



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Forty-fifth session

Summary record of the 916th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 27 January 2010, at 10 a.m.

Chairperson: Mr. Gabr

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of the Netherlands (CEDAW/C/NLD/4/Add.2; CEDAW/C/NLD/5 and Add.1 and 2; CEDAW/C/NLD/Q/5 and Add.1; HRI/CORE/1/Add.66)

1. *At the invitation of the Chairperson, the delegation of the Netherlands took places at the Committee table.*
2. **Ms. Dijkma** (Netherlands) said that although the Kingdom of the Netherlands constituted a single sovereign entity under international law, it was composed of three coequal parts that were fully autonomous in internal affairs: the Netherlands in Europe and the Netherlands Antilles and Aruba in the Caribbean.
3. Much progress had been made in eliminating discrimination against women in the Netherlands since the consideration of the fourth periodic report. The Government had made significant investments in helping women to combine employment with childcare: it had not only increased parental leave from 13 to 26 weeks but had also supplemented the €2 billion already earmarked for childcare with an additional €1 billion.
4. The fact that girls had surpassed boys in school performance had not yet been reflected in the labour market, where women lagged behind men in terms of salary and career prospects. Although women increasingly occupied top positions in the civil service as a result of a special policy aimed at increasing women's representation in such posts, only 45 per cent of the female workforce in the Netherlands was economically independent. Women in the Netherlands often preferred part-time jobs that allowed them to spend time with their children as well as to contribute to the family income. The relative equality and independence of women within the family also played a role in women's preference for part-time work. Yet the one-and-a-half-income model, which was the legacy of the sole-breadwinner model, kept women economically dependent on their husbands.
5. An interesting alternative to those models might be the "two-times-four" model, in which parents with young children each worked four days a week, thereby allowing both to contribute equally to raising their children and maintaining their home. As Minister for Education, Culture and Science, she had proposed the introduction of schooling for all children between the ages of 2 and 12 that offered a combination of high-quality childcare, education and sports facilities. Such facilities would encourage more parents, particularly mothers, to work more hours, thereby enhancing their career prospects and promoting their economic independence.
6. Since the presentation of the fourth periodic report, important steps had been taken to deal with domestic violence in the Netherlands. The new Temporary Restraining Order Act, which had entered into force in 2009, allowed municipal authorities to impose a 10-day restraining order on perpetrators of domestic violence or child abuse and to provide assistance to family members. In addition, a new bill on obligatory reporting of domestic violence and child abuse, including honour-related violence and female genital mutilation, would grant professionals the right to waive confidentiality in order to report such incidents. With regard to human trafficking, Parliament had recently increased the maximum sentences for persons found guilty of that offence. Within the European Union, the Netherlands was taking determined action to develop new and more stringent measures to combat human trafficking, including the submission of a proposal to appoint an anti-trafficking coordinator at the European Union level.
7. Lastly, she drew attention to the vulnerable situation of lesbian women, noting that according to recent studies, women who feared revealing their sexual identity tended to

suffer from health problems more frequently than other women. The Government attached importance to the social acceptance of lesbian women and considered that that issue belonged on the women's rights agenda.

8. **Ms. Leeftang** (Netherlands) said that on 10 October 2010, following completion of the constitutional restructuring process that had been under way for a number of years, the Netherlands Antilles as a federation of five islands would cease to exist. Curaçao and Sint Maarten would become associated, self-governing states within the Netherlands while the remaining islands of Bonaire, Saba and Sint Eustatius would become special municipalities within the Netherlands.

9. Although it often experienced difficulty in submitting periodic reports to the Committee on time, the Netherlands Antilles had made progress in a number of areas relating to its other obligations under the Convention. The Criminal Code had been amended to include provisions that protected children against pornography (including virtual images), prostitution and sexual abuse. In addition, steps were being taken to draft a bill on human trafficking, which would be submitted to the Advisory Council for consideration in February 2010. Human trafficking was not currently defined as a separate criminal offence in the Criminal Code but was prosecuted under other criminal offences, and persons found guilty of human trafficking were liable to a maximum prison sentence of five years.

10. A special public prosecutor for acts of domestic violence had been appointed and, together with other stakeholders, was working to enhance policy in that area by ordering special therapy for perpetrators, ensuring care for victims and engaging in general efforts to help empower women. Steps were also being taken to assist non-governmental organizations (NGOs) in their efforts to prevent domestic violence.

11. Women in the Netherlands Antilles had maintained a consistent level of political participation ever since they had obtained the right to vote, and to date there had been a total of five female prime ministers. There were many female candidates on the lists of the various political parties, and in the most recent parliamentary election several parties had been headed by women.

12. Measures to reform the educational system had included the adoption of two national ordinances: one on compulsory education for children between the ages of 4 and 18, and a second on compulsory social education, which sought to help dropouts between the ages of 16 and 24 return to school or participate in job training programmes. In a growing trend, the majority of secondary school and university students were girls and young women. Similarly, the level of female workforce participation had risen relative to that of men, and in 2009 there had been more working women than working men.

13. She drew attention to a number of other promising developments for improving the lives of women in the Netherlands Antilles, which included: an amendment of the labour legislation designed to bring it into line with the International Labour Organization (ILO) Decent Work Agenda; an increase in the old-age pension, including the widow's and orphan's pension; an amendment of the Family Law allowing men to acknowledge paternity outside of marriage; and a bill granting children the right to take the surname of either parent.

14. **Ms. Hooyboer-Winklaar** (Netherlands) said that the Convention and its Optional Protocol provided an important legal framework for the approximately 56,000 women living on Aruba and would form the basis for the further development of a national gender policy. Over the past decade, women in Aruba had made significant progress in many areas. Women had played an important role in the most recent electoral process and currently held 7 out of 21 seats in Parliament, and they also outperformed men in the area of education.

Nevertheless, much work remained to be done to protect and promote women's rights in Aruba.

15. Owing to a number of socio-economic factors, the real income of many families had dropped significantly in recent years, adversely affecting employment, health care and education. One of the first priorities of the new Government would be to strengthen the position of the most vulnerable groups in society. As of 1 January 2010, the monthly social assistance allowance for needy households had been increased by 25 per cent and an education allowance was to be granted to those with school-age children.

16. There was a need for a more integrated and coordinated approach to the problems faced by women in Aruba. Both the Government and NGOs saw the need for stronger policy development, coordination and mainstreaming a gender perspective in the areas of women's and children's rights. In adopting such an integrated and coordinated approach, Aruba would be guided by the comments and recommendations of the Committee and by exchanges of experiences and best practices with its counterparts in the Netherlands.

17. One example of an area in which an integrated approach was needed was domestic violence, a problem that called for urgent action. New statutory provisions criminalizing domestic violence and prescribing pretrial detention for perpetrators had been incorporated in the draft Criminal Code. It was hoped that the introduction of the new Code, the use of the new management information system and the partnership between the police and the Victim Support Office attached to the Ministry of Social Affairs would result in a more effective strategy for combating violence against women. The possibility of introducing a revised bill on temporary domestic exclusion orders was also under consideration. The Foundation for Women in Distress was working closely with the Social Affairs Department to provide ambulatory and residential care, and played an important role in educating the public about violence against women.

18. In 2006, the Aruban Parliament had approved amendments to bring the Aruban Criminal Code and other laws into conformity with international treaties on human trafficking and smuggling. Those amendments defined human smuggling as a criminal offence and broadened the scope of the relevant provisions to cover forced labour and organ removal. The interdepartmental and interdisciplinary committee established in 2007 had drawn up a counter-trafficking plan for the period 2008–2010. Further studies were needed to determine the extent to which trafficking in persons was occurring in Aruba's prostitution and service sectors so that measures could be taken to address the problem.

19. Many obstacles to the enjoyment of women's rights in Aruba were linked to gender-role stereotypes embedded in Aruban culture. Among both male and female segments of the population, the general attitude towards the topic of discrimination against women was one of denial, and the topic was not openly discussed. It was necessary to establish a vehicle in Aruba that would address the needs of women seeking information, guidance, support and networking in order to deal with the problems they faced.

Articles 1 to 6

20. **Ms. Jaising** said that, owing to the historical disadvantage suffered by women, equality should be conceived in a substantive, rather than a formal, manner. For that reason, she would appreciate clarification of the definition of equality contained in the Equal Treatment Act, which appeared to be purely formal and which prescribed equal treatment in equal circumstances. She sought clarification also of the statements in the State party's core document that the Netherlands adhered to a monistic system in respect of the relationship between international and national law (HRI/CORE/1/Add.66, para. 244) and that the domestic courts decided whether a particular provision of an international convention was

directly applicable (*ibid.*, para. 249). She asked whether those provisions appeared in the Constitution.

21. **Ms. Ameline** welcomed the commitment of the Netherlands to human rights at both the national and international levels, citing in particular the fact that the Netherlands was host to the International Criminal Court, whose mission included addressing the issue of violence against women in conflict situations.

22. In its concluding observations on the State party's previous report (CEDAW/C/NLD/CO/4), the Committee had appealed to the Government to reconsider its position that not all substantive provisions of the Convention were directly applicable within the domestic legal order, and that appeal appeared to be still pertinent. In that connection, she asked whether there had been any further developments in the case involving the National Calvinist Party (SGP), to which reference was made in the fifth periodic report, and she wished to know the details of discussions held on that case in Parliament. She would also appreciate clarification of the conditions under which women could exercise their rights under the Optional Protocol, particularly the conditions under which they could exercise their right of appeal in the domestic courts.

23. A number of important policy initiatives had been undertaken in recent years in the areas of gender mainstreaming, the incorporation of a gender perspective in the budget structure and gender impact assessment. She wished to know what the findings of evaluations of those initiatives had been.

24. She noted that there did not appear to be systematic reference to the Convention in the preparation and adoption of legislation in Parliament, and she wondered whether in future the Convention might figure more prominently in that process. She enquired whether the State party considered that it had incorporated the provisions of the Convention in domestic legislation to a satisfactory level.

25. She asked whether the Netherlands was open to the proposal that had been made to States members of the European Union to consider harmonizing their legislation with that of the particular member State that had achieved the highest legislative standard and had the best practice of all Union members.

26. **Ms. Šimonović** asked whether the central Government had established a mechanism for coordinating the reporting obligations of the constituent parts of the Kingdom and whether it had a policy to ensure the full implementation of the Convention throughout the national territory. She enquired whether the Netherlands would consider withdrawing the declaration it had entered upon ratifying the Convention, which might no longer be relevant.

27. She, too, would appreciate an explanation as to how the State party was complying with the Committee's request that it should consider withdrawing its appeal in the case involving the National Calvinist Party (SGP). In addition, she requested clarification of the official policy regarding national NGO funding, given that fears had been expressed that the new approach to funding deprived NGOs of their role of monitoring the implementation of the Convention and engaging in constructive dialogue with the Government. She enquired whether discrimination on the basis of gender identity had been included in the definition of direct discrimination set out in the Equal Treatment Act.

28. **Ms. Neubauer** said that, contrary to the requirements of agreed international standards, institutional structures in the Netherlands did not appear to have adopted the dual-track approach, which included both gender mainstreaming and the introduction of specific policies for the advancement of women. Instead, the State party tended to focus exclusively on gender mainstreaming. She would appreciate an explanation from the delegation in that regard.

29. She requested additional information on the functioning of the Interdepartmental Committee for the Coordination of Emancipation Policy and asked whether its members had the power to make decisions and therefore the ability to influence policy. The Interdepartmental Committee did not appear to ensure adequate coordination or implementation of policy within the various ministries, apparently leaving that task to Parliament. She also sought information on institutional mechanisms for the advancement of women's rights at the provincial and municipal levels and wished to know how they were coordinated by the central Government. She also wished to know whether, following completion of the constitutional restructuring of the Netherlands Antilles, the existing Women's Desks in Curaçao and Sint Maarten would be upgraded to the appropriate level in the political hierarchy so that they could become strong and efficient national mechanisms for the promotion of gender equality.

30. **Mr. Bruun** noted that in recent years the Netherlands had introduced an extensive legal regime governing public procurement that was consistent with common European Union legislative measures. The adoption of those measures within the Union had been accompanied by proposals to include an equality policy in procurement contracts that would require contracting parties to meet equality criteria, such as the adoption by the supplier of a plan for promoting equality for its employees or compliance with equality legislation regarding part-time work and equal remuneration. Given that those proposals had ultimately not been adopted by the Union but had been left to the discretion of its member States, he asked whether the Netherlands contemplated implementing such a mechanism as a means of giving effect to its obligations under article 3 of the Convention.

31. **Ms. Dijkma** (Netherlands) said that the Netherlands gender policy did in fact place emphasis on the mainstreaming of a gender perspective, as the Government believed that equal rights for women could be ensured only if there were persons dealing specifically with women's issues at all levels of government.

32. The National Calvinist Party (SGP) denied women the right to stand for election in the Party. Although the Government did not agree with the Party's position, there were several factors that had prompted it to defend itself in the case cited by the Committee. First of all, domestic legislation in the Netherlands drew a distinction between international law in the form of treaties and other international law. The Netherlands had a monistic legal system, which meant that the courts were required to apply domestic law, the provisions of treaties ratified by the Netherlands and the resolutions of international institutions of which it was a member. The latter two categories took precedence over domestic rules that were incompatible with them. The Netherlands system was characterized as a "qualified" monistic system in that the provisions of treaties and resolutions of international institutions could be applied only if they were binding on all parties and had been published. Because the courts could apply those provisions and resolutions without the need for implementing legislation, they also had the authority to determine whether the provisions and resolutions were binding on all parties. Experience had shown that the extent to which such provisions or resolutions were formulated in general terms and required extensive action by the State was inversely proportional to the likelihood that the courts would rule in favour of their direct applicability. General provisions therefore gave the State more latitude to make a variety of political choices.

33. There had been only a minimum degree of coordination in the preparation and presentation of the periodic reports of the three coequal parts of the Kingdom of the Netherlands, each of which was responsible for its own internal affairs. However, the central Government was working to improve that situation.

34. **Mr. Licher** (Netherlands) said that consultations were held with NGOs when policies were formulated and when they were evaluated. More than half of the 54 national NGOs that had participated in the drafting of the shadow report that had been submitted to

the Committee had received Government funding. The Government had shifted its approach from funding a large number of individual NGO projects to providing increased funds to municipalities, on the reasoning that gender equality policies should be anchored in local policies and that local authorities should cooperate with the Government in financing such initiatives. However, that did not change the fact that extensive sums were spent on such policies. In the current Cabinet period, the Government had allocated some €9 million for local gender equality policies and some €60 million for gender knowledge infrastructures and national NGOs working in the field of gender equality.

35. **Ms. Dijkma** (Netherlands) said that the establishment of an office for the advancement of women's rights at the ministerial level reflected the importance attributed by the Government to endeavours in that area. Moreover, the Minister of Emancipation not only coordinated, but also influenced the Netherlands policy on gender equality within other ministries. There was an awareness in all ministries of the cross-cutting importance of the promotion of gender equality.

36. **Ms. Verstappen** (Netherlands) said that the definition of equality contained in the Equal Treatment Act was based on the notion that in ensuring equality, consideration must be given to a person's particular circumstances rather than to the application of a single standard of equality to all persons regardless of their circumstances, which could in fact result in inequality.

37. **Ms. Dreessen** (Netherlands) said that the question of whether a provision of the Convention was directly applicable was determined by the Netherlands courts on a case-by-case basis. However, that procedure did not prevent individuals from making use of the complaints mechanism provided under the Optional Protocol. To date, four complaints had been lodged against the Netherlands, but none had led to the finding of a violation. Consequently, the Netherlands had not taken any specific action with regard to the cases in question. She wished to assure the Committee that the Government held the views of the treaty bodies in high esteem and made every effort to respect their decisions.

38. **Ms. Leeftang** said that three levels of support had been organized to help Sint Maarten and Curaçao assume the greater responsibilities that would be associated with their change in constitutional status. First, the two islands would be required to draw up a plan, including a timetable, of how they intended to comply with Kingdom law and with international standards. Once the actions set out in the plan had been carried out, an evaluation would be conducted and, if necessary, a further plan would be drawn up. Second, the Government of the Netherlands Antilles had received funds from the central Government earmarked for the dismantling of the federation and the assumption by Sint Maarten and Curaçao of their new responsibilities. Third, the central Government would provide the new entities with information, guidance and training relating to their new responsibilities.

39. The Netherlands Antilles was currently funding the activities of NGOs but recognized the need to set aside specific funds for the preparation of NGO shadow reports.

40. **Ms. Hooyboer-Winklaar** (Netherlands) said that the Government of Aruba did not provide project-based funding to NGOs. Rather, NGOs were granted annual funding on the basis of applications for funding that were accompanied by a plan of activities. While the amounts allocated were generous, there was a need for a more integrated approach that would bring NGOs into the Government's policymaking exercise. Aruba did not have plans to change the current system of funding.

41. **Ms. Jaising** said that it would be useful to have some examples of positive discrimination in favour of women. She asked what was meant by references to the granting of "exemptions" in the context of gender equality. She also wished to know whether any

temporary special measures had been taken in respect of electoral processes, employment, ethnic minorities or other disadvantaged groups, such as immigrants or refugees.

42. **Ms. Ara Begum** welcomed the birth of two new countries in the Kingdom of the Netherlands and wished them well on their journey towards a discrimination-free society. At present, black, Muslim and migrant women in the Netherlands suffered from numerous forms of discrimination in the areas of employment, education, health and public services. They were also subjected to gender-based violence and, in the migrant community, to gender-based role stereotyping. Moreover, no policies had been developed to ensure equality for rural women and older women, who also faced social isolation, neglect and abuse.

43. Immigrants accounted for 10.5 per cent of the total population of the Netherlands. She had received information to the effect that education and skill-building opportunities did not appear to be creating equal opportunities for all, since immigrant and refugee women in the Netherlands were often confined to undesirable sectors of the labour market and had to accept jobs far below their educational level. Stigmatization and stereotyping of women from immigrant backgrounds and ethnic minorities were apparently widespread in the Netherlands, and such women did not appear to be visible in public and political functions. She therefore urged the Government to take all appropriate measures, including temporary special measures and quotas, to eliminate the causes and consequences of the inequality faced by black, Muslim and immigrant women, including rural and older women, in the Netherlands. In that connection, she would welcome information on the results achieved by the emancipation and integration plan for the period 2004–2006.

44. **The Chairperson**, speaking in her capacity as an expert, said that the important global role played by the Netherlands in the area of human rights, and women's rights in particular, had led the Committee to have heightened expectations from the State party. She therefore invited the Government to consider redoubling its efforts to counter gender-role stereotyping, which had a negative impact on women in general, but particularly on immigrant women, who made up a considerable percentage of the population. A new approach was also needed in order to ensure that more women held senior positions in the Government. Lastly, greater efforts should be made to address the needs of older women, women with disabilities and women victims of human trafficking.

45. **Ms. Coker-Appiah** said that it was regrettable that the reports on the Netherlands Antilles and Aruba contained little information on the issue of violence against women. She therefore recommended that in its next periodic report the Government of the Netherlands should provide disaggregated data on violence against women in Aruba and in the islands comprising the present-day Netherlands Antilles.

46. She requested information on the status of the bill on temporary domestic exclusion orders that had been under consideration since 2007, including details concerning its provisions and the obstacles, if any, to its adoption. She would also appreciate information on the Domestic Violence Offenders programme. She asked whether any offenders had benefited from the programme and what strategies had been developed to follow up those individuals who had completed it, in an effort to prevent recidivism.

47. She asked what steps had been taken in the Netherlands Antilles to raise awareness among men of domestic violence and its consequences. She enquired whether the awareness training on domestic violence that was provided to police and immigration officers was of an ongoing nature and what impact that training had had to date.

48. **Ms. Chutikul** welcomed the subsidies provided by the State party to NGOs but stressed that such organizations should also be active partners in the formulation of policies. She enquired whether domestic legislation on trafficking in persons criminalized trafficking for forced labour or services and the removal of organs, as required under the

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) and wondered why the fifth report of the National Rapporteur on Human Trafficking, which included numerous recommendations, had apparently not been discussed in Parliament.

49. She noted that victims of trafficking who cooperated in the prosecution of perpetrators were eligible for residence permits but recalled that the Recommended Principles and Guidelines on Human Rights and Trafficking developed by the Office of the United Nations High Commissioner for Human Rights stated that protection and care must not be made conditional on cooperation in legal proceedings. Moreover, the Palermo Protocol required States parties to provide assistance and support to victims, including the possibility of employment and access to social services. She expressed concern that, according to information received by the Committee, the discretionary powers of the State Secretary of Justice regarding the granting of residence permits were exercised only in respect of specific groups.

50. While acknowledging that the police bore primary responsibility for identifying victims of trafficking, she urged the State party to adopt a multisectoral approach to trafficking that would involve labour groups, employment authorities, social workers, NGOs and others and complement the efforts of the police. A single interview with police might not garner sufficient information; furthermore, police officers might not have the necessary training to deal adequately with minors and women, especially foreigners. She asked whether representatives of social services or psychologists were required to be present when police interviewed minors or women and what cooperation measures existed between the State party and countries of origin for migrant workers and trafficking victims.

51. **Ms. Neubauer** asked whether the State party had ratified the Council of Europe Convention on Action against Trafficking in Human Beings and, if so, what measures were needed to incorporate it into domestic law. She would welcome information on the situation of persons involved in prostitution in Aruba who did not have permits to work as bar employees or who were not long-term residents as well as on government policy and regulations with regard to prostitution in the Netherlands Antilles, including measures to protect the safety and rights of prostitutes.

52. She asked whether NGOs and prostitutes' representatives had been involved in the drafting of the Framework Regulation on Prostitution Licensing in the Netherlands, and whether a gender impact assessment had been undertaken. She expressed concern that, rather than empower prostitutes, the Regulation might have the opposite effect: for example, clients of unregistered prostitutes might be wary of assisting the authorities in cases of trafficking for fear of prosecution. More information on the Regulation and on efforts to empower prostitutes, as well as information on exit programmes, would be welcome.

53. **Ms. Patten** requested clarification as to why the State party had repealed the category-based protection policy set out in article 29 (d) of the Aliens Act. She was concerned about the effect that repeal might have on women victims of violence. The State party should review its asylum policy to ensure that women from certain social groups and women victims of violence, including domestic violence, could be considered victims of persecution and thus become eligible for asylum. She welcomed the State party's policy to combat female genital mutilation, which required parents from countries where that practice was common to pledge not to inflict genital mutilation on their daughters. However, she wondered what sanctions were applicable if parents refused to make or violated that commitment.

54. **Ms. Dijkma** (Netherlands) said that her Government did in fact implement positive discrimination measures to improve the status of women. For example, where a female candidate, particularly one belonging to an ethnic minority, had equal qualifications for a post in the administration, that candidate was selected. Some political parties had a policy of setting quotas of 50 per cent women for electoral lists. Furthermore, all legislation was non-discriminatory, and where discrimination nevertheless occurred, mechanisms to remedy the situation existed.

55. She agreed that education and awareness-raising about gender issues was vitally important. Gender issues were highlighted at all levels of the education system, and every effort was made to combat stereotyping and encourage girls to study non-traditional subjects, such as technical subjects.

56. NGOs were consulted and involved in the development as well as in the implementation of legislation. For example, NGOs and other stakeholders such as trade unions and political parties had been involved in the process leading to amendment of the Working Conditions Act that added discrimination to the list of psychosocial stressors in the workplace. NGOs also helped to train detention centre staff in recognizing signs of involvement in human trafficking and in identifying and registering victims.

57. The new Framework Regulation on Prostitution Licensing would better regulate prostitution and help to eliminate violence against prostitutes, prevent sexual abuse of minors and generally improve the situation of prostitutes. Her Government did not share the concerns voiced by some NGOs that the Regulation might possibly have negative effects. Under the old system many prostitutes — those who worked for escort services, for example — were virtually invisible to the authorities and thus had no protection. Since prostitutes would be required to register with the authorities every three years, they would come into contact with the administration, at which time they could receive information about their rights, health issues, available services and exit programmes. Administration staff would be trained to detect signs of trafficking, and all information exchanged in such encounters would be kept strictly confidential.

58. **Ms. Pennings** (Netherlands) said that, as recommended in the third report of the National Rapporteur on Human Trafficking, article 273 (f) of the Criminal Code had been amended to cover all forms of exploitation, including trafficking for labour and removal of organs, thereby bringing domestic legislation into conformity with the Palermo Protocol and European norms. The Government had responded to the Rapporteur's fifth report by means of a letter to Parliament; it had also launched the "Safety Begins with Prevention" campaign, which included information on combating trafficking. The sixth report had consisted of a statistical compilation, and the Government had replied to the seventh report the previous week in a letter to Parliament, and the report would be considered in Parliament in a few weeks.

59. She agreed that NGOs and other groups could play an important role in identifying victims of trafficking but stressed that it was the police who must officially identify victims so that criminal charges could be brought against those responsible and appropriate services could be provided to victims. The relevant police officials were trained in dealing with victims of trafficking. Pursuant to regulation B9, victims who were illegal residents were given a three-month period during which time they received aid and support, to consider whether they wished to cooperate in proceedings against traffickers. Parliament had approved the Council of Europe Convention on Actions against Trafficking, the ratification process was under way and the Convention should enter into force in the Netherlands in July 2010.

60. **Ms. Bleeker** (Netherlands) said the regulations governing the granting of residence permits to victims of trafficking were in line with European standards. Victims who

decided during the three-month period allowed under the B9 regulation to cooperate in criminal prosecutions could apply for residence when the proceedings were concluded. Since 2008, even victims who chose not to cooperate could apply for residence and were provided with shelter, social services, and financial and legal support. They could be granted residence by the State Secretary for Justice on humanitarian grounds that included protection against domestic or other forms of violence. However, the humanitarian grounds mechanism had rarely been used: fewer than 10 residence permits had been granted. In 2008 and 2009, residence permits had been issued to 230 and 200 cooperating victims respectively, with permanent residence permits granted to 100 and 40 victims respectively.

61. With regard to the elimination of categories of victims entitled to protection, she noted that protection still existed but was granted on an individual basis. Gender-related proceedings involving women received special attention from the Immigration and Naturalization Service. Domestic violence and female genital mutilation were eligible grounds for the granting of asylum.

62. **Ms. Dijkma** (Netherlands) said that many political parties had policies to increase the participation of ethnic minorities. The Netherlands Government realized that more needed to be done to increase such participation, especially of women from ethnic minorities. For example, the 1001 Strengths programme sought to promote the participation of up to 50,000 vulnerable ethnic minority women in volunteer work.

63. **Ms. Leeftang** (Netherlands) said that she had current statistics on violence against women in the Netherlands Antilles that she would transmit to the Chairperson, and the next periodic report would contain additional data on that issue. The Government cooperated with the United Nations Population Fund (UNFPA) on projects to increase awareness of the problem of gender violence among men, and a recent programme had involved men in educating other men about the issue of gender violence.

64. Although prostitution was still a somewhat taboo topic, the Government accepted the need for a general policy on prostitution to protect women. Notwithstanding the absence of a specific policy dealing with prostitution, however, prostitution and child pornography involving children under the age of 18 were prohibited. The situation of sex workers was monitored to ensure that their labour rights were not violated, and the Government intended to ensure effective policing of the sex trade and prostitution.

65. **Ms. Hooyboer-Winklaar** (Netherlands) regretted that the only statistical information available for inclusion in the report on Aruba had been partial figures supplied by the Foundation for Women in Distress. ACTPOL, the new police information management system launched in February 2009, would facilitate the inclusion of accurate statistics on the situation with regard to violence against women in the next report.

66. The private member's bill relating to temporary domestic exclusion orders, mentioned in the report, was currently under review by the Government for technical reasons and in the light of concerns raised by the Foundation for Women in Distress. The courts could order perpetrators of violence against women to take anger management classes; if the perpetrators failed to complete the training, they could be ordered to appear in court and sentenced to payment of a fine or imprisonment. Interdepartmental teams made up of representatives of the police and the labour and health authorities monitored the situation of women working as prostitutes, both those officially registered as "bartenders" or "hostesses" and those working in a non-structured environment.

67. As was noted in the report, Aruban legislation regarding human trafficking had been brought into conformity with international standards; the Criminal Code, for example, had been amended to prohibit human smuggling and human trafficking for sexual or labour exploitation and organ removal. A special unit of the police force was responsible for

human trafficking, and the situation was monitored constantly with a view to detecting any cases that might arise.

68. **Ms. Šimonovič** wondered whether the Convention was directly applicable by the courts in the Netherlands Antilles and Aruba and requested information on any cases in which the courts had directly applied the Convention. The explanation given in the report of article 93 of the Netherlands Constitution regarding the applicability of international conventions was not clear, and she noted that if international instruments were not directly enforceable in a State party, the State had an obligation to adopt whatever domestic legal measures necessary to address that situation.

69. The court decisions and appeals relating to the provision of subsidies to the National Calvinist Party (SGP), which excluded women, underscored the importance of adopting measures to ensure the applicability of the Convention. She wondered whether in appealing the decision of the Court of Appeal to the Supreme Court the State party was also questioning the direct applicability of the Convention.

70. **Ms. Neubauer** requested information on whether the goals of the Long-term Emancipation Policy Plan 2006–2010 had been achieved and on any obstacles encountered in implementing the Plan, in particular with regard to such goals as women's participation in the labour market, increased economic independence for women, and the situation of immigrant women and women belonging to ethnic minorities. She wished to know what lessons had been learned and whether new goals had been defined in the context of a new plan.

71. **Ms. Chutikul** enquired whether witness protection policies applied to victims of trafficking and whether the State party cooperated with countries of origin to combat trafficking. Information would also be welcome on the proportion of official development assistance earmarked for gender issues that was spent on efforts to combat human trafficking.

72. **Ms. Hayashi** welcomed the formulation of National Action Plan 1325 to implement Security Council resolution 1325 (2000), on women and peace and security, and wondered if similar steps had been or would be taken to implement Security Council resolutions 1888 (2009), on sexual violence against women and children in situations of armed conflict, and 1889 (2010), on women and peace and security.

73. **Ms. Belmihoub-Zerdani** wondered whether the new countries of the Netherlands Antilles and Aruba would be able to allocate sufficient resources to gender issues and implementation of the Convention, and whether those resources would be proportionally equivalent to the resources allocated by the Netherlands Government. Information on the amount of spending on gender- and Convention-related activities, as well as on the level of interest in the Convention in both countries would be appreciated.

74. **The Chairperson**, speaking in her capacity as an expert, requested information on efforts to combat negative stereotyping of women, in particular immigrant women, and to promote the integration of such women in society. She also wished to know about women's representation in the public and private sectors, including in positions of responsibility. She urged the State party to eliminate obstacles to family reunification for immigrants.

75. **Ms. Dijkma** said that the State party attached great importance to the Convention, some articles of which were more directly applicable than others. Her Government had appealed the National Calvinist Party (SGP) case to the Supreme Court with a view to obtaining a definitive clarification of all the legal and constitutional issues raised by the case, and a decision was expected by March 2010. With regard to evaluation of the achievement of objectives and the success of government policies, she said that NGOs and

other stakeholders played an important role in providing feedback on the progress made and remaining challenges.

76. **Mr. Licher** said that gender mainstreaming was indeed a priority for all government ministries and departments, as the Emancipation Memorandum made clear. For example, the Ministry of Justice prepared checklists relating to gender issues to be used in verifying compliance of legislation and policies with gender priorities, the Ministry of Finance reviewed legislation regularly for gender appropriateness, and individual departments prepared gender plans as needed when official programmes were being implemented. A general review of emancipation policy in ministries would be undertaken in 2010.

77. **Mr. Dijksterhuis** (Netherlands) said that his Government fully supported Security Council resolutions 1325 (2000), 1888 (2009) and 1889 (2000) and was particularly active in combating violence against women and children, including sexual violence, and promoting the role of women in peace and security in Afghanistan, Burundi, the Democratic Republic of the Congo and the Sudan. In cooperation with NGOs, it had recently organized a conference on women and the peace process in Afghanistan, and the Netherlands would also be an active participant in the international conference beginning the next day in London on the conflict in Afghanistan, at which women would be well represented.

78. In December 2009 the Netherlands Government had organized a conference on women in war zones and sexual violence as an instrument of war, which had led to the production of well-received documentaries. The Netherlands provided training to the armed forces of the Democratic Republic of the Congo on the need to eliminate rape and prosecute perpetrators. To commemorate the tenth anniversary of Security Council resolution 1325 (2000) his Government planned to organize a working-level conference of peacekeeping troop-contributing countries on how to help fragile States and promote gender issues in the armed forces. A mid-term review of National Action Plan 1325 had been carried out in 2007.

79. **Ms. Dijkma** (Netherlands) said that her Government recognized the need to increase the participation of non-Western minorities in the labour market. Efforts were being made to help both men and women from those minorities enter the labour market; however, the situation of women belonging to ethnic minorities was exacerbated by the fact that cultural stereotypes regarding working women persisted among men in those groups. She was pleased to inform the Committee that the proportion of non-Western immigrant women in the labour market had increased from 42.6 per cent in 2007 to 46.7 per cent in 2008. Moreover, municipalities had established programmes to encourage and assist ethnic women in finding employment.

80. **Ms. Leeflang** (Netherlands), addressing the applicability of the Convention, said that the Charter for the Kingdom of the Netherlands required the Netherlands Antilles to harmonize its laws with those of the Netherlands, including international instruments ratified by the Netherlands, while ensuring respect for the country's autonomy and culture. Most of the provisions of the Convention were directly applicable in the Netherlands Antilles, as evidenced by a court decision in the 1990s establishing equal salaries for men and women. However, the courts had a tendency to invoke European norms, and she suggested that efforts to promote awareness of the Convention might change that situation.

81. Gender empowerment was of critical importance for the reputation and development of Netherlands Antilles. Her Government paid close attention to the Committee's recommendations, which frequently led to legislative reform, as demonstrated by the adoption in 2004 of a law on stalking.

The meeting rose at 1.10 p.m.