



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
21 July 2021

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the seventh periodic report of the Netherlands*

General

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability, ethnicity, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (paras. 16 (e), 24 (c), 30 (b), 36 (c) and 42),¹ please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

Legal status and implementation of the Convention

2. In the light of the Committee's previous concluding observations (paras. 9 and 10) and in accordance with articles 1 and 2 of the Convention, please provide information on the progress made to incorporate into national law the provisions of the Convention that are not considered to be directly applicable in the State party. Please also provide information on the concrete steps taken to address disparities in the implementation of the Convention and to ensure that women are afforded protection, in particular in the countries of Aruba, Curaçao and Sint Maarten and their constituent municipalities. Please indicate the specific actions that have been taken to strengthen coordination mechanisms to ensure the coherent and consistent implementation of the provisions of the Convention in the State party (paras. 11 and 12).

* Adopted by the pre-sessional working group on 9 July 2021.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the sixth periodic report of the State party ([CEDAW/C/NLD/CO/6](#)).



Women's rights and gender equality in relation to the pandemic and recovery efforts

3. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes; and (c) are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access for women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Access to justice and legal complaint mechanisms

4. In the light of the Committee's previous recommendations (para. 13), please provide information on progress made to:

(a) Fully implement the Committee's recommendations in communication No. 36/2012, *De Blok et al. v. Netherlands*, which was adopted on 17 February 2014;

(b) Address concerns on access to justice, which has been adversely affected by reported budget cuts to the legal aid system;

(c) Ensure access to legal aid for refugee women and girls in cases of a resubmission of rejected applications for asylum;

(d) Guarantee safe reporting and access to legal complaint mechanisms, in particular by sex workers who often do not report cases of violations to the police for fear of reprisals;

(e) Ensure access to justice for women with disabilities, including those who are legally incapacitated and those who are institutionalized in mental health centres or in other similar institutions;

(f) Ensure that the requirements for legal aid that the State party is considering introducing do not negatively impact the most disadvantaged groups of women.

Women, peace and security

5. Please provide information about measures taken to assess the impact of the implementation of the national action plan on women, peace and security for the period 2016–2019. Please also specify the challenges and achievements in the implementation of the national action plan and the concrete actions taken to adopt a

new one to build on the lessons learned from the previous plan. Please indicate the concrete steps taken to ensure that comprehensive and transparent assessments of the impact of arms exports on women's rights are made before approving export licences, in particular to countries where arms may directly or indirectly be used to violate the rights of women and girls (para. 46 (a)).

National machinery for the advancement of women

6. In the light of the Committee's concluding observations (paras. 15 and 16), please provide an update on efforts made to further strengthen the coordination of the various entities of the national machinery for the advancement of women and to promote cooperation with non-governmental organizations in the State party. Specifically, please provide information on the following:

(a) Steps taken to replace gender-neutral policies by adopting a gender-sensitive approach and ensure the systematic inclusion of that approach in the assessment of government policies and programmes;

(b) Efforts to develop and adopt a unified and comprehensive national policy or strategy for the implementation of the provisions of the Convention, including the strengthening of the implementation of a gender-sensitive strategy;

(c) Steps taken to introduce integrated mainstreaming in Aruba and information on implementation challenges and achievements;

(d) Progress made to conduct a gender impact assessment and introduce gender budgeting in Curaçao, as well as to establish monitoring mechanisms to comprehensively and regularly assess progress and evaluate the impact of such efforts;

(e) Measures taken to ensure effective coherence in the coordination and management of the gender mainstreaming efforts of relevant authorities in Sint Maarten, including the Department of Social Development and the Department of Community Development, Family and Humanitarian Affairs;

(f) Measures taken to ensure adequate funding for organizations working in the field of women's rights, including organizations of women of African descent, migrant women and women with disabilities, and ensure their participation in policy development processes.

Temporary special measures

7. In the light of the Committee's previous concluding observations (para. 19) and the State party's adoption of amendments to book 2 of the Civil Code in 2013, which set out a minimum target of 30 per cent representation of women on the management and supervisory boards of large companies, please provide information on concrete action taken to adopt further prescriptive temporary special measures, including quotas, as stipulated in article 4 (1) of the Convention and in line with the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas under the Convention in which women, including rural women, migrant women and women with disabilities, are underrepresented or disadvantaged in comparison with men. Please describe the de facto steps taken to achieve substantive equality between women and men, including in the enforcement of the provisions of book 2 of the Civil Code of 2013.

Stereotypes and harmful practices

8. According to information before the Committee, a recent study on the role of sexism in the political debate on social media and in the press showed that women politicians were subjected to hate and sexist speech during the 2021 parliamentary

elections. In the light of the Committee's previous recommendations (para. 22), please provide information on the following:

- (a) Steps taken to adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, including a monitoring mechanism to assess impact;
- (b) Impact of the plan to extend paternity leave on the sharing of family responsibilities;
- (c) Measures taken to amend the Media Act in line with articles 2 (f) and 5 (a) of the Convention to include gender role stereotyping as a form of discrimination;
- (d) Concrete efforts taken to combat stereotypes and hate speech against Muslim women, migrant women and women asylum seekers, including the number of cases prosecuted and the nature of reparations for victims since the previous report submitted to the Committee;
- (e) Steps taken to combat harmful practices, in particular forced marriage, female genital mutilation, forced sterilization and crimes in the name of so-called honour, and to collect disaggregated data on those harmful practices;
- (f) Measures taken to develop and implement a rights-based health-care protocol for intersex children that ensures that children and their parents are properly informed of all options about irreversible medical interventions and that their choices are fully respected, including decisions to defer such medical interventions where necessary.

Gender-based violence against women

9. According to information before the Committee, violence against women and girls, including domestic violence, remains prevalent in the State party. Information also indicates the lack of a comprehensive gender-specific analysis of domestic violence, including the absence of a uniform gender perspective based on women, which hinders cooperation between various stakeholders in different sectors. In the light of the Committee's previous concluding observations (para. 24) and in line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, please provide information on specific measures taken to:

- (a) Ensure coherent national management and coordination of policies on violence against women and girls, including domestic violence, to finalize the revision of legislation that criminalizes rape and other forms of sexual violence, including sexual harassment, in order to provide better protection and to remove incompatibility between the provisions of the Criminal Code and international human rights standards, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
- (b) Protect and support victims of violence, in particular women in a situation of irregular migration, lesbian, bisexual and transgender women and intersex persons, and women with disabilities in all municipalities and constituent countries of the State party, as well as to monitor and coordinate measures at the national level;
- (c) Improve the capacity of the law enforcement agencies to prevent and respond to cases of gender-based violence against women and girls, including domestic violence, through enhanced capacity-building programmes;
- (d) Ensure the effective enforcement of domestic exclusion orders and monitoring with a view to combating recidivism, which often results in serious forms of gender-based violence against women and girls;
- (e) Systematically collect data on all forms of violence against women, disaggregated by age, ethnicity, disability and gender identity, and on the relationship

between the perpetrator and the victim, as well as on protection measures, prosecutions and sanctions imposed on perpetrators, in particular in the municipalities of Bonaire, Sint Eustatius and Saba;

(f) Ensure that proposed amendments to the Dutch Aliens Decree comply with the Convention and the measures being taken to address the potentially negative impact of the law on persons with specific needs, in particular, women survivors of gender-based violence, including unaccompanied girls and those separated from their families.

10. Please also provide information on concrete measures taken to:

(a) Evaluate the provision of shelter services and their management by municipal authorities in the light of the merger of child abuse and domestic violence services, including the provision of accessibility;

(b) Revise the policy on domestic violence to replace the gender-neutral approach with a gender-sensitive approach that focuses on the identification of the gender aspects of domestic violence against women;

(c) Intensify efforts to combat hate crimes against lesbian, bisexual and transgender women and girls and intersex persons, including through prosecutions;

(d) Address prejudice and bias against victims of sexual violence among law enforcement personnel, which hinders reporting by women victims of gender-based violence, in particular by victims of sexual violence;

(e) Ensure that women can independently apply for asylum or for a humanitarian visa to reduce the risks of gender-based violence to which family members in abusive relationships are exposed in the State party;

(f) Ensure access for women victims belonging to disadvantaged groups to free legal assistance.

Trafficking and exploitation of prostitution

11. Information before the Committee indicates that the State party is a destination country for trafficking in women and girls for sexual exploitation. In the light of the Committee's previous recommendations (paras. 27 and 28) and in line with the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, please provide information on the following:

(a) Measures taken to shift the State party's focus to trafficking in persons rather than smuggling;

(b) Progress made in implementing existing legislation on trafficking in persons by ensuring that perpetrators are prosecuted and adequately punished with appropriate sanctions;

(c) Measures in place to ensure the early identification of victims and their referral to appropriate services, and to ensure that the labour inspectorate employs a gender-sensitive approach towards women and girls who are victims of trafficking;

(d) Steps taken to ensure that undocumented women who are victims of trafficking can report to law enforcement personnel without fear of deportation, given that the anti-trafficking unit is part of the immigration police in the State party.

12. In the light of the Committee's previous concluding recommendations (para. 30), please provide information on specific programmes introduced for women who wish to leave prostitution, including alternative income-generating opportunities, and on steps taken, including prosecution, to combat the sexual exploitation of women and girls. Please also provide information on steps taken to undertake a study on women

in prostitution in Aruba and to develop appropriate responses for combating the exploitation of prostitution.

Participation in political and public life

13. Please provide information on steps taken to accelerate gender parity between women and men by 2030 in political and public life at all levels, in particular in the Government, the National Assembly, public service and the foreign service. Please also provide information on the adoption and implementation of targeted measures, including quotas, political leadership training and campaign financing for women candidates and the preferential recruitment of women, in line with the Committee's general recommendation No. 23 (1997) on women in political and public life. Specifically, please provide information on the following:

(a) Measures taken to address the underrepresentation of women, in particular those who belong to the most disadvantaged groups, in local government and in education, and steps taken to introduce a bill to provide for a target growth quota for women in the private sector;

(b) Temporary special measures introduced in Curaçao, in accordance with article 4 (1) of the Convention and the Committee's general recommendations No. 23 and No. 25, to accelerate the full and equal participation of women in elected and appointed bodies, including in decision-making positions.

Education

14. In the light of the Committee's previous concluding observations (paras. 32 and 34) and in line with the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, please provide information measures taken to:

(a) Address the lack of policies at educational institutions for pregnant students and to assess the impact of the implementation of legislation, such as the Work and Security Act of 2015, on researchers on temporary contracts who are pregnant or taking parental leave, with a view to improving conditions for women to enable them to complete their degree courses and pursue research careers and to ensure that universities retain women in the area of research;

(b) Introduce programmes aimed at ensuring the retention of girls in schools in Aruba, including in secondary and tertiary education;

(c) Take appropriate remedial action in Curaçao to encourage women and girls to enter traditionally male-dominated fields of study at the University of Curaçao, including through the use of temporary special measures, such as scholarships, and non-stereotypical career counselling;

(d) Ensure inclusive, quality education for girls and women with disabilities throughout the educational system;

(e) Ensure comprehensive and age-appropriate education on sexual and reproductive health and rights that also integrates modules that address harmful practices such as female genital mutilation, forced sterilization and forced abortion.

15. Please provide information on steps taken to eliminate traditional stereotypes and structural barriers that may deter girls and women from choosing traditionally male-dominated fields of study, such as science, technology, engineering and mathematics, and information and communications technology, including artificial intelligence. Please also provide information on measures taken to address the prevalence of gender segregation for women in access to technical and vocational education in the State party.

Employment

16. Information before the Committee indicates that labour market participation for women is low compared with men and that most women are engaged in part-time employment and receive lower wages. In the light of the Committee's previous recommendations (para. 36), please provide information on the following:

(a) Measures taken to guarantee equal opportunities and equal wages for women, in particular those belonging to the most disadvantaged groups of women, in the labour market and to create more opportunities for women to gain access to full-time employment by addressing the root causes of the drop in the use of childcare services;

(b) Steps taken to increase incentives for men to exercise their right to parental leave and develop programmes aimed at encouraging women and men to share parental responsibilities in the light of reports that women in the State party take on more family care responsibilities than men;

(c) Concrete measures taken to improve the participation of women of migrant origin in the labour market, and mechanisms in place to regularly monitor and investigate and to adequately punish exploitative labour practices;

(d) Steps taken to investigate, prosecute and sanction reported cases of pregnancy-related discrimination and sexual harassment, and measures taken to address discrimination faced by lesbian, bisexual and transgender women in accessing the labour market;

(e) Measures taken to ensure the right of women with disabilities to earn a living through work and to ensure access to the labour market and work environment that is open and inclusive;

(f) Steps taken to introduce policies and temporary special measures to address intersecting forms of discrimination faced by minority women, including women from Aruba, Curaçao and Sint Maarten;

(g) Steps taken to revise the Home Services Regulations to ensure that women domestic workers enjoy full social and labour protection.

Health

17. Please provide information on progress made to ensure that medication for menstrual regulation such as Misoprostol is readily available at pharmacies in the State party (para. 38 (b)). Please also provide information on measures adopted to tackle early pregnancy and to ensure that women and girls throughout the State party have access to adequate sexual and reproductive health services, indicating whether they are accessible, in particular by conducting awareness-raising campaigns, with a view to addressing impediments that limit access to and use of contraceptives by women and girls, in particular in Curaçao (para. 38 (d)).

18. In the light of the Committee's previous recommendations (para. 38), please provide information on measures taken to:

(a) Amend relevant provisions of the Penal Code of Sint Maarten to legalize the termination of pregnancy in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman and severe impairment of the foetus, and decriminalize abortion in all other cases, and ensure that the new policy on sexual and reproductive health that is being finalized by the Ministry of Public Health, Social Development and Labour guarantees the availability and accessibility of legal and medically safe modern methods of abortion on the above grounds, in line with the Committee's general recommendation No. 24 (1999) on women and health;

(b) Ensure that specialized HIV/AIDS-related health-care services are available in all parts of Curaçao and address barriers in access to antiretroviral medicines, including by reducing the cost thereof;

(c) Understand and analyse the root causes of the increase in the incidence of HIV in Aruba and to address them, including through awareness-raising programmes for women and girls on prevention and the use of modern contraceptives;

(d) Ensure that in all medical procedures and interventions the free and informed consent of women is guaranteed without exception, including the right of girls to be heard.

Rural women

19. In the light of the Committee's previous recommendations (para. 42) and in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide data on the overall situation of women and girls living in less-urbanized regions of the State party. Specifically, please provide information on progress made to ameliorate the negative impact of population decline in relation to women's access to public transport, employment, health and other basic services. Please also provide information on concrete measures taken to address the limited access to public transport and other services of women who earn low wages in Curaçao.

20. Please provide information on measures taken to address poverty and unemployment affecting rural women, in particular those living in remote areas in the Caribbean countries and municipalities, and to ensure that they have access to justice, education, formal employment, skills development and training opportunities, including with regard to the use of digital technology, health care, housing, income-generating opportunities and microcredit. Please indicate the measures in place to ensure the inclusion of women in all agricultural and rural development plans and programmes.

Disaster risk reduction and climate change

21. In line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide information on the participation of women, including women with disabilities, rural women and older women, in the design, adoption and implementation of programmes on climate change, environmental policies and disaster risk reduction in the State party.

Disadvantaged groups of women

22. Please provide information on measures taken by the State party to ensure that older women, migrant women, women with disabilities, and lesbian, bisexual and transgender women have effective access to justice, sexual and reproductive health services, income-generating opportunities and social protection programmes. Please provide information on the situation of women and girls in detention, particularly lesbian, bisexual and transgender women. Please also provide information on specific measures taken to intensify efforts through existing programmes targeting migrant women and women of migrant origin to combat all forms of discrimination against them. Please explain what steps have been taken to address the lack of accessible and affordable care services and infrastructure for older women and women with disabilities in the State party. Please provide information on the institutionalization of women and girls with disabilities and whether such institutions are subject to inspections and supervision by independent bodies. Please also provide information on measures being taken to promote independent living by women and girls with disabilities.

23. In the light of the Committee's previous recommendations (para. 40), please provide information on concrete steps taken to address the root causes of poverty among older women, including factors that cause women to accumulate lower pension benefits, such as their concentration in low-paid and part-time jobs, in particular in informal care work. Please provide information on specific programmes, including social security schemes, available for disadvantaged groups of women in poverty.

Marriage and family relations

24. In the light of the Committee's previous concluding recommendations (para. 44), please provide information on measures taken to:

(a) Ensure that gender-based violence against women in the domestic sphere is taken into account in decisions on child custody or visitation rights, and to raise awareness among members of the judiciary of the negative impact of domestic violence on a child's development;

(b) Understand the economic consequences of divorce on spouses, in particular women, and to ensure that judges, in their decisions on distribution of marital property, take into account the differences in the earning potential and human capital of spouses and the gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market, the gender wage gap and women's disproportionate share in unpaid work;

(c) Revise the civic integration test to ensure that it does not impede family reunification for women who are less educated;

(d) Conduct capacity-building and training on marital captivity for the judiciary and law enforcement officials in order to eradicate the phenomenon, and to collect data on instances when judges have enforced the law regarding marital captivity and imposed fines when a spouse "wrongfully refuses to cooperate in a divorce".

Additional information

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report. Such measures may include recent laws, developments, plans and programmes; recent ratifications of human rights instruments; and any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions posed by the Committee relating to areas covered by the Convention.