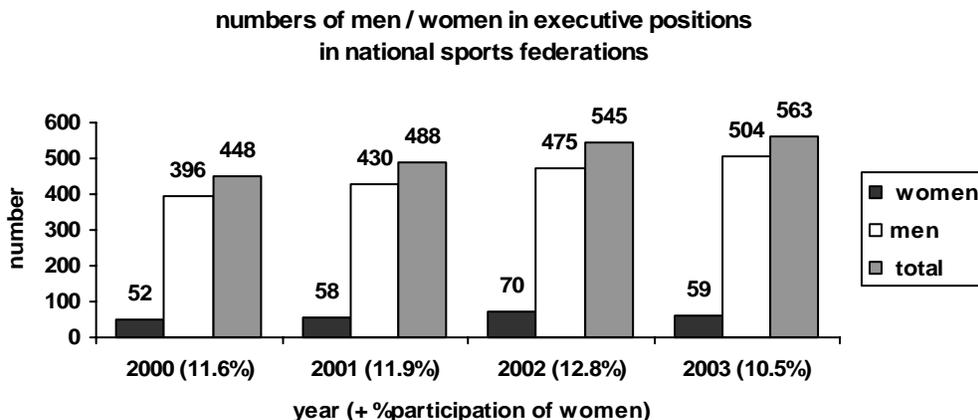
<sup>48</sup> MAVO = junior general secondary education; VBO = pre-vocational education; HAVO = senior general secondary education; (MAVO, VBO and HAVO have since been abolished and replaced by new, modified types of education); VWO = pre-university education, MBO = secondary vocational education, HBO = higher professional education, WO = university.

technology in education and the employment market, on the basis of research and analysis. The platform focused explicitly on the problematic relationship between women and technology. Numerous activities have now been set up, varying from the development and provision of teaching materials without any gender bias for primary education to horizontal influx processes for women into technical occupations.

A number of institutions providing higher technical education have been given scope to encourage women who have not taken the secondary school subjects that would have prepared them for a career in technical occupations to change to this sector of the employment market at a later stage, by means of a specially adapted curriculum. An example of good practice is the role played by the National Organisation of Women in Higher Technical Education (VHTO) in the structuring or revision of curricula of higher education training courses to remove gender bias, specifically in the sciences. The VHTO develops and supports a range of initiatives designed to attract women to technical education.

## 2. Participation in sport

Dutch men and women take part in organised sport in roughly equal proportions.<sup>49</sup> While 65.1% of women belong to one or more sports clubs, the corresponding figure for men is 64.6%. This equality is not reflected in the executive boards of sports clubs and federations, however. At national level, relatively few executive positions are held by women (*see diagram*). This number actually fell slightly in 2003 relative to 2002, after modest increases in previous years.



The male-to-female ratio in national management was also compared to the composition of the federation's total membership. A sports federation is deemed to have equal representation if the executive board displays the same male/female ratio as the membership. The total number of national federations and members remained approximately constant in this period: 56 federations and approximately 3.1 million members respectively, excluding the Royal Netherlands Soccer Federation (KNVB). To have included the KNVB's large membership would have distorted the picture of the national trend. The figures show that ten federations have equal representation at the

<sup>49</sup> SCP (Social and Cultural Planning Office), Sports Report, 2003.

level of the executive, that in six associations (11%) men are underrepresented ('male sports' such as boxing, darts, tug-of-war, cricket, rugby and drafts) and in forty associations (71%) women are underrepresented.

The impression exists that the proportion of women occupying executive positions at regional, district and club level is higher, reflecting more evenly the male/female ratio in the membership as a whole, though as yet there is insufficient reliable information on this point to state this with certainty.

The government believes that it would be undesirable to undermine the autonomy of sports federations in their selection of executive members. The Ministry of Health, Welfare and Sport has provided financial support to develop instruments to guide the male/female ratio in executive boards of federations into more balanced channels. A collaborative effort involving the Netherlands Olympic Committee\**Netherlands Sports Federation (NOC\*NSF)*, the Netherlands Institute for Sport and Physical Activity (NISB) and the National Network for Women in Sport (LNVS) uses these instruments and provides support in the recruitment, training and promotion of female executive board members. Over the next few years it will be up to the sports federations to use these instruments to appoint more women to executive and management positions.

## **Articles 11 and 13: Employment and economic life**

### **1. Promoting equal rights**

The aim of combating discrimination is to create equal opportunities and treatment for men and women. In the areas of work, care and income, this boils down to enforcing equal pay and improving the quality of women's work and the position of female entrepreneurs in relation to pregnancy, childbirth and adoption.

#### **i. Equal treatment in the workplace**

To create equal opportunities in the employment market, a number of statutory improvements were made in the period 2000-2004. For instance, a special rule for the distribution of the burden of proof was incorporated into the Equal Treatment (Men and Women) Act as of 1 January 2001. It shifts the burden of proof to the party accused of discrimination, thus strengthening the position, in civil law proceedings, of the person making the allegation. This new provision implements EC directive 97/80/EC regarding the burden of proof in cases of sex discrimination in Dutch legislation. It makes the existing national equal opportunities legislation more effective by eliminating obstacles relating to the burden of proof.

As from 2004 this new rule also shifts the burden of proof in cases involving discrimination on other grounds, such as race, nationality, homosexual/heterosexual orientation, religion, belief, age, and disability or chronic illness.

On 1 December 2002 the Equal Treatment (Temporary and Permanent Contracts) Act came into effect. Under the terms of this Act, employers may not differentiate between employees on the grounds of whether they have temporary or permanent contracts, unless there is some objective justification for it. The new Act does not apply to temporary agency staff. This Act is of particular

importance to employees with temporary employment contracts, among whom women and employees from ethnic minorities clearly predominate.

#### *Pre-employment Medical Examination Complaints Committee*

The Pre-employment Medical Examination Complaints Committee was set up in 2002, pursuant to the Medical Examinations Act. This independent committee investigates complaints relating to medical examinations during job application processes and then gives its decision. Although the committee's decisions are not binding, if it concludes that the medical examination breached the Act in some way, this will generally benefit the complainant's case in civil proceedings.

#### *Policy measures*

Although the principle of emancipation is broadly anchored in legislation, discrimination in the workplace still occurs in practice. Research has shown that while there may be support for emancipation, employers and employees are insufficiently aware of the relevant legislation. In the period 2002-2004 the Ministry of Social Affairs and Employment has therefore carried out the 'Article 13 project', which aims to anchor the principle of equality in the workplace. The project is implemented together with employers' organisations and trade unions, the Equal Treatment Commission, and various non-governmental organisations.

The project encompasses all the grounds on which the Equal Treatment Act prohibits discrimination: gender, race, nationality, religion, belief, civil status, heterosexual or homosexual orientation, and political opinion, and also includes 'duration of service'. Needless to say, the new grounds of age, disability and chronic illness and temporary/permanent employment contract are also included in the project.

#### *Equal treatment and small employers*

In this sub-project, which is a collaborative venture involving the Netherlands Small and Medium-sized Enterprises (MKB) employers' organisation, a large number of trade journals are publishing articles about equal treatment. This employers' organisation wrote a special article about equal treatment that was distributed among its membership. The 'MKB Service Point' hosts a comprehensive theme site on equal treatment on its website.

Finally, the theme of equal treatment is used by the consultancy 'MKB adviseurs' and by the training bureau 'MKB cursus & training'. The latter bureau has incorporated issues relating to equal treatment into a number of training courses for employers, and plans to hold informative meetings for sectoral organisations and others. 'MKB adviseurs' have included questions on equal treatment in their quick scan, the tool entrepreneurs can use to have their companies checked for matters such as economic criteria, personnel policy and so forth.

## **ii. Equal pay**

Equal pay is a responsibility shared by the government and the social partners. Individual employers and employees are also expected to take an active approach.

The government is stimulating equal pay by means of the Equal Pay Action Plan, which was submitted to the House of Representatives of the States General in 2000. This plan includes the following components:

- consultation with social partners, to encourage them to deal with the issue of unequal pay. This resulted in an 'equal pay checklist', developed by the Labour Foundation for the benefit of the members of the employers' organisations and trade unions that are affiliated to the Council;
- the development of tools and instruments.
  - In 2001 a verification tool for gender-neutral job evaluation was commissioned by the Ministry of Social Affairs and Employment. This tool is currently used by system controllers who test job evaluation systems for gender neutrality, in collaboration with representatives of the social partners.
  - In 2002 a pilot micro-study of equal pay was launched. At present, information about discrepancies in pay between men and women is only available at macro level. However, whether there is a truly unjustified pay discrepancy can only be assessed on the basis of an analysis of individual situations. The University of Utrecht has developed a method, commissioned by the Ministry of Social Affairs and Employment, to investigate whether unjustified pay discrepancies exist within organisations. This study was submitted to the House of Representatives in 2003 and the new research method is currently being translated into a user-friendly management tool with which organisations can test their own pay systems for unjustified discrepancies.
- With the aid of a grant from the Ministry of Social Affairs and Employment the Equal Treatment Commission (CGB) is to develop a software programme to analyse pay systems. A 'quick scan' can enable the rapid and efficient assessment of the need for further investigation, making it possible to perform a large-scale testing of pay systems and policies for discriminatory elements without incurring long waiting periods and delays. The quick scan can increase support for submitting pay policies to the CGB and thus enhance policy measures aimed at equal pay;
- Biannual investigation by the Labour Inspectorate into pay discrepancies between men and women, ethnically Dutch and ethnic minority employees, full-time and part-time employees, and employees with permanent and temporary employment contracts;
- Information supply. The Ministry of Social Affairs and Employment has issued a number of pamphlets and also provides information on equal treatment and equal pay on its website ([www.employment.gov.nl](http://www.employment.gov.nl));
- Manual for gender-neutral job evaluation.

Parliament has been kept informed on a regular basis of the progress made in implementing the Equal Pay Action Plan.

*Labour Inspectorate survey*

The survey carried out by the Labour Inspectorate provides valuable information at macro level. It is important to monitor trends and developments over time in the pay differences between men and women.

In 2002 a follow-up study by the Labour Inspectorate based on the figures for 2000 showed that the unadjusted pay gap in the market sector between men and women is still 23%, and the adjusted pay gap remained constant in the period 1996-2000. In the government sector, the unadjusted pay gap is 15%, and the adjusted pay gap was 3% in 2000. This was a fall of one percentage point relative to 1998.

The unadjusted gaps can be attributed, among other factors, to differences in job levels, education and years of service. The adjusted pay gap cannot be fully explained. It may be attributable to pay discrimination, but other factors may also be to blame. The studies carried out by the Labour Inspectorate only provided representative information about pay differences between men and women at macro level. Whether there is a truly unjustified pay gap, however, can only be assessed on the basis of an analysis of individual situations.

## 2. Employment rate and economic independence of women

### Working population classified by gender and occupational status (ages 15-64)

|   | Women (x 1,000) |       |       | Men (x 1,000) |       |       | %Women in labour market |      |      |
|---|-----------------|-------|-------|---------------|-------|-------|-------------------------|------|------|
|   | 1992            | 1995  | 2001  | 1992          | 1995  | 2001  | 1992                    | 1995 | 2001 |
| Working population                          | 2,105           | 2,249 | 2,848 | 3,781         | 3,814 | 4,215 | 36%                     | 37%  | 40%  |
| Unskilled occupations                       | 150             | 170   | 211   | 190           | 230   | 269   | 44%                     | 42%  | 44%  |
| Semi-skilled occupations                    | 620             | 582   | 687   | 1,000         | 928   | 1,000 | 38%                     | 39%  | 41%  |
| Intermediate occupations                    | 779             | 869   | 1,136 | 1,478         | 1,498 | 1,616 | 34%                     | 37%  | 41%  |
| Higher professions                          | 365             | 400   | 582   | 698           | 702   | 865   | 34%                     | 36%  | 40%  |
| Academic professions                        | 95              | 115   | 205   | 316           | 320   | 396   | 23%                     | 26%  | 34%  |
| Managers in higher and academic professions | 14              | 15    | 43    | 83            | 94    | 125   | 14%                     | 14%  | 26%  |

Source: Statistics Netherlands (survey of the workforce) 2001

Over the past few years the Dutch government has tried to make it easier for people to combine work and care. The aim is to meet the needs and wishes of a growing number of working people who combine a job with care responsibilities, but also to encourage more women to take paid employment and more men to be involved in care. Most of the measures being taken are geared towards improving the feasibility of combining work and family responsibilities. The government's policy aspires to attain the following goals by 2010:<sup>50</sup>

- women's net employment rate to reach 65%;
- over 60% of women to be economically independent;
- women's share of total income from employment to exceed 35%;
- men to take on at least 40% of care responsibilities.

These targets are in line with European employment policy (National Action Programmes). At the Lisbon summit in March 2000, the European Union Member States agreed on a target employment rate for women of at least 60% by 2010. The objectives quantified above are intended primarily to enhance the quality of society and the lives of individual citizens and those under their care. This is why the government not only invests in promoting employment and economic independence, but also in the quality of work, scope for combining work and personal activities, and social and other forms of care. The government's aim is to reduce the pressure of time arising from extensive care tasks by creating the conditions needed to achieve a better balance between people's working and private lives, over their lifetimes viewed as a whole.

- Between 1988 and 2002 the percentage of women in paid employment for at least 12 hours a week rose from 36% to 54%;
- The percentage of women aged between 15 and 65 who were economically independent rose from 31% in 1995 to 39% in 2000;
- The proportion of unpaid work done by men in 2000 was 35%, the same figure as in 1995.

### **Position in the employment market of persons aged 15-64, by origin**

|                                | <b>women</b> |             | <b>men</b>  |             |
|--------------------------------|--------------|-------------|-------------|-------------|
|                                | <i>1994</i>  | <i>2001</i> | <i>1994</i> | <i>2001</i> |
| <b>Net employment rate (%)</b> |              |             |             |             |
| Ethnically Dutch               | 43           | 55          | 73          | 80          |
| Western ethnic minorities      | 40           | 54          | 67          | 73          |
| Non-Western ethnic minorities  | 28           | 40          | 45          | 60          |
| Turkish extraction             | 16           | 33          | 41          | 62          |

<sup>50</sup> Multiyear emancipation policy plan, p. 23 (Parliamentary Papers House of Representatives, 2000-2001, 27 061, no 3).

|                                | women |      | men  |      |
|--------------------------------|-------|------|------|------|
|                                | 1994  | 2001 | 1994 | 2001 |
| Moroccan extraction            | 20    | 26   | 36   | 56   |
| Surinamese extraction          | 40    | 59   | 54   | 66   |
| Antillean/Aruban extraction    | 34    | 48   | 53   | 62   |
|                                |       |      |      |      |
| <b>Unemployment (%)</b>        |       |      |      |      |
| Total                          | 11    | 5    | 7    | 2    |
| Ethnically Dutch               | 10    | 4    | 5    | 2    |
| Western ethnic minorities      | 15    | 6    | 9    | 3    |
| Non-Western ethnic minorities: | 23    | 9    | 27   | 9    |
| Turkish extraction             | 31    | 7    | 30   | 8    |
| Moroccan extraction            | 18    | 15   | 33   | 8    |
| Surinamese extraction          | 20    | 5    | 19   | 8    |
| Antillean/Aruban extraction    | 23    | 7    | 21   | 9    |

Source: *Emancipation monitor 2002*, pp. 77 and 86.

## Poverty

The second national action plan (NAP) to combat poverty and social exclusion was published in 2003. In this NAP, the ministries involved formulate target objectives aligned with the joint European objectives for combating poverty.

Based on a scientific analysis of poverty risks and the government's scope for influencing these risks, the NAP 2003 focuses on specific risk groups. Initial analyses show, among other things, that women are more likely than men to be affected by an accumulation of poverty risks. The groups requiring extra attention include women from ethnic minorities and single women.

One determinant that increases the risk of poverty is single parenthood, which applies mainly to women. This means that material deprivation occurs more frequently among single parents. This is partly because the proportion of single parents living on a minimum income for extended periods of time is above the national average. Between 1995 and 2000 this figure fell from 14.4% to 7.7% of the total number of single parent families.

For each target objective an assessment was made of the role played by gender difference in the problems encountered. Differences between men and women are apparent in the standardisation of benefits for single parents, the reintegration into employment of single parents on social assistance benefit, and the separate facilities provided to support women within the overall social support system. By way of follow-up to the NAP, consultations are taking place with the ministries

involved, where relevant, to determine ways in which the differences between the problems faced by men and women could be taken into account in target objectives and measures.

### **Female independent entrepreneurs**

The Invalidity Insurance (Self-employed Persons) Act is to be repealed. Among other things, this Act regulated the payment of benefits to self-employed women during pregnancy and maternity leave and adoption leave. How such payments are to be arranged after the Act's repeal is still under consideration.

### **New tax system**

The new tax system, which was introduced on 1 January 2001, significantly boosts women's economic independence. One way in which it does so is by lowering tax rates and substantially increasing tax deductions for employees. To help parents combine employment and childcare, a special tax credit was introduced: as from 2004, the partner earning less will be eligible for it. General tax deductions are now paid out directly to the dependent partner instead of – as under the old system – to the breadwinner.

## **3. Improving employment conditions**

### **Invalidity Insurance Act**

In 2001 the influx into the scheme set up by the new Invalidity Insurance Act (WAO) was over 104,000 applicants, 55% of whom were women. By the end of 2001, 352,000 women were receiving WAO benefit, including 51,000 among the under-35s. A number of studies have been carried out to find explanations for the large influx of women into the WAO. The studies have focused on factors including types of jobs, working conditions, double workload, capacity for employment, and the role played by motivation. Social environment and occupational health officers also play a role. It is not possible to pinpoint any single cause or solution. All those involved – the women themselves, employers, safety, health and welfare services and the employees' insurance schemes implementation agency (UWV) – must contribute to possible solutions.

In mid- 2003 the Minister of Social Affairs presented a Plan of Action on Women and WAO, in which he stated that all parties involved must accept joint responsibility for tackling the problems. This means focusing specifically on women, in a variety of possible areas:

- sickness absence prevention and support within companies. Examples include HRM policy, company medical care, and occupational safety, health and welfare agreements;
- the employees' insurance schemes implementation agency (UWV), for instance in medical examinations and reintegration into employment;
- the facilitation of measures relating to the combination of employment and care;
- measures taken in response to physical problems;
- reintegration into employment.

The House of Representatives of the States General has approved the Plan of Action.

#### **4. Combining work and care**

The government aims to encourage partners in a household to share the responsibilities of work and care more evenly, so that women can take on more paid employment and men can take on more care tasks. At the same time, several statutory schemes facilitate the combination of work and care. The key features of these schemes are:

- an emphasis on creating time for childcare responsibilities by granting the right to work part-time and the right to various forms of leave;
- a financial scheme per leave arrangement, taking into account the responsibilities of all parties involved (government, employers and employees).

The two most important policy instruments are the Working Hours (Adjustment) Act (July 2000) and the Work and Care Act (December 2001).

##### **Working Hours (Adjustment) Act**

The Working Hours (Adjustment) Act (WAA), which came into force on 1 July 2000, makes it possible for employees to adjust their working hours, not only to take on *extra* care tasks at certain stages in their lives (for instance having shorter working weeks while their children are young), but also to shed care tasks at other stages (working for longer hours once the children have left home). The statutory entitlement to part-time work makes it easier for women to remain in employment after the birth of their first and subsequent children. Part-time work is very common in the Netherlands, particularly among women. The Working Hours (Adjustment) Act was evaluated in 2003. It is not part of the Work and Care Act, as was originally intended; the current government decided to make it a separate act.

Equal treatment of full-time and part-time employees is guaranteed by the 1996 Equal treatment (Full-time and Part-time Workers) Act (WOA) which was evaluated in 2003. This evaluation showed, among other things, that part-time employees are now no longer partly or wholly excluded from the coverage of collective labour agreements as they often were in the past. There is broad support among employers, employees and works councils alike for the equal treatment of employees regardless of their working hours. Since the Act came into effect in 1996, two out of five employers have adjusted their terms and conditions of employment and fringe benefits to combat unequal treatment based on working hours.

The text of the Equal treatment (Full-time and Part-time Workers) Act deliberately avoids any reference to full-time or part-time employees. The non-discrimination principle formulated in this Act hence fulfils the obligation arising from Article 5 of the UN Women's Convention, namely the obligation to combat the dominant gender ideology.

##### **Work and Care Act**

The Work and Care Act, which has been in force since December 2001, offers scope to adjust working hours *temporarily* in order to fulfil pressing care tasks. The government intends to expand

this law to include entitlement to take long-term leave to care for a dangerously ill child, partner or parent. The bill to provide this entitlement is currently before parliament.

Part-time employment provides scope for the *long-term* adjustment of working hours to the requirements and obligations of combining work and care. For *temporary* adjustments of working hours to accommodate current care tasks, the Work and Care Act provides for a number of leave schemes, as follows:

- 16 weeks' pregnancy and maternity leave. In 2002 a total of 126,000 female employees and 5,000 self-employed women claimed the benefits concerned; the total amount of money involved was €812 million.
- emergency and other short-term leave: as many hours as are necessary.
- short-term carer's leave: maximum of ten days per year.
- paternity leave: two working days.
- adoption leave: for every parent (whether employee or self-employed) four weeks. In 2002, a total of 424 employees claimed this form of benefit: 223 men and 201 women. The total expenditure was €0.5 million. As from July 2004, as a result of the abolition of the Invalidity Insurance (Self-employed Persons) Act, the self-employed are no longer entitled to benefit in the event of adoption.
- parental leave: 13 weeks for each parent. In 2001 a total of 55,000 employees (39,000 women and 16,000 men) took parental leave. This is 25% of all those entitled to this form of leave: 42% of entitled women and 12% of entitled men.<sup>51</sup>

Over the next few years the 'work and care' policy will be characterised by:

- *completion and streamlining.* The Long-term Carers' Leave Act (5 July 2002) provides conditional entitlement to a maximum of six -weeks' leave if a partner, parent or child is dangerously ill. The government also plans to introduce a general financial scheme for longer leave during working life, to be known as the Life-Course Savings Scheme. The aim is to financially facilitate longer periods of unpaid leave for employees, to help them to combine work and family responsibilities throughout their working lives. The new scheme will be based on the existing fiscal leave-saving scheme, which will be extended and made more attractive. A gender impact assessment of the Life-Course Savings Scheme will be carried out in 2004. The aim is to introduce the new scheme in 2006.
- *evaluation and improvement.* The Working Hours (Adjustment) Act was evaluated in 2004, and the Work and Care Act will be evaluated later in the year. Where possible and necessary, the legislation will be amended in response to these evaluations.
- *increasing the effectiveness* of work and care policies by giving maximum publicity to the available statutory schemes. The government will continue to disseminate information on existing and new measures.

<sup>51</sup> W. Portegijs, A. Boelens, S. Keuzenkamp, (Social and Cultural Planning Office/Statistics Netherlands), *Emancipation monitor 2002*, p. 112.

### **Invalidity Insurance (Self-employed Persons) Act**

Until July 2004, self-employed people were entitled to benefit, in certain care situations, for the same period as the statutory leave applicable to employees. This applied to the benefit payable during the 16 weeks surrounding childbirth (for self-employed women) and that payable for four weeks in the case of adoption for each of the adoptive parents (for self-employed men and women). These benefits were paid from the special invalidity insurance fund set up for the self-employed. The current government has abolished the compulsory invalidity insurance for the self-employed along with the associated benefits fund and the entitlement to the aforementioned benefits for the self-employed.

### **5. Childcare**

One important precondition for improving employment rates among women is the availability of sufficient and affordable childcare. During the period covered by this report, the government invested heavily in childcare. To achieve this, it opted for a mixture of policy instruments.

In the first place, the scheme extending childcare, out-of-school care and family home help provided municipalities with an incentive to increase the number of places in day nurseries. The number of places rose from over 93,000 in 1998 to nearly 185,300 in 2003,<sup>52</sup> an expansion especially concentrated in the out-of-school care sector (from 19,000 to 61,600 places). The result is far shorter waiting lists for day nurseries, and supply and demand are now in equilibrium in many parts of the country.

The fiscal advantage for employers who contribute to their employees' childcare costs and that for parents paying for childcare were increased in 1999, 2000 and 2001. Partly in response to this fiscal stimulus, the social partners have taken it upon themselves to intervene in businesses and sectors of industry, concluding agreements on employers' contributions to their employees' childcare costs. By mid-2003, almost 70% of employees could take advantage of the scheme whereby employers contribute to childcare costs.

#### *Childcare Act*

A new piece of legislation called the Childcare Act will enter into effect in 2005, and will reform the existing system. 'Demand-led funding' provided via parents will replace 'supply-led funding' by the municipal authorities. This Act aims to make it easier for parents to arrange childcare for their children and hence to combine work and care. It will regulate financing, parental contributions and quality better than in the past. The existing tax measures for childcare will be incorporated into the Childcare Act.

#### *Monitoring*

Employers' contributions and the supply and price of childcare facilities are studied regularly. The percentage that employers contribute towards childcare costs is studied every year. In 2003, 63% of

---

<sup>52</sup> *Monitor expanding childcare 2003*; VdMA, Deloitte & Touche/ ICS advisors, November 2003 (House of Representatives Documents, SZW 04-466).

employees contributed towards the costs of childcare; of these, approximately 68% were paying costs for 0-4 year-olds and approximately 46% were paying costs for 4-12 year-olds.

In the estimates for 2005 it is assumed that 68% of employees contribute towards the costs of childcare: this breaks down to 75% of employees contributing under the scheme for 0-4 year-olds and 54% under the scheme for after out-of-school care. Non-affiliated and small employers lag behind large employers and those affiliated to employers' organisations.

For the year 2004 only, the Government has provided tax incentives to encourage more small and medium-sized companies to contribute towards their employees' childcare costs.

Developments in the supply and price of childcare are also monitored. At the end of 2003 there were approximately 191,000 childcare places. With most children in part-time care, each place is used by 1.8 children. The supply in urban areas is greater than in the countryside, with figures varying from 8 to 20 full-time places per 100 children aged 0-4.

Childcare costs have risen dramatically in recent years, in part due to improvements in the pay of childcare personnel. In 2004 a full-time place in a day nursery and out-of-school care cost €13,400 and €7,015 a year, respectively.

## 6. Specific measures

### Women returners

If employment rates among women are to reach 65% by 2010, to meet the government's goal, extra incentives are required. In this context, parliament called for a plan of action to get potential returnees without social security, especially women, back into the paid workforce. This plan was sent to parliament in 2001, and was further updated in July 2003. On 1 October 2003, this plan was discussed with, and subsequently endorsed by, the permanent parliamentary committee for Social Affairs and Employment. The updated plan of action is geared towards finding jobs – that is, paid employment for 12 hours or more a week – for 50,000 returnees between 2002 and 2005 (this entails paid work of 12 hours or more a week between 2002 and 2005).

It has been acknowledged that there is a mismatch in the labour market. The returnees' seeking to re-enter the job market do not match employers' requirements; their qualifications are often poor or no longer sufficient. In addition, supply and demand vary widely from region to region. Voluntary agreements have therefore been adopted as the most important instrument in achieving the set goals.

Special attention will be paid to voluntary agreements that improve the opportunities of migrant women returning to work, since certain ethnic minority women are markedly under-represented in employment. The parties to the voluntary agreements parties will report back to the ministry four times a year on the results they have achieved.

### Child maintenance

The *multiyear emancipation policy plan* (2000) announced a study of the relationship between child maintenance, social security, and the scope for single parents to become financially self-sufficient. The study revealed gaps in the fixing and collection of child maintenance, as a result of which the

parent caring for the children ‘automatically’ applies for social security after a divorce.<sup>53</sup> Stricter regulation could prevent responsibility being passed on to the social security system in this way. In response to the results of this study, the government set up an interministerial policy review. This review focused on the extent to which parents fulfil their responsibilities to make child support payments and the consequences of the increasing diversity in the formation of families. As things stand, child maintenance regulations are still primarily geared towards formal divorce. The findings of this review, which was completed in 2002,<sup>54</sup> prompted the government to review the law on child maintenance. A new bill is currently being debated by the House of Representatives.

### **Women from ethnic minorities and the labour market**

Ethnic minority women are under-represented in the labour market. Among Turkish and Moroccan mothers and refugees, in particular, there has been a sharp decline in both participation in the labour market and involvement in civic society. Improving the local coordination of initiatives for migrant women is a key aim.

The policy document Labour Market Policy for Ethnic Minorities, Plan of Action 2000-2003, comprised proposals aimed at closing the gap between the participation of ethnic minority women and ethnically Dutch women in the workforce and at removing obstacles. The measures concerned are all geared towards ethnically Turkish, Moroccan, Surinamese and Antillean women and female refugees.

A special study analysed the opportunities and incentives for the participation of single and married women from ethnic minorities in the workforce, and obstacles impeding such participation. In response to this analysis, the Committee for the Participation of Women from Ethnic Minorities in the Labour Market (AVEM) made a number of recommendations in March 2002. The most important ones were as follows: improvements in integration programmes; better identification and utilisation of skills; expansion of childcare provision; incentives for workforce participation; improved methods for reaching target groups; measures to combat the poverty trap; providing direction, monitoring and evaluating results.

In response to the Committee’s recommendations, the government took measures aimed at eliminating obstacles to the participation of ethnic minority women in the labour market and at reaching this group more effectively.

In 2003 the AVEM Committee was succeeded by the Committee for the Participation of Women from Ethnic Minorities (PAVEM). This committee has been assigned a mediating role, and has been mandated to support municipal authorities in their pursuit of policy to promote the participation of women from ethnic minorities in employment and in Dutch society. Municipalities authorities are to provide more direction. The PAVEM Committee, which has been appointed for two years, is starting by focusing on the thirty largest municipalities.

---

<sup>53</sup> G. Jehoel-Gijsbers, L. Kok & L. Janssen, *Single parents, the combination scenario and child support, a study into bottlenecks and solutions in legislation and implementation*, 2001.

<sup>54</sup> The child’s interests central: responsibility remains. Final report of the maintenance policy working group. Interministerial policy review, 2002.

Besides the general policies pursued by the Ministry of Social Affairs and Employment, which include policies on ethnic minorities, specific measures are needed to increase the participation of ethnic minority women (and men) in the labour market. The efforts of the Ministry of Social Affairs and Employment to encourage women returners to take paid employment also target also ethnic minority women not receiving benefit who want paid employment. In March 2003 the inventory of policy envisaged by the ‘emancipation and integration’ plan of action was presented to parliament.<sup>55</sup> (See also article 1: emancipation and integration).

### **Employment of Minorities (Promotion) Act**

The Employment of Minorities (Promotion) Act (SAMEN), which targeted men and women from ethnic minorities, was repealed on 31 December 2003. In September 2003 the government submitted its response to the evaluation of this Act to the House of Representatives of the States General. This response provided an overview of the measures the Government plans to use in its efforts to continue to increase labour participation among ethnic minorities. It was decided not only to stimulate a multicultural personnel policy but also to aim for a broad management of diversity on the part of employers.

#### *Incentives projects for ethnic minority groups (SPAG grants)*

To boost efforts to attract people from ethnic minorities who have no links with the employment market into paid employment, the Ministry of Social Affairs and Employment will give grants to 28 municipal authorities to subsidise projects aimed at activating and supporting these groups in connection with employment or education. In 14 of the 28 “SPAG” municipalities the incentives project is expressly focuses on women as well as men. This project will run until mid-2004.

### **7. Combining work and care**

In 1999 the Dutch government made €27 million available for a four-year period for the Combination of Paid Work and Care Incentive Scheme. The purpose was to encourage local experiments to find easier ways of combining work and family life in the Netherlands. Creative new alliances between companies, public authorities (in particular local authorities), and organisations such as schools and childcare and other care providers could yield simple but powerful solutions. The results of these experiments have provided national and local policymakers and employers with input for the further development of policy on combining work and care.

The 140 experiments, involving the collaborative efforts of 1,000 organisations, generated a great many concrete solutions and products to make it easier to combine work and household responsibilities. They were conducted in many parts of the country and exhibited considerable diversity. The experiments have provided some good examples, and have proved that it is possible to make certain adjustments to alleviate difficulties that women and men experience when trying to strike a balance between work and private life.

Two-thirds of the experiments will either be completely or partially continued, have now been anchored in local policy, or else their results have been adopted by other organisations, sectors or

<sup>55</sup> *Emancipation and integration*, 2003 (House of Representatives Documents, SZW 03-194).

regions.<sup>56</sup> Meanwhile, the Department for the Coordination of Emancipation Policy is exploring new ways to expand this innovative approach. A government response to the final recommendations of the steering group and an implementation plan are being prepared in 2004.

#### *ESF3 subsidy scheme for combining work and care*

The sixth cluster of the European Social Fund's objective 3 programme is for combining work and care (sometimes called 'daily routine'). In the period 2000-2006, 1% of the total available ESF3 budget in the Netherlands (amounting to €17.5 million) was allocated to experiments aimed at making it easier to combine work and care. A subsidy scheme has been set up to encourage combining work and care; there will be an annual opportunity for applications, the emphasis being on specific priorities and points of interest. A total of 27 local experiments were launched in 2002, and another 70 in 2003, covering the following themes: 'ethnic minority task combiners', 'small-scale (care) businesses', 'rural areas', 'localised time initiatives/time bureaus', 'flexible school hours and daycare provision', 'flexible working hours' and 'time, space and transport'. Besides this, implementation processes will disseminate the successful results of earlier experiments to other organisations and help to incorporate them into local or central governmental policy or other measures.

A plan is currently being prepared 2004 to improve the social infrastructure and to encourage municipalities to actively shape policy focusing on education, childcare and leisure facilities, and 'combination jobs' involving a mix of tasks in education, care, and/or sport. Additional ESF3 funding will be provided if necessary.

#### *Combining work and family responsibilities*

The experiments on combining work and care did not focus solely on finding solutions for combining paid employment and childcare. There are also many obstacles impeding the combination of employment and other family responsibilities, responsibilities that are largely borne by women. In the Netherlands, older women in particular increasingly find themselves having to care for infirm parents, sick partners or other family members. A large percentage of these women also have, or would like to have, paid employment. Family care providers who are in paid employment have high levels of absenteeism. The experiments on combining work and care have generated a range of possible solutions to the problems that these women encounter: the 'care broker' (who takes over management tasks), convenience services in the neighbourhood, respite care provided by host families or formal care institutions, better use of the personal budget option, leave arrangements, the introduction of flexible working hours, and employees' management of their own working hours. These solutions can be of great help to older female employees who are called upon to provide time-consuming, long-term family care. They also meet the needs of employers: retaining experienced and expert personnel is especially important in sectors that employ large numbers of women (including older women), such as care and education.

---

<sup>56</sup> S. Keuzenkamp (ed.), *Better for the Day. Evaluation of the Daily Routine Incentive Scheme*, research report 2003-2.

Corporate experiments focus on personnel policies that take into account the various types of care tasks and each employee's personal circumstances. These policies focus to a large extent on the circumstances and wishes of employees and the problems they face.

In the home care sector, an experiment with combining work and care was carried out that introduced Turkish and Moroccan family care providers to paid employment in the home care sector. The tools: intensive recruitment by key persons from the target group, employment contracts with flexible hours tailored to the care tasks, and specific training and coaching in the workplace. Although this approach did not specifically target older Turkish and Moroccan women, it was in fact older women who signed up for this experiment.

## **8. Senior positions in profit and non-profit sector**

Relatively few women in the Netherlands occupy senior, management or decision-making positions in the business community, politics, government, academia or civil society organisations. This under-representation is most marked in decision-making positions in trade and industry. Only 26% of management positions were held by women in 2001. Women occupy just 5% of the seats on the management and supervisory boards of large companies. Similar figures apply outside the business community, even in areas where one would not expect it, such as education. In 2000, for example, 14% of primary schools and 10% of secondary schools were run by women, and in academia only 5% of professors were women. There are also certain business sectors, such as industry and transport, that employ small numbers of women. The issue is not just one of women's upward mobility, but also of their presence in certain sectors.

The government has set targets on the basis of which companies and institutions can judge whether they are in line with wider objectives within society. The government aims to double the number of women occupying senior positions relative to 2004, i.e. on management and supervisory boards, and in business. The goal is to achieve an annual 2% increase in the number of women in senior positions after 2004. For non-profit organisations, the goal is to have women occupying 45% of senior positions in the care and welfare sector and 35% of senior positions in the socioeconomic sector by 2010. Firm targets have also been fixed for government itself. The aim is to increase the proportion of women occupying senior positions in ministries and provincial executives and other public authorities from 7% to 25% by 2010.

### **i. Glass ceiling/senior positions in profit and non-profit sectors**

In the upper echelons of the workforce – in companies, in the government, and in non-profit organisations – the rise of women to senior and decision-making positions also appears to have stalled. The tenacious 'glass ceiling' is still in place, a barrier between the senior and middle echelons of organisations that is difficult to penetrate, held in place by a range of visible and invisible mechanisms.

A variety of studies have been conducted on aspects of the glass ceiling: on the relevant statistics, sectoral differences, the role of corporate culture, and coaching as an instrument that can change organisations and make them more accessible to women.

The primary goal continues to be the proportional representation of women in influential positions in all sections of society. Diversity in top positions and in management also generates a wider understanding of the market, society, and employees. The desire expressed by the younger generation, in particular, for a better balance between work and private life will compel organisations to update their personnel policies. A corporate culture that reflects the diversity of society throughout the organisation – including at the top – is an essential foundation for achieving that aim. Some social change will come about autonomously, but to accelerate the pace of change and to achieve sustainable results, additional efforts are essential.

## **ii. ‘Mixed’: towards a better male/female balance in the workplace**

The lack of upward mobility for women is an issue in many European countries besides the Netherlands. Gender segregation in the labour market, including the failure to promote women to senior posts, is one of the points highlighted in the European Social Fund’s EQUAL programme, from which ESF subsidies are available. The ‘Mixed’ project is funded partly by the EQUAL programme and partly by the Department for the Coordination of Emancipation Policy at the Ministry of Social Affairs and Employment – to the tune of approximately €5 million in total. The programme will run from 2001 to 2004 inclusive. ‘Mixed’ focuses on both commercial companies and non-commercial organisations. Within these companies and organisations the programme focuses on female employees as well as on supervisors and personnel officers. The dual objectives of ‘Mixed’ are on the one hand to develop, distribute and test instruments that promote women’s upward mobility and on the other hand to ensure that the issue of women’s upward mobility into higher positions remains the object of concerted efforts.

Pilot schemes using the available instruments, involving a wide range of companies and organisations, are the primary means whereby ‘Mixed’ seeks to attain its goal. Thirty pilot schemes have been set up in companies and non-commercial organisations, which vary in size, sector, the degree of attention paid to diversity and promotion, and the degree of influence they exert in their own sector. The basic principle is that in each area there are pilots that devote special attention to the position of ethnic minority women. International exchanges of knowledge and experience constitute an essential element of the project. ‘Mixed’ cooperates closely with Ariadne, a comparable project in Greece. The Greeks and the Dutch will exchange information on the experience gained with these projects.<sup>57</sup>

Part of the ‘Mixed’ project is developing an international benchmark. A preliminary study has been completed which investigated the shared principles on the position of women that could be distilled from internationally relevant sustainability reports produced by companies. The results will be followed up in the form of a participation index and benchmarking.

### *Incentives for female entrepreneurs*

Independent entrepreneurship presents certain attractions for women. Since entrepreneurs are more at liberty to organise their own time and are their ‘own boss’, there is no ‘glass ceiling’ to contend

---

<sup>57</sup> More information on the content, participants and progress of ‘Mixed’ can be found at [www.mixed-equal.nl](http://www.mixed-equal.nl).

with. The government has a variety of incentives for entrepreneurship in general. Where problem areas arise in the development of entrepreneurship for women, they will receive special attention.

### iii. Benchmark for ‘Women in senior positions’

The *multi-year emancipation policy plan* (2000) set performance indicators for both the public and private sectors. The next step is the ‘Women in senior positions’ benchmark, which is currently being developed. The first benchmark report was presented to parliament in April 2003,<sup>58</sup> the objective being to devise points of reference. This will enable the Department for the Coordination of Emancipation Policy at the Ministry of Social Affairs and Employment to compare women’s access to senior positions in different sectors of the labour market, and to draw conclusions on the relative impermeability of the glass ceilings in these sectors.

As from 2004, independent companies will also be able to assess their own results against this benchmark. Based on the details they have supplied themselves, they can assess their own position vis-à-vis other companies in comparable or different sectors. This may encourage them to take measures to improve women’s chance of promotion.

#### Proportion of female managers by type of organisation (government, non-profit or commercial) and sector

| Type of organisation | Sector                          | % women | % women with higher education | % female managers |
|----------------------|---------------------------------|---------|-------------------------------|-------------------|
| Profit               | Agriculture and fisheries       | 27      | 13                            | 17                |
|                      | Manufacturing and construction  | 17      | 16                            | 5                 |
|                      | Commercial services             | 38      | 26                            | 17                |
| Non-profit           | Non-commercial services         | 61      | 53                            | 37                |
|                      | Education                       | 54      | 55                            | 28                |
|                      | Health care and social services | 79      | 64                            | 54                |
|                      | Culture and other services      | 53      | 44                            | 38                |
| Government           | Public administration           | 37      | 36                            | 23                |

Source: K. Zandvliet, *Women in senior positions, developing a benchmark*, The Hague, 2003.

### iv. Ambassadors’ Network

The Ambassadors’ Network is a group of prominent individuals from the public and private sectors who commit themselves for a year to promoting the upward mobility of women. To accomplish their goal they define concrete points of action targeting their own companies or the sector, or the

<sup>58</sup> K. Zandvliet c.s., *Women in senior positions, developing a benchmark*, November 2002 (House of Representatives Documents, SZW 03-234).

network. The Ambassadors' Network was launched jointly by the Ministry of Social Affairs and Employment and the Ministry of Economic Affairs.

The first Ambassadors' Network focused on the service industry, while the second set out to highlight women with special expertise. In 2004 the third Ambassadors' Network will take on the task of improving opportunities for women to move into senior positions.

## **Article 12: Health care and welfare**

### **1. Sexual and reproductive rights**

The UN Convention on the elimination of all forms of discrimination against women contains provisions designed to protect women from violence. These provisions include sexual and reproductive rights, according to which women are entitled to decide for themselves if and when they wish to have children. Women possess the right to determine their own sexual and reproductive behaviour. This is a fundamental human right with specific significance for women. For its fulfilment, the accessibility of information and the availability of contraceptives are essential preconditions.

#### **Teenage pregnancies**

The age of women giving birth to their first child in the Netherlands exhibits two contrary trends. On the one hand, the average age of women giving birth to their first child rose between 1970 and 2000 from 24.2 to 29.1; 18% of women now remain childless. On the other hand, the figures for abortions, teenage pregnancies and teenage mothers have increased over the past few years, especially among ethnic minority girls. High-risk behaviour among young people is on the increase. This trend is reflected, for instance, by growing numbers of sexually transmitted diseases (STDs) and unwanted pregnancies.

In 2002, the conference 'From teenage mother to career pill' was held, the aim being to gain a better understanding of the circumstances and cultural differences that influence these opposing choices. A few key recommendations emerged from the conference:

- Regular information to girls and boys on relationships and sexuality, starting in the sixth year of primary school;
- Measures to combat teenage pregnancies;
- Provide information about the risks of late pregnancies;
- Structural support and shelters for pregnant teenagers and teenage mothers;
- Measures to make it easier to combine work and care, with childcare provision as the main priority.

Although the number of teenage pregnancies has stabilised over the last three years and even decreased in 2003, preventing teenage pregnancies continues to be a priority. Several measures have therefore been taken to help prevent unwanted pregnancies. First of all, research is being conducted into the background causes of teenage pregnancies. The results

will be used to develop interventions and improve prevention strategies. In addition, campaigns specifically targeting young people have been launched. In this context a multiyear programme is being developed around school health policy, in which measures to encourage teenagers to adopt healthy sexual behaviour are an important element. Finally, there must be sufficient facilities for teenage mothers and pregnant teenagers. Refuges for these groups come under the general heading of women's refuges and are the responsibility of municipal authorities, which receive special-purpose funding for these refuges. More money has been set aside in recent years to extend the capacity of women's refuges (set to peak at €4 million in 2007).<sup>59</sup>

### **Guaranteeing the reproductive rights of refugees**

The Ministry of Foreign Affairs has entered into multilateral and bilateral policy talks with the aim of integrating the relevant terms of reference into policy and programmes and of increasing awareness of this issue within the organisations concerned and their counterparts. The objective of guaranteeing the reproductive rights of refugees has been integrated into the multilateral cooperation programmes with agencies including UNFPA, UNHCR and UNICEF. This is demonstrated by the UNFPA reports produced in the aftermath of the Gujarat earthquake and the aid provided to refugees in Afghanistan. The effort to ensure that the objective is pursued at national level in the countries concerned has been taken on by the embassies (in Sri Lanka and Indonesia, for instance). The subject was highlighted when it was placed on the agenda of the health theme experts' workshop in 2002. It was also placed on the agenda of meetings between the Ministry of Foreign Affairs and NGO partners. Reproductive health and refugee rights are important criteria in the selection of emergency aid programmes and projects to finance.

## **2. Specific categories**

### **Combining work and care and older women**

The Combining Work and Care project focused particularly on the combination of paid employment and caring for children, and therefore did not pay so much targeted attention to older women. A number of experiments were of especial relevance to older women, however, such as the project for family care providers organised by De Balans centre for informal care services and an alarm response project in Bodegraven.

People who care for the elderly in addition to their daily work have a heavy workload. The foundation 'De Stromen' therefore decided to set up a care centre in the Rotterdam and Ridderkerk region, a small-scale business providing care, comfort services and support for the elderly. This lightens the load of family care providers who also have paid jobs. The plan is to establish a franchise formula, with job and competence profiles and personnel and assessment tools. Collaborative frameworks and a system of remuneration will make it possible to provide extra services.

<sup>59</sup> Government's response to the interministerial policy review *The hidden shelters*, November 2003 (Parliamentary Papers House of Representatives 2003-2004, 29 325, no. 1).

Ultimately a business scenario will be devised for complete, fully equipped franchise locations, which will be realised in Rotterdam and Ridderkerk with the right personnel in the right legal construction. This franchise formula could then be copied by other organisations in the care sector.

A variety of projects have been conducted in recent years to assist elderly people from ethnic minorities:

- The 'Golden Rules' project, which informs older people about existing financial schemes and provides advice about budgeting with limited funds, has been adapted for use with various groups of elderly people from ethnic minorities.
- As a result of the *Pendula* project for older women, several towns in the province of North Brabant now have intermediaries for ethnic minorities. The regional training centre has even added a training course for such intermediaries to its curriculum, which started in 2002. The project itself ended in 1999.

### **Older lesbians**

By means of two projects, attempts have been made in recent years to strengthen the position of the homosexual elderly, in addition to the regular activities of the Dutch Federation of Associations for the Integration of Homosexuality COC Netherlands (the COC) and the Schorer Foundation.

In addition, a project was launched to improve the care for patients at nursing and care homes. It operates in Rotterdam as the 'Roze Rimpels' (Pink Wrinkles) project and organises staff training courses. The courses help staff to recognise and acknowledge homosexuality and to give patients the feeling that they can be themselves. After a period of preparation, the project started its training courses in 2003.

A project entitled 'Rimpels in de Regenboog' (Wrinkles in the Rainbow) which ran from 2000 until 2002 concluded with the publication of a guide for local interest groups and municipalities. This booklet provides suggestions for measures that can be taken at local level to encourage older homosexual men and women to take an active part in society. The COC is building on this project by bringing it to the attention of its local branches. In the cities involved in the pilot, the project led to networks of elderly homosexuals and local welfare institutions being set up.

The care requirements of older lesbians and homosexual men were the subject of a study that the Rutgers Nisso Group conducted in 2002-2003 under the name of 'Vrolijke Herfst' (Merry Autumn). This study conveyed a clear picture of the way the care of the homosexual elderly is experienced by the people themselves and by care institutions. Care providers can use its findings to help improve the approachability of their organisation.

### **Women from ethnic minorities and health care**

On 16 March 2004 the health minister sent the policy memorandum 'ethnic minorities and health care' to parliament. The memorandum presented the findings of the research on this subject, which produced a well-considered and varied picture.

The minister's policy is geared towards assigning responsibility for solving problems in health care for ethnic minorities to bodies at local level, which can devise tailored solutions. Changes cannot be imposed from above, but must be brought about by ordinary individuals, organisations, and professionals in the field. This is how changes occur in practice. The Netherlands has a wide range of national and local projects, initiatives and activities aimed at improving care for ethnic minorities.

There are many nuances in the general health of both men and women from ethnic minorities. Some ethnic minority groups actually have a higher life expectancy than the ethnically Dutch population. Where factors that endanger human health are concerned, a varied picture emerges. In terms of nutrition, smoking and alcohol use, ethnic minorities exhibit healthier habits, but the opposite applies where drug use and participation in sports are concerned. People from ethnic minorities are less likely to suffer from high cholesterol levels, but more likely to suffer from high blood pressure and obesity. All such findings differ according to ethnic group, gender and age (recent research has shown, for instance, that nearly 90% of women of Turkish origin in Amsterdam are overweight).

The accessibility of care for ethnic minorities is good, but there are differences in the way people from ethnic minorities make use of this provision, compared to the ethnically Dutch. There is some evidence of relatively low participation in routine breast cancer screening among women of Turkish and Moroccan origin and of relatively low participation in routine cervical cancer screening among women of Moroccan and Antillean origin. Women of Turkish and Moroccan origin generally undergo childbirth at hospital, while home births are more common among ethnically Dutch women.

For the time being it remains important to encourage those working in the field to continue to take the initiative in working with ethnic minorities; resources will be made available from 2004 to 2007 inclusive (max. €150,000 per year). Developments in the field will be followed closely.

### **3. The fight against HIV/AIDS**

In the Netherlands the fight against HIV/AIDS goes hand in hand with the efforts to combat other sexually transmissible diseases (STDs) such as chlamydia, gonorrhoea and syphilis. The number of new cases of STDs has greatly increased over the past three years. Additional efforts and measures are needed, and have been announced, to combat HIV/ AIDS and other STDs.

The main objectives of the Dutch policy on HIV/AIDS and STDs are:

1. Reducing the number of new infections: by properly informing the general public, integrating information on healthy sexual practices into school health policy, prevention programmes aimed at the highest risk groups, hygiene measures, screening pregnant women, screening donor blood, and harm reduction measures such as needle exchange programmes.
2. Improving detection and treatment (active testing policy): through low-threshold testing and treatment facilities, and by increasing awareness of the active testing policy among professional groups.

3. Eliminating the socially negative aspects of HIV positive status, such as stigmatisation and exclusion.
4. Good health care for people with HIV or AIDS: treatment can only be given at government-designated HIV treatment centres, in order to guarantee quality.

The Netherlands' development cooperation effort has always played an important role and continues to be a strong ally in the field of sexual and reproductive health and rights, which – together with HIV/AIDS – is among the current priority areas in development cooperation.

#### *Sex workers*

Prostitution is a legal occupation in the Netherlands. General legislation on working conditions and occupational health therefore also applies to this sector. There are specific prevention programmes targeting prostitutes and their clients. Municipal authorities are legally obliged to advise brothels on matters of hygiene. The consistent use of condoms plays a central role in HIV prevention among sex workers and their clients. Providing information about safe sex between sex workers and their clients is seen as the responsibility of local authorities. Taking precautions during sexual activity is regarded as an individual responsibility. Given the complicated situation at local level, local efforts to prevent the transmission of HIV and other STDs in sex work are supported nationally by the non-governmental organisation 'SOA AIDS Nederland'. Prevention activities focus on migrant prostitutes, male prostitutes, street prostitutes, transvestites and transsexuals, and prostitutes' clients.

#### *Young people*

As a potentially sexually active group, young people (both girls and boys) are at the heart of the Netherlands' active drive to promote safe sex. A national campaign has been set up especially aimed at young people, called 'I play safe or I don't play at all', in which using a condom is presented as the norm. Nearly all schools provide sex education, including information on preventing the transmission of STDs. Special material has been developed in several languages, printed matter as well as information provided on the internet or by telephone. In 2004 material is being developed for use in health education, on sex and the forming of relationships.

#### *Pregnant women*

Care for pregnant women includes the offer of standard screening of all women for conditions including the infectious diseases hepatitis B and syphilis, and since January 2004 also for HIV. If a woman tests HIV positive, she will be sent to a specialised centre to be given the necessary care. In addition, measures are taken (including the start of anti-retroviral therapy) to prevent transmission to the child.

### **4. Drugs and alcohol**

No statistics are available on nicotine dependence among women, although statistics do exist on the *frequency of smoking* among women. The Netherlands has been keeping and analysing statistics on alcohol addiction for many years.

### *Smoking*

In 2002, 28% of women over 15 years of age were smokers (as compared to 34% of men over 15). Of women over 16, 9% smoked more than 20 cigarettes a day (11% of men). The proportion of heavy smokers has declined among both men and women over the past few years. However, because of the general increase in smoking among women, the percentage of women dying from lung cancer has also increased (35 per 100,000 women in 2001 compared to 20 in 1990). In contrast, deaths due to lung cancer have declined significantly among men.<sup>60</sup>

### *Alcohol*

In 2002, a quarter of the clients receiving help in facilities for the care of addicts were women. Even so, women are actually overrepresented in these facilities, since the percentage of male addicts is much higher. It is therefore clear that female addicts are more likely to seek this assistance. Problem drinking affects 15% of the male Dutch population and 3% of Dutch women.<sup>61</sup>

## **Article 14: Women and sustainable development**

### **1. Combining Work and Care and Spatial Development**

In 2001 the Social and Cultural Planning Office conducted a preliminary study into opening hours in the Netherlands and the extent to which these are attuned to working hours and other factors.<sup>62</sup> The study's findings were used in setting up the new Monitor on Temporal Infrastructure. They were also used in an exploratory study of this subject ('Visie op Tijden') at the end of 2002, in which the various government bodies and social partners sketched the initial contours of a 'policy on time'.

Experimental studies have led to the development of models for small businesses providing care. These businesses focus on small-scale daycare in rural areas and temporary care for the elderly who would otherwise be dependent on voluntary aid. Special attention has been paid to independent businesses focusing on ethnic minorities. Given the diversity of the target groups involved, expert meetings were held on 'The effects of culture', 'Diversity in combining work and care', 'Sport and child care facilities' and 'Time'. The publications *Bouwen aan Samenwerking* ('Building for collaboration'), which described 15 examples of multifunctional school buildings, and a report on best practices in Europe and the United States (*Internationale Good Practices in Europa en de VS*) were distributed at an expert meeting on the multifunctional use of buildings.

### *Facilities*

The Committee on the Combination of Care and Paid Work examined ways of lightening the burden of those concerned (men and women) and investigated the facilities that would be

<sup>60</sup> National Drug Monitor 2003.

<sup>61</sup> IVZ 2003.

<sup>62</sup> Social and Cultural Planning Office, *Space for Time*, 2002.

required for doing so. The Ministry of Housing, Spatial Planning and the Environment contributed to this investigation by proposing a policy on combined services. Objectives in the spheres of equal opportunities and sustainability can be pursued at the same time. A good example is ‘service points’ – places that can provide a variety of services like shops along with childcare. Service points and, more in general, well-coordinated locations where people can both live and work, make it easier to combine care and paid employment, thus facilitating women’s access to the labour market and helping them to achieve economic independence. These initiatives also reduce transport and its burden on the environment.

In rural areas the experiments on combining care and paid employment have focused chiefly on maintaining or expanding the level of facilities. It is essential to achieve cooperation between formal and informal assistance and care circuits, and between volunteers and professionals. Many older women are active in both circuits. They benefit from a social infrastructure that provides sufficient facilities to prevent them becoming isolated, and that gives them enough control over the times at which they participate.

## **2. Sustainable development and water in an international gender perspective**

On the basis of the conclusions of the WSSD in Johannesburg, the Netherlands has developed a sustainable development strategy called ‘Sustainable Action’, which addresses five major themes: water, energy, health, agriculture and biodiversity. The strategy comprises a national and an international component. In line with the general policy for development cooperation, the international component has mainstreamed gender.

In addition, in order to implement part of the Beijing Platform for Action adopted in 1995 by the Fourth UN World Conference on Women, an international conference of experts in the field was held in 2000, entitled ‘Sustainable development and water in an international gender perspective’. The conference objectives were to develop a better understanding of the relationship between sustainable development and gender issues, to discuss progress and exchange experiences and best practices, and to formulate recommendations for the future. The event was attended by 90 international experts from Africa, Asia and Europe, and by representatives of a variety of relevant sectors.

The conclusions and recommendations arising from this conference were presented at the Second World Water Forum and at the Ministerial Conference on Water in The Hague in March 2000. They were also used in the preparations for the Special Session of the General Assembly of the United Nations in June 2000 in New York, which included an evaluation of the Platform for Action.

## **3. Women and sustainability**

In 2001, the policy document *Where there’s a will there’s a world: working on sustainability*, also known as the Fourth National Environment Policy Plan, was published. The document sets out Dutch environment policy for the next few years. The preparations for this document included a gender impact assessment to determine the impact of the proposed policy on equal opportunities. The gender impact assessment did not lead to any significant changes in the policy document.

#### 4. Combining work and care in rural areas

The Ministry of Agriculture, Nature and Food Quality commissioned a study of people in rural areas who combine care and paid employment ('Taakcombineerders in het landelijk gebied: Naar een sociale infrastructuur voor het combineren van arbeid en zorg op het platteland') which gathered and analysed the results of four pilots in rural areas and turned them into recommendations to improve the social infrastructure.

A study of combining work and care in rural areas conducted jointly by the Ministry of Agriculture, Nature and Food Quality and the Ministry of Social Affairs and Employment resulted in new initiatives for collaboration on social infrastructure. So as to benefit from international experience in this area, a project proposal on this subject was submitted to the Directorate-General for Employment.<sup>63</sup>

#### Numbers of female workers in agriculture and horticulture

| Number of women     | 1995   |                                  | 2000   |                                  | 2002   |                                  |
|---------------------|--------|----------------------------------|--------|----------------------------------|--------|----------------------------------|
|                     | Total  | Working at least 20 hours a week | Total  | Working at least 20 hours a week | Total  | Working at least 20 hours a week |
| Heads of businesses | 20,016 | 13,569                           | 26,490 | 19,217                           | 28,215 | 20,207                           |
| Spouses             | 46,477 | 22,812                           | 28,784 | 14,556                           | 27,157 | 12,736                           |
| Non-family members  | 16,701 | 11,002                           | 29,857 | 14,802                           | 28,530 | 14,359                           |

### Article 16: Law of persons and family law

#### 1. Marriage and divorce

##### i. Registered partnership/same-sex marriage

Registered partnership was introduced in 1998. Since then, same-sex couples have been able to regulate their relationship legally in a way that is in most respects equivalent to a marriage. A registered partnership can be converted into a marriage and vice versa. To promote the emancipation of same-sex couples, a bill was put before parliament aimed at extending civil marriage to individuals of the same sex. The new law came into effect on 1 April 2001, since which time same-sex couples have been able to marry. The Netherlands thus became the first country to open up the institution of civil marriage to same-sex couples. Since the introduction of same-sex marriage, it has proved to be more popular than registered partnerships. The latter are used more frequently by heterosexual couples than same-sex couples.

<sup>63</sup> For more information, see [www.groenkennisnet.nl/new-neighbours](http://www.groenkennisnet.nl/new-neighbours).

## ii. Assets of self-employed married persons who have signed a prenuptial agreement

In March 2002 the Agricultural Economics Research Institute (LEI) published a report on income and assets among this group ('Tekenen en verrekenen: Verrekening van inkomsten en vermogen bij zelfstandigen getrouwd op huwelijkse voorwaarden'). The report was based on the results of workshops with experts in this field who provide financial and legal advice to those concerned. Good practices were elaborated with the Accountants and Tax Consultants Association (VLB) and the umbrella organisation for notaries in the Netherlands, 'Notaries' Network', for use in practice.

## iii. Mediation in divorce

Between March 1999 and January 2001 experiments were carried out with mediation, under the auspices of the Ministry of Justice, in divorce cases and conflicts arising from relationships. The results showed that mediation was more useful than the regular procedures in helping to finalise divorce and to resolve conflicts about access to children. The final report on these experiments presents a positive picture regarding the questions posed in the study.<sup>64</sup>

It was also concluded that the mediation process sufficiently safeguards the interests of the weaker party – in particular, underage children. With regard to safeguarding the interests of the weaker party in the mediation, a nuanced picture emerged that disproved the assumption that the woman – or the person with a lower level of education – is the weaker party. In most cases it is an *emotional* inequality that can make one party stronger or weaker than the other. This emotional inequality is reflected particularly by the time taken to accept and deal emotionally with the divorce, and therefore has little to do with gender.

Children's interests were safeguarded indirectly. They were not involved in the mediation; both parents and mediators stated that their interests were represented by the parents. One-third of teenage respondents indicated a desire to be involved in the mediation, in particular as regards the decisions governing the form to be taken by their future contact with their parents. In these cases, therefore, the manner in which the children's interests were safeguarded was deemed too indirect.

The report also recommends ways of improving or supplementing mediation in these areas. For instance, considerable attention should be paid during the training of mediators to the fact that emotional inequality between the parties can pose a particular obstacle to mediation. In addition, mediators should give children aged 12 and over an opportunity to express their opinion on issues of relevance to them, either during the mediation or at least in writing.

Mediation can be used at any stage of a divorce – or even after it, if problems arise in connection with agreements made as part of the divorce. It is preferable for the parties to appoint their own mediator, but it is also possible for the court to rule that it considers mediation necessary for the resolution of the conflict.

---

<sup>64</sup> B.E.S., Chin-A-Fat, M.J. Steketee, *Mediation in practice. Evaluation of experiments with relationship and divorce mediation* Utrecht, Verwey-Jonker Institute, 2001.

---

## **2. Dependent residence status and preventing sham marriages**

### **i. Dependent residence status**

If a man or woman has come to the Netherlands for the purpose of family reunification or family formation, the conditions of his or her stay are dependent on the referent in the Netherlands for the first three years. If the relationship or stay in the Netherlands has lasted less than three years, the person concerned is not in general automatically entitled to an independent residence permit. This does not apply if the relationship was discontinued as a result of the referent's death, or in the case of demonstrable (sexual) violence within the family. In the latter case, the violence must be proven by submitting a medical certificate together with either a police report or a statement by the public prosecutor describing the charges that have been brought against the perpetrator. In all other cases, continued residence will only be allowed if there is a combination of compelling humanitarian reasons for doing so.

### **ii. Sham marriages**

On 1 November 1994 the Sham Marriages (Prevention) Act came into effect. This Act was simplified in 2001. In brief, the Act provides that in the case of a marriage involving a foreign national who does not have a permanent residence permit, a statement on the person's legal residence status must be submitted. The primary objective of this legislation is to prevent people entering into matrimony for the sole purpose of obtaining residence in the Netherlands. When giving notice of an intended marriage, or when registering a marriage that took place in another country less than 10 years ago, the person concerned must submit a statement (this must be signed by the head of the aliens police under current regulations, in future by the IND), containing information about his or her residence status. The same rules apply to registered partnerships.

## **3. The law on names**

On 1 January 1998 the law on names was amended in one important respect. Since that date, parents have been able to choose whether the child will take the father's or the mother's surname. Once this choice has been made, any subsequent children take the same surname. The choice of name may be made when the child is acknowledged, when a judicial declaration of paternity is issued, when an adoption order is made, or before or at the latest immediately following the birth of the child.

A child born into a marriage between a man and a woman takes the father's name unless the couple explicitly choose the mother's name. The same applies in the case of adoption by an opposite-sex couple. If the adoptive parents are unmarried, or are of the same sex and married to each other, the child keeps the surname he/she already has unless an explicit choice is made for the surname of one of the adoptive parents. A child who is adopted by, and thus enters into a family-law relationship with, the spouse, registered partner or other life partner of his/her parent, retains his/her surname unless an explicit choice is made for the surname of the spouse or partner. In the case of an acknowledgment or a judicial declaration of paternity, the child bears the mother's name unless an explicit choice is made for the father's surname at the time of the acknowledgment or judicial declaration. If the child is 16 or over at the moment of entering into a family-law relationship with both parents, he/she declares to the registrar of births, deaths and marriages – or in the case of a judicial declaration of paternity, to the court – which surname he/she wishes to take.

## **Appendix 1: Summary**

### **Towards *different* law and public policy**

#### **The significance of Article 5a CEDAW for the elimination of structural gender discrimination**

by Rikki Holtmaat

Research undertaken for the Ministry of Social Affairs and Employment of the Netherlands  
May 2004

Under Section 3 of the Act of 3 July 1991 approving the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in the Netherlands, the Dutch government has an obligation to conduct regular progress studies on its implementation. Several such reports and studies have been published in recent years on the significance of the Convention for the Dutch legal order, and the present study is part of this series. It constitutes an in-depth examination of the content and meaning of Article 5a of CEDAW, together with a method that can be used when implementing this provision.

Article 5a of CEDAW provides that States that are party to this Convention, “*shall take all appropriate measures*” to modify the social and cultural patterns of conduct of men and women, with a view to achieving “*the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women*”.

It is widely assumed in the Netherlands that the inclusion of this provision in the Convention gives it added significance and value over and above existing Dutch and European Community sex discrimination law. What is the basis for this assumption? What does the Convention add, in relation to these other legal instruments? What must States that are party to this Convention do in order to implement this provision dutifully and in good faith?

According to the Committee that submitted the first National Report on the implementation of the Convention in the Netherlands, the primary aim of the Convention, within the overarching objective of eliminating all forms of discrimination against women, can be divided into three ‘sub-aims’: to achieve full equality before the law and in public administration; to improve the position of women; and to combat the dominant gender ideology.

The Committee held that Article 5a CEDAW provides a foundation for this third objective. This belief was the point of departure for the study reported here. Does this interpretation of the provision indeed have a firm basis in official legal documents and in academic literature about the Convention?

The present study concludes that Article 5a CEDAW has a dual significance: it obliges States Parties not only to conduct an active policy to ban stereotyped images of men and women,

for instance in the media and in education, but also to scrutinise law and policy for the presence of hidden gender stereotypes. The latter point essentially means that the provision imposes an obligation to effectively eliminate structural gender discrimination.

Article 5a CEDAW, and the implications arising from it, does indeed prescribe a norm that goes beyond most existing legislation on the emancipation of men and women. Existing law sets out to protect individuals from discrimination; it does little to provide any form of remedy against the endemic causes of the persistent exclusion or disadvantaging of women. Emancipation legislation looks back in time, at instances of discrimination that have occurred in the past. In contrast, the Convention expressly seeks to bring about systematic change, and thereby to prevent discrimination in the future. Article 5a CEDAW expresses not only the principle of equality, but also the principle of diversity or freedom. This means that individuals are entitled to make their own choices about what it means to be a man or a woman without being confined to a particular traditional understanding of masculinity or femininity by institutions or organisations in society. Put briefly, the significance of Article 5a CEDAW is that it expresses *equality as transformation*: it demands that *different* law and public policy be developed.

In this book, gender is understood to mean the social, cultural and institutional construction of what it means to be a man or a woman – that is, of masculinity and femininity. The concept of structural gender discrimination refers to forms of discrimination that ensue from the fact that the structure or organisation of society is built on gender stereotypes and hence sustains the existing unequal relations of power between the sexes. It is predicated on the belief that the use of stereotyped (often traditional and implicit) ideas, symbols and structures leads to a certain subordination and exclusion of women and of femininity. This approach exists alongside the legal concept of sex discrimination, which refers directly to a difference in treatment on the basis of biological sex.

The key prerequisite for combating structural gender discrimination is identifying and revealing its existence. This is not an easy task, precisely because it involves challenging self-evident ‘truths’ about the biological sex of males and females and about the relationships between the sexes that are constitutive of prevailing social, cultural and institutional arrangements.

This study develops a method for exposing structural gender discrimination, based on the literature on the construction of gender and the role played by gender in the drafting of law and public policy. I describe a number of methodological directions and principles, and then apply the method to the *Wet Inburgering Nieuwkomers* (Newcomers Integration Act) – a recent Act that requires immigrants and asylum seekers who want to live in the Netherlands to follow set courses to familiarise themselves with the standards and values of Dutch society. I look at the documents that need to be studied and the questions that need to be asked in order to reveal any structural gender discrimination in this part of the Act. Any conclusions that should be drawn afterwards from the findings of such a study, to inform the construction of *different* policy or law, are a matter for public officials and parliament.

The method proposed here for exposing structural gender discrimination in law and public policy is supplemental to the existing instrument of Gender Impact Assessments (GIA). The latter instrument is mainly geared towards estimating the impact of planned legislation and policy on the social and economic position of women. The method elaborated here, combined with GIA, can play an important role in the mainstreaming of gender issues throughout the policy process.

---

## **Appendix 2: Thematic section of the Second National Report on emancipation policy: Summary**

### **The UN Women's Convention in relation to the position of female foreign nationals in Dutch aliens law and policy**

Summary

by the Advisory Committee on Aliens Affairs

Thematic section of the Second National

Report on emancipation policy

Advisory Committee on Aliens Affairs

*The Hague, November 2002*

#### **Summary and recommendations**

In this advisory report, the Advisory Committee on Aliens Affairs (ACVZ) has examined the position of female foreign nationals under Dutch aliens law and policy, in the light of the CEDAW Convention.

The report was prepared in response to a request by the then State Secretary for Justice and the then State Secretary for Social Affairs and Employment, to draw up a thematic section for the National Report on Emancipation Policy. This National Report is presented to the House of Representatives of the States General once every four years, partly to help prepare for the four-yearly report to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). The CEDAW Convention stipulates that the participating countries must report to the Convention Committee once every four years. In its response to the most recent Government report issued by the Netherlands in 2000, the CEDAW Committee indicated its concern about the report's failure to clarify the position of black, migrant and refugee women, and asked the Dutch Government to provide this clarification in its next report.

In this advisory report the ACVZ confines itself to issues relating specifically to aliens law. It does not deal with the policy on newcomers or integration. It explores a number of issues in depth, however: 'women in the asylum procedure', 'family reunification/family formation', 'au pairs', 'trafficking in women' and 'women without residence status in health care and in prostitution'. For each of these issues, it examines possible areas of tension between Dutch policy and the CEDAW Convention.

The conditional aspects of emancipation policy require more consistent attention. The ACVZ begins by noting, in its evaluating report, that in some cases the available figures (which the CEDAW Committee expressly requests) do not sufficiently clarify the consequences of provisions of aliens law and aliens policy for men and women, respectively. This material needs to be compiled. This is a task for the IND (Immigration and Naturalisation Service) as

well as for agencies such as the CBS (Statistics Netherlands) and SCP (Social and Cultural Planning Office).

The ACVZ also notes that in the medium-term equal opportunities policy document issued in March 2000, the multiyear emancipation policy plan 2001-2010 issued in November 2000 and, more recently, in the Government's position on gender mainstreaming issued in June 2001, the Dutch Government announced a policy aimed at integrating equal opportunities objectives sustainably into all sections of its regular policy. In its investigation the ACVZ came across instructions, diagrams and tools that could prove very useful here. Based on its analysis, the ACVZ believes that the general policy procedures aimed at achieving emancipation irrespective of gender have been well structured. However, it concludes that these procedures – certainly those at the Ministry of Justice – are still too vulnerable, and have not yet been sufficiently well developed and anchored in practice. By way of practical advice, the ACVZ recommends an ongoing effort to fulfil essential preconditions. These preconditions relate specifically to the capacity, staffing and mandate of the equal opportunities steering group at the Ministry of Justice, and to ensuring the continuing commitment of the relevant departments of the Ministry of Justice.

With regard to **family reunification** and **family formation**, the Netherlands' income criteria and the existence of dependent residence status have been identified as areas where is at odds with the Convention. Due observance of the Convention requires the Government to compile reliable statistical data indicating the extent to which people living in the Netherlands (broken down by gender and ethnic background) can fulfil the current income criteria. No such figures are available at present, and the ACVZ therefore recommends that they be compiled (see also the general recommendation).

Since there are some indications that it is harder for women than for men to fulfil all the Netherlands' current income criteria for family formation, the ACVZ advises that the intended policy changes (higher income criteria, higher fees for applicants' integration courses, and the requirement that applicants pay for these courses themselves) be subjected to a Gender Impact Assessment before any final decisions are made.

The ACVZ notes that the three-year 'dependent residence permit' for partners originating from outside the EU carries an inherent risk that women in particular may become dependent on their partner. It nonetheless believes – unlike many women's organisations – that this instrument is essential, in order to establish whether the stated objective of residence is in fact being pursued. Further to this remark, it stresses that adequate measures must be in place to protect women should they need them. The current scope for granting a woman an independent residence permit within the first three years in the case of demonstrable abuse is a protective measure of this kind. The ACVZ believes that severe abuse may *in itself* constitute a compelling humanitarian reason to grant an independent residence permit. In practice there is a lack of clarity among the implementing authorities regarding financial and other support for abused women who leave their partner within the initial three-year term and are awaiting a decision on an independent residence permit. This lack of clarity must be resolved. In addition, women who have stated that they wish to secure independent residence permits must be given more detailed advice and clearer information, so that they have a better understanding of their legal position – before coming to the Netherlands, if possible.

The ACVZ feels that the information currently available in the Netherlands for black, migrant and refugee women can and must be communicated more effectively.

With regard to **asylum**, the main areas of tension that have been identified between Dutch policy and the Convention are the attention paid to gender-related aspects in the Aliens Act Implementation Guidelines and country-specific interim supplements to these Guidelines (TBVs), the attention paid to the position of women in official country reports, the extensive interview, and the approach to traumas in the asylum procedure and the General Administrative Law Act (AWB) with regard to the submission of new facts. The ACVZ believes that the attention paid to gender-related aspects in the Aliens Act Implementation Guidelines, country-specific TBVs and official country reports must be systematic and complete. It makes a number of concrete recommendations aimed at achieving this. The issues of female genital mutilation and domestic violence as grounds for asylum are dealt with separately. The ACVZ also makes concrete recommendations concerning the extensive interview in the asylum procedure (relating to structure and procedure as well as the training of interviewing officials). It also recommends that measures be taken to ensure the confidentiality of the reasons women give for seeking asylum, as they often request it.

The ACVZ feels that if there is any suspicion of serious trauma at the time of the first interview (at an Application Centre), subsequent interviews must always be held in an Investigation Centre, to provide the asylum seeker with a restful environment. It feels that an amendment to the trauma policy outlined in Chapter 14.2.2 of the Aliens Act Implementation Guidelines 2000 would be reasonable. This amendment should stipulate that if any new facts or circumstances suggestive of serious trauma are advanced after an asylum application has been rejected, the initial decision will in principle be open to reconsideration. In a case of this kind a psychiatric report will be required, confirming that the person in question suffers from such a severe post-traumatic stress disorder that she was unable to broach the subject of the traumatic events during the initial request for asylum.

Where **au pairs** are concerned, the main potential areas of tension between Dutch policy and the Convention relate to the employment relationship, the distinction between au pairs and domestic staff, and the quality of the mediation agencies. The ACVZ recommends that for entry into the Netherlands as an au pair, a special au pair contract be made mandatory. This contract should stipulate, in any case, the number of hours to be worked, the number of leisure hours (minimum number of days off), the nature of the work, the weekly schedule, remuneration, and the period of notice. The contract should also contain a mandatory clause stipulating that if the au pair is given notice for reasons beyond her/his control, the full remuneration must be paid for the agreed period. There must also be access to a swift arbitration procedure by a national arbitration committee in the event of conflicts revolving around the au pair contract. A clear distinction must be made between au pairs and domestic staff. For au pairs, the basic principle must remain that they provide support for a family while enjoying opportunities for personal development. Where domestic staff are concerned, the Foreign Nationals (Employment) Act must remain fully applicable.

The ACVZ favours the introduction of a quality standard for au pair mediation agencies. Consideration could be given to introducing an abbreviated entry procedure where an application is supported by an approved mediation agency.

Where **trafficking in women** is concerned, the main potential areas of tension between Dutch policy and the Convention concern the effectiveness of the 'B9 procedure' for victims of trafficking in women, the support provided for such women, options for granting them asylum seeker status, and trafficking in women in relation to the lifting of the ban on brothels.

It has emerged that the arrangements for finding a refuge for, and giving support to, victims of trafficking in human beings who are considering reporting the crime to the police are not always applied consistently by the different branches of the Aliens Police. The ACVZ therefore deems it essential to draw up national implementation guidelines, based on best practices among regional police services. These guidelines must be formulated in consultation with care providers, since they must also, specifically, clarify the way the interests of the victim in need of protection should be balanced in practice against the public interest in finding traffickers in human beings and bringing them to justice. The improvements in the implementation of the arrangements that are achieved by these means will need to be monitored.

It is also important to pay more attention to supporting victims of trafficking in women. Past experience has shown that it is sometimes difficult to immediately find a refuge for victims who have reported this crime to the police. If the Aliens Police cannot provide a refuge for these women, the 'B9 procedure' becomes illusory. Victims must be given the opportunity to recover in a stable environment. The first prerequisite for this is admission to a women's refuge as soon as possible. It has become clear in practice that the Foundation against Trafficking in Women is not always able to provide the required accommodation immediately after the first contact with the police. This means that one of the main conditions for the optimal application of the B9 procedure is not always met. The Committee takes the view that this situation must be remedied as soon as possible. Underage victims must be allocated a guardian immediately to protect their best interests. There is room for improvement in the working relationship between the Aliens Police, the IND and the Child Protection Board.

The ACVZ cannot agree with the proposal advanced by *inter alia* women's organisations to grant victims of trafficking in women retroactive asylum seeker status. It feels that the scope for granting a residence permit for compelling humanitarian reasons affords sufficient protection.

The ACVZ recommends the consistent application of agreed government policy: women who are not allowed to stay in the Netherlands after the end of a B9 procedure must be given support upon return to their country of origin and receive some assistance in starting a new life there. The establishment of a specific return programme for these women, as is currently in place in a few locations, is to be recommended.

If the hypothesis that the new policy on prostitution (lifting of the ban on brothels) actually boosts trafficking in women and worsens the position of female illegal aliens proves to be correct, one could argue that this policy is incompatible with Article 6 of CEDAW, which obliges countries to take every possible measure to combat all forms of trafficking in human beings. This hypothesis must be further investigated with the greatest possible care. If it proves to have some basis in fact, the Government must consider taking appropriate measures. The ACVZ recommends holding a

separate expert meeting with all the organisations involved: the police, the Public Prosecution Service, municipal authorities, and care providers.

Finally, on the subject of **health care for women without residence permits**, the ACVZ concludes that there is an urgent need for further research into the health situation of women in this category, including comparisons with the health situation of legal but otherwise comparable population groups.

It is also crucial that care providers understand precisely what essential medical care for illegal aliens involves. It has been shown that both the knowledge in this area and timely payment (for care and medication provided) are unsatisfactory. Remediating this situation is a task for both the Stichting Koppeling (Foundation for the provision of medical care to illegal aliens) and the Ministry of Health, Welfare and Sport. The ACVZ advises that action be taken in this respect.

---