



Convention on the Elimination of All Forms of Discrimination against Women

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

Summary record of the 1457th meeting

Held at the Palais des Nations, Geneva, on Thursday, 10 November 2016, at 10 a.m.

Chair: Ms. Hayashi

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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*)

Sixth periodic report of the Netherlands (CEDAW/C/NLD/6; CEDAW/C/NLD/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of the Netherlands took places at the Committee table.*
2. **Ms. Bussemaker** (Netherlands) said that on 10 October 2010 the Netherlands Antilles had ceased to exist as a federation. Since that date, the Kingdom of the Netherlands had consisted of four autonomous countries: the Netherlands, Aruba, Curaçao and Sint Maarten.
3. Introducing the State party report (CEDAW/C/NLD/16), she said that discrimination against women, domestic violence and stereotyping continued to exist worldwide; achieving gender equality was a universal aspiration and the right to protection from all forms of gender discrimination was a universal right. Issues of equality were increasingly being presented in the Netherlands as a cultural achievement that was restricted to certain groups of people, which was a distortion. Equality was about embracing universal human rights and giving more people the opportunity to reap the benefits of those rights. That could happen only if women and men and the lesbian, gay, bisexual, transgender and intersex (LGBTI) community had an equal position across the social spectrum.
4. Increasing women's economic independence was a priority for the Government of Netherlands. Several projects had been launched, such as *Eigen Kracht* (On your own), *De Tafel van Een* (Table for one) and a project aimed at raising literacy levels. In addition, the Dutch Empowerment Tour aimed to increase awareness about the importance of economic independence and encourage women from all walks of life to increase their working hours. The Government had entered into agreements with municipalities and companies committing them to help women return to employment. Since 2014, over 1,800 women nationwide had participated in the Tour and more than 120 agreements had been signed. The Tour was currently continuing at the local level with ongoing support from the Ministry of Education, Culture and Science. The Government had also introduced new legislative measures to improve care options and flexible working arrangements. Since 2010, the percentage of women who were economically independent had increased from 47.5 to 53 per cent.
5. The Government had taken substantial measures to combat violence against women, and had ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) in November 2015. The Convention had entered into force on 1 March 2016.
6. On 30 September 2016, some 32.8 per cent of top positions in central Government had been held by women. That achievement had required a great deal of effort, but much work remained to be done. Despite the introduction of temporary special measures targeting the business community, the percentage of women on company boards continued to lag behind.
7. In February 2017, the Government would organize a conference for NGOs, policymakers, municipalities, police officers, judges and other judicial officers to disseminate and discuss the Committee's concluding observations and generate ideas on how to follow up on the recommendations.
8. **Ms. Hooyboer-Winklaar** (Netherlands) said that, in 2011, the Government of Aruba had established the Centre for Women's Development, a government agency tasked

with providing cross-departmental services for women. It had assisted over 12,000 women to date and was currently providing services to around 800 women, including free legal aid, job skills training and group therapy for domestic abuse survivors. It continued to educate, coach, guide and inspire women from various socioeconomic backgrounds.

9. The findings of the 2012 United Nations Children's Fund (UNICEF) analysis of the human rights situation of children and women in Aruba had shaped new policy and assisted the Government in addressing inequities in laws and policies. It had also resulted in the development of a comprehensive policy plan for Aruban youth. A commission had been appointed to develop an integrated gender policy, and consultations were being held with relevant stakeholders in the areas identified as essential for the protection and promotion of women's rights, which included combating violence against women, participation in public and political life and empowering women and girls.

10. In September 2016, an amendment to the Civil Code had provided for the legal recognition of civil unions of same sex and heterosexual couples. However, it had given rise to intense public debate, pitting religious leaders and congregants against lesbian, gay, bisexual, transgender (LGBT) activists and other supporters of the amendment. The arguments used to maintain discriminatory practices against LGBT persons had exposed an undercurrent of staunch community beliefs that continued to exist despite the progress that had been made in many areas. The amendment of the law on names had allowed parents to choose between giving their child the family name of the father or the mother. A new law also prohibited corporal punishment in the family setting and provided for the establishment of an advice and reporting centre for child abuse. In addition, draft legislation regulating child and day-care centres had been submitted to parliament and should be approved in early 2017. Quality childcare services were critical to economic development and increased female labour participation, especially in Aruba where about 30 per cent of children were raised primarily by their mother.

11. The Government was now offering young women with no formal education who were welfare recipients the opportunity to finish school and enter the labour market by prolonging their benefits for the period during which they attended school. In addition, work was under way on a new policy that would waive university tuition fees for single parents, 92 per cent of whom were women. There remained much to accomplish in terms of women's political participation and political representation; while Aruba had a female population of 53 per cent, only 27 per cent of the votes cast during general elections went to female candidates. The Government would continue to raise awareness of the importance of gender equality as the only way of creating well-being for all citizens, in accordance with the Sustainable Development Goals.

12. **Ms. Juliet-Pablo** (Netherlands) said that the autonomous status Curaçao had obtained on 10 October 2010 had involved political, governmental and constitutional changes. The Government was striving to strengthen and support all vulnerable groups in society, including by improving the status of women. Compliance with the Convention was important for Curaçao, despite the challenges it currently faced, such as the high rate of youth unemployment, especially among young women. The major challenges to implementing the Convention included the status of the young single mother versus the huge ageing population, the opportunities for further education and personal development of women in relation to their reproductive rights and their future prospects, and the increase in child abuse and domestic violence and the need for policies for the persecution of perpetrators. In 2014, a package of fiscal incentives had been introduced to encourage employers to hire young people, thus providing them with a future and security.

13. A new gender policy had been developed, which was supported by all ministries. The national plan against violence towards women had been finalized, thanks to the joint efforts of the Government and NGOs, and implementation would begin in January 2017. In

2011, the Ministers of Justice of Aruba, Curaçao, Sint Maarten and the Netherlands had signed a memorandum of understanding on trafficking and smuggling in human beings, which were violations to which women and children were more vulnerable than men. Various ministerial consultations had been held and awareness campaigns would be organized focusing on risk groups, residents, tourists and sectoral organizations.

14. **Ms. Arnell** (Netherlands) said that the right of women to equal and unobstructed opportunity was enshrined in article 16 of the new Constitution of Sint Maarten, which expressly prohibited discrimination on the grounds of sex. The country's new Penal Code had come into force on 1 June 2015, introducing a broader legal definition of human trafficking and enacting anti-trafficking and anti-smuggling provisions, as well as addressing the different forms of participation, penalties and aggravating circumstances. The Reporting Bureau had been set up, under the Ministry of Justice, to lead national campaigns against human trafficking and smuggling and to enable individuals to report incidences of such offences. As a result, Sint Maarten had been reclassified from tier 2 to tier 1 on the Watch List in the United States Department of State Trafficking in Persons Report 2016.

15. Following the withdrawal of direct aid from the Government of the Netherlands in January 2014, local government budget support and a purpose-made Development Fund had been created to ensure that NGOs were properly funded and able to carry out their mandates. One such NGO was Safe Haven, which protected, counselled and empowered victims of domestic violence and their children.

16. Prostitution had been decriminalized under the new Penal Code, and the Reporting Bureau and the Ministry of Public Health, Social Development and Labour continued to work towards ensuring that the industry was safe and regulated. A new policy on sexual and reproductive health was being finalized and would contain provisions on access to abortion services, counselling and aftercare. In preparation, education and awareness-raising activities concerning both abortion and prostitution were under way as part of the wider programme of sexual health mainstreaming. That programme focused on teaching sexual health education in schools and curbing the stigmatization of teenage pregnancy and HIV/AIDS, both of which were likely to affect the opportunities and progress of lower-income girls more than others. Pregnant girls were now either encouraged to stay in school or else advised to return to school after giving birth, thus curbing any possible discrimination against them. Nonetheless, avoiding teenage pregnancies was the top priority.

Articles 1 to 6

17. **Mr. Bruun** asked how the State party could ensure that its obligations under the Convention were fulfilled in the four countries and the three special municipalities, Bonaire, Saba and Sint Eustatius, that now made up the Kingdom. The Committee remained concerned that the State party's position on the status of the Convention in the domestic legal system remained unchanged and that the question of the direct applicability of its provisions continued to be determined by domestic courts and was therefore subject to divergent opinions (CEDAW/C/NLD/CO/5, para. 12). That lack of consistency had been highlighted in the case of *De Blok et al. v. the Netherlands* (communication No. 26/2012, CEDAW/C/57/D/36/2012), in which the Committee had found a clear violation of women's right to maternity benefits under article 11 (2) (b) of the Convention. The complainants had found the State party's continued refusal to pay appropriate compensation, despite the Committee's decision, unacceptable, and had launched new judicial proceedings in the State party. A first instance court had subsequently ruled that article 11 (2) (b) was directly applicable in the State party, and that the Netherlands had therefore violated its obligations under the Convention. The Netherlands Employees Insurance Agency had

reportedly appealed that decision, stating that the Committee was not mandated to interpret the articles of the Convention. The Committee disagreed with that statement and regretted that the State party had not sought a friendly settlement with the complainants. He therefore urged the State party to increase the visibility of the Convention and the Committee's general recommendations throughout the Kingdom. He also asked what measures the State party would take to ensure justice for marginalized and stigmatized groups, particularly through public interest litigation.

18. **Ms. Nwankwo** asked how the Governments of the State party had given effect to the Committee's previous recommendations to collect data and statistics disaggregated by gender, ethnicity and age in order to identify the needs of specific groups of women, and to conduct gender assessments of its social sector legislation and policies, as well as of its cuts in the health-care budget (CEDAW/C/NLD/CO/5, para. 45). She would like to know how gender impacts would be measured when monitoring the effect of decentralization and how the Government ensured access to justice for marginalized and stigmatized groups, particularly victims of domestic violence and victims of other forms of discrimination. Updated information on gender mainstreaming in all the State party's international policies and programmes would be appreciated in the light of recent official evaluation reports, especially those concerning private sector developments, social corporate responsibility and conflict and counter-terrorism measures. She also asked whether the State party planned to guarantee access to legal gender recognition for intersex and transgender children and adults, and to implement mechanisms to protect intersex children from experimental medical treatment without their free and informed consent. Lastly, she enquired whether the State party planned to optimize law policy and practice to lower hate crime rates and to ensure that human rights violations against intersex and transgender persons were investigated and the perpetrators prosecuted.

19. **Ms. Bussemaker** (Netherlands) said that the four countries in the Kingdom were autonomous in their implementation of the obligations stemming from the Convention and there was no reason to change that constitutional arrangement. Bonaire, Saba and Sint Eustatius had formed part of the Netherlands since 2010, and the Government was striving to eliminate any unjustified differences between the Caribbean and European parts of the Kingdom. The islands would need time to develop the statutory and others measures required, given the substantial administrative changes that had taken place in 2010. Much had already been achieved in terms of access to health care and equality in primary education, and island-specific programmes had been developed for poverty reduction, economic development, the advancement of children's rights and good governance.

20. Insofar as the Convention was formulated as instructions to States parties, the Government took the view that, in principle, the Convention was not directly applicable in the domestic legal order. However, parliamentary records showed that provisions of the Convention concerning rights that were also enshrined in other conventions in respect of which direct effect had been established were directly applicable. Articles 2 (d), 7, 9 and 11 were therefore assumed to have direct effect regarding equal pay but, ultimately, it was up to the national courts to determine, when confronted with a specific case, whether individual provisions of the Convention were directly applicable. The Supreme Court had ruled that articles 7 (a) and (c) had direct effect, and, in September 2016, the district court in Utrecht had ruled that article 11 (2) (b) might, in certain circumstances, have direct effect. As for the steps that needed to be taken in order to incorporate the provisions of the Convention into domestic law, she drew the Committee's attention to the explanation provided in paragraphs 160 to 164 of the periodic report.

21. **Mr. Böcker** (Netherlands) said that the Government's position that it would not follow up on the case of *De Blok et al. v. the Netherlands* was not going to change. The case was sub judice as the outcome of the appeal was still awaited. Meanwhile, there

appeared to be some misunderstanding regarding the direct application of the provisions of the Convention in the Netherlands. The fact that a given provision was not directly applicable did not mean that the Netherlands did not feel bound by it; on the contrary, it did feel bound by the provisions of the Convention. However, under the Constitution some provisions required transposition while others did not. The principle was to apply directly if possible and to transpose if necessary. The article 11 provisions involved in the *De Blok* case were among those that required transposition.

22. **Ms. Bussemaker** (Netherlands) said that there was no distinct provision concerning access to justice for marginalized or stigmatized groups, but the Government of the Netherlands was fully committed to ensuring access to justice for those groups in ways that complied with the constitutional framework, and all such groups were covered by the general rules on collective action. Under the Civil Code, an association could bring an action to protect public interests or the interests of other persons as long as the interests in question were similar to those pursued by the association itself. Collective action was precluded if there was a possibility of bringing individual proceedings before the administrative court. In equal treatment cases, associations could also bring proceedings before the Netherlands Institute for Human Rights. In certain cases, women could invoke provisions of the Convention that had direct effect before the district civil court and, if the relevant procedural conditions were met, could apply for judicial review of the judgment. The Netherlands Institute of Human Rights was also competent to give an opinion on complaints of discrimination. Moreover, because the Netherlands had ratified the Optional Protocol to the Convention, women could submit individual or group complaints to the Committee.

23. With regard to transgender persons, she said that in July 2014 changing the indication of sex on a birth certificate had become an administrative procedure with no need for medical attestation. Transgender persons were free to undergo surgery if they wished, subject in all cases to free and informed consent.

24. A meeting of medical specialists, interest groups and policymakers was planned for the following week to discuss the issues relating to intersex children and adults, including violence and ill-treatment. The meeting was the start of a process, the intention being to gather information and to determine what health care might be best suited to intersex persons and what needed to be done by relevant stakeholders including the Government. The Committee would be kept informed of the outcome, and of further progress in that area.

25. Efforts to address hate crime included an interministerial programme of action against discrimination that had been drawn up in early 2016, one component of which covered discrimination and hate crimes against LGBTI persons. As to the rates of prosecution and conviction for hate crimes, the Ministry of Security and Justice had conducted an analysis of discrimination cases, mapping their route through the justice system. Recommendations had been made to improve that route, although it had also been concluded that a sufficient number of cases proceeded normally through the system. Three principal areas for action had been identified: namely, awareness and expertise; registration and reporting; and prosecution and conviction. Discrimination against LGBTI persons was a special focus and an organization of LGBTI persons within the police had been formed. Documents due out in 2017, including working instructions for the police on how to deal with incidents of discrimination and hate crime, were expected to further improve the justice chain.

26. Gender mainstreaming was implemented through the development cooperation portfolio, by means of specific work plans in areas of focus such as climate, water and trade, and by monitoring programmes and developing thematic indicators. The third national action plan for the implementation of Security Council resolution 1325 had been signed in March 2016 by several ministries and NGOs.

27. **Ms. Hooyboer-Winklaar** (Netherlands) said that the Government of Aruba needed to improve its data-collection systems in order to gain a more thorough knowledge of the situation of women and children, and that the recommendations made by UNICEF should be implemented as soon as possible, without necessarily waiting for changes in policy.

28. **Ms. Juliet-Pablo** (Netherlands) said that data collection in Curaçao was a weak point but her country was working on solutions.

29. **Ms. Arnell** (Netherlands) said that data collection was a weak point in Sint Maarten too, but a centralized structure had been developed and data could be disaggregated in order to facilitate compliance with obligations under the Convention. Training had taken place and the new system should be fully operational in 2017.

30. **Mr. Bruun** said he welcomed the fact that the State party appeared to regard the Optional Protocol as a tool for the administration of justice. It was important to bear in mind that, before a complaint could be considered, the authors must have exhausted all the remedies available within the State party's justice system. If the Committee found a violation but the authors were then obliged to bring fresh legal proceedings in the State party in order to enforce the Committee's decision, the whole procedure under the Optional Protocol was undermined. He therefore urged the Government to reconsider its position.

31. **Ms. Patten** said that, according to alternative sources, in 2015 the Government of the Netherlands had granted a company a licence to export €35 million-worth of arms to Egypt. A group of NGOs had challenged the licence in court on the grounds that the arms export would violate women's rights and that the Government had taken no account of Egyptian participation in the naval blockade of Yemen or of subsequent human rights violations. The case had been declared inadmissible on the basis that the export licence had not directly affected the interests of those NGOs. She would therefore like to know to what extent the Government was addressing the gender impact of international arms transfers; whether any assessment under human rights and humanitarian law had been conducted before granting the licence; and what avenues were open to concerned members of the public and civil society wishing to challenge the issuance of such licences.

32. She commended the State party on its active role in preventing and resolving conflicts around the world. Many of its activities, such as informal conflict prevention measures, mediation and technical assistance to countries emerging from conflict, involved women's participation. She wondered to what extent the State party ensured that economic recovery strategies promoted gender equality as a necessary precondition for a sustainable post-conflict economy and to what extent women were involved in the design of those strategies and programmes.

33. **Ms. Nwankwo** said that access to justice was not simply a matter of whether women could physically get to the courts; she was more interested in how the State party dealt with barriers such as the cost of litigation or legal representation. Aruba, for example, had free legal services, and she would like to know whether that was the case in the other countries of the Kingdom.

34. **Ms. Bussemaker** (Netherlands) said that the Ministry of Foreign Affairs was committed to addressing gender issues in post-conflict situations. In conjunction with UNICEF, the Government of the Netherlands had just completed a joint programme on peacebuilding and education with a special focus on girls' education. Her delegation would provide answers to the questions raised by Ms. Patten regarding arms exports and their consequences for women within 48 hours.

35. **Ms. Arnell** (Netherlands) said that in Sint Maarten the Ministry of Justice and the Ministry of Public Health, Social Development and Labour had set up a joint scheme to provide free legal counsel in civil and criminal cases.

36. **Ms. Juliet-Pablo** (Netherlands) said that in Curaçao free legal aid was available to people in need. In recent years mediation and restorative justice procedures had been introduced.

37. **Ms. Chalal** said that, despite the restructuring of the State party's territories and the establishment of mechanisms for the advancement of women's rights, disparities between the different parts of the Kingdom persisted in terms of gender equality. She would like to know whether the State party planned to adopt a national gender mainstreaming strategy to combat the structural obstacles to the achievement of gender equality that provided a clear mandate and adequate human, financial and technical resources for implementing bodies. In view of the extensive autonomy of the territories, she wondered whether the Ministry of Education, Culture and Science, which was responsible for coordinating policy on equal opportunities, was able to guide policy implementation at the territorial level, including in the Caribbean part of the State party; and whether it coordinated its activities with those of other bodies working on gender equality. She would also appreciate some information on the Ministry's budget and mandate.

38. She wondered how successful efforts to mainstream the gender perspective in general policies had been. Did the equal opportunities department carry out evaluations of the gender perspective in legislative and policy proposals or issue opinions on their impact on women? Noting that, in Curaçao, there had been no gender impact assessment or gender budgeting analysis to date, she asked what factors might prevent such exercises from being carried out. She would also like to know about any mechanisms in place to ensure proper monitoring of gender equality programmes. Noting also that, in some territories, subsidies for bodies working with women's rights, including ethnic and migrant women's organizations, had been suspended, she asked what the State party planned to do to meet the needs of those organizations.

39. **Ms. Nadaraia** said that the State party had taken numerous steps to address gender discrimination in the labour market and increase women's representation at senior levels in companies, in public life and in political office, including the imposition of quotas. Progress was to have been monitored and the results presented to parliament in the autumn of 2016: had any evaluation in fact been done and what had been the outcome? According to alternative sources, there had been little progress in women's representation in senior positions, yet companies that had failed to meet the set quota had not faced penalties. She would like to know what figures lay behind words such as "boost", "progress" and "intensify", and how the figures reflected the situation of non-White women. She would appreciate information on the use of temporary special measures in Bonaire, Sint Eustatius and Saba, and on the temporary special measures, if any, in place in Sint Maarten.

40. **Ms. Bussemaker** (Netherlands) said that the constitutional changes had not altered the close cooperation that existed between all the autonomous countries of the Kingdom of the Netherlands. By way of example, talks to strengthen policy on combating domestic violence, as part of a plan for the period 2017-2020, had involved all four countries. The proposed policy was to include priority measures on prevention, training for professionals, shelters for victims and accessible reporting structures. Once the policy had been agreed, the Government was committed to allocating sufficient funding to the islands that were part of the Caribbean Netherlands so as to ensure that concrete action could be taken.

41. Efforts were under way to achieve a more balanced gender mix in high-level positions, and there were proposals to extend the law that set a minimum target of 30 per cent for women on the management and supervisory boards of companies. More active cooperation between the Government and employers' federations was being pursued with the aim of creating sustainable solutions that were supported by all stakeholders. A number of initiatives had been launched to boost women's representation, including the appointment of ambassadors who helped companies to achieve a better gender balance in

their workforce and on their executive boards; the development of a database of board-ready women; and the organization of networking events that brought women into contact with companies and executive search agencies. Action was also being taken to replicate measures that had been successful in other countries, and there were plans to “name and fame” organizations that were setting examples of best practice and to raise awareness among employers of the 30 per cent target. However, much remained to be done and progress was admittedly slow. In general, the preference was for companies to take responsibility for ensuring more of a gender balance. For that reason, there was no appetite in parliament for the introduction of strict quotas. If, however, progress did not pick up sufficiently and companies did not have the will to change things themselves, legislating for quotas remained an option. Penalties for failure to achieve the 30 per cent target set under the current law were also being considered.

42. **Ms. Hooyboer-Winklaar** (Netherlands) said that, with a population of just 100,000, there were no plans for gender quotas in Aruba. In practice, it would be very difficult to enforce a law requiring a third of company board positions to be occupied by women, since there simply were not enough women who had the broad range of expertise required. That did not, however, preclude other activities: for example, efforts were being made to encourage girls to study non-traditional subjects. One area requiring particular attention was the tourist industry. Although that sector accounted for almost 75 per cent of the Aruban economy, there were no women general managers of hotels and, consequently, no women on the board of the hotel and tourism association. Clearly, that deficiency was linked to hiring practices; thus, while educating women and girls was one part of the solution, raising awareness among companies of the benefits of employing women in executive posts was another.

43. **Ms. Arnell** (Netherlands) said that an interministerial human rights body had been created in Sint Maarten to handle the country’s reporting obligations and provide training to the Government and other organizations. It also functioned as a monitoring mechanism, ensuring that human rights principles were embedded in all policies and programmes in order to improve the situation of all vulnerable groups, including women. Several of the ministries involved in the body’s work also organized human rights training workshops for public officials and law enforcement officers.

44. In addition to Government funding, NGOs could apply for finance from the Sint Maarten Development Fund. There were signs that NGOs were receiving generous allocations from the Fund: the Safe Haven shelter for women victims of violence had, for example, yet to use a substantial proportion of its funding.

45. At the current time, temporary special measures or gender quotas were not necessary, since women already occupied high positions in Government, and various ministries and management teams were headed by women. Many of those appointments were made by vote or nomination, which demonstrated that ability, not gender, was the deciding factor in the selection of candidates for top positions.

46. **Ms. Juliet-Pablo** (Netherlands) said that a new gender policy was being developed in Curaçao that would enable gender-sensitive budgeting to be incorporated into other policies. A number of NGOs, including shelters for women victims of violence, received funding from the Department of Social Affairs, and a new youth development policy covered areas related to gender inclusion.

47. **Ms. Bussemaker** (Netherlands) said that government policy was to ensure that gender perspectives were taken into account in the formulation of new policies and laws, rather than to impose a requirement for specific gender-sensitive budgets. Consideration also had to be given to the financial impact on women of fiscal policies. Thus, all government departments had gender mainstreaming responsibilities within their specific

subject areas. For example, the Ministry of Social Affairs and Employment was responsible for any gender issues arising in respect of childcare and maternity leave. The gender mainstreaming process was not necessarily visible since it took place before bills were proposed or made public. As the Minister responsible for coordinating the work of other ministries on issues relating to women's empowerment, she had a budget of just over €15 billion for initiatives aimed specifically at improving the position of women. A new gender diversity alliance had also recently been formed with the aim of combating negative gender norms and creating more diversity. It was expected to deliver a 10-point plan and concrete measures in the coming year.

48. **Ms. Chalal**, recalling that a national gender policy was to be adopted in Aruba, said that she would welcome more information about the time frame for its adoption and the budget earmarked for its implementation.

49. **Ms. Hooyboer-Winklaar** (Netherlands) said that the national gender policy was in the final drafting phase and was due to be completed by January 2017. Budget recommendations would be made at that juncture. Thus, details of the amount to be allocated could not yet be provided.

50. **Ms. Haidar** said that the State party had an obligation to combat gender stereotypes in the media. She wished to know what measures were envisaged to address such stereotypes, particularly those attached to groups of women who suffered multiple and intersecting forms of discrimination, such as migrant women, Muslim women, LGBT women, sex workers and domestic workers. She asked whether there were plans to establish a media code and to amend the Advertising Code to include gender stereotyping as a form of discrimination; and whether the Ministry of Education, Culture and Science planned to conduct publicly funded awareness-raising and information campaigns to stimulate national debate on taboo topics such as partner violence and promote respect and tolerance for different viewpoints.

51. In view of recent cuts to the funding available for organizations of black, migrant and refugee women, she wondered what steps were being taken to preserve and protect the role and expertise of those organizations in combating harmful practices and ensure their continued participation in initiatives to tackle the phenomenon. Information should also be provided on whether efforts to collect data on female genital mutilation were to be strengthened and on whether women's organizations from affected communities were to be involved.

52. **Ms. Leinarte** said that she failed to understand how the needs of women could be adequately addressed by gender-neutral policies for dealing with violence against women. She would therefore welcome information on the outcome of an analysis conducted to ascertain whether the gender-neutral approach was effective in combating such violence. Moreover, she wondered whether the national action plans to combat domestic violence in Sint Maarten and in the Caribbean Netherlands also took a gender-neutral approach and, if so, how women in particular were protected from violence.

53. She asked whether the delegation could explain the rationale behind the merging of domestic violence advice centres with facilities for victims of child abuse; whether a gender perspective had been taken into consideration in the drafting of the recently enacted Youth Act, particularly since girls were more at risk of sexual violence than boys; and whether a 2013 project to prevent the economic exploitation of older persons had included any measures designed specifically to protect older women. She would welcome information on reports that only 10 per cent of perpetrators of hate crimes and discrimination against LGBT persons were convicted each year, and would like to know how many court cases had been brought following the introduction of legislation extending the scope for criminal prosecution in cases of forced marriage, polygamy and female genital mutilation. Lastly,

she wished to know how many shelters were available to provide specialized support to women victims of different types of violence; and how the Government ensured access to legal aid for low-income women in domestic violence and divorce cases.

54. **Ms. Hofmeister** said that, while the State party had taken a proactive approach to the issue of human trafficking, there was still serious cause for concern. She wished to know what measures were being taken to rectify the shortcomings in the national machinery to combat trafficking, in particular by separating police anti-trafficking units from the immigration police; to provide training to labour inspectors on issues relating to trafficking in women; to ensure that a more victim-centred approach was taken by labour inspectors and law enforcement officials, for example, by delinking victim identification processes from criminal proceedings; to increase the participation of NGOs in the anti-trafficking task force; and to strengthen efforts to combat trafficking in women, since the main focus currently seemed to be on human smuggling. She wondered what obstacles were preventing the development of comprehensive anti-trafficking policies for the islands of the Caribbean Netherlands as well as for Curaçao and Sint Maarten. She would like to know whether the asylum procedure could be harmonized with the B8 residency procedure, rather than having two disparate systems, and whether a special asylum procedure might be created for minors. As to shelters for victims, she would welcome information on whether there were any plans to remove the financial constraints on the decentralized structure for shelters and to establish shelters for victims from the European Union.

55. She asked what measures were in place to combat the “loverboys” phenomenon, whereby women and girls were groomed by so-called pimp boyfriends and forced into a life of drugs and prostitution; whether the delegation could comment on reports that municipal authorities were illegally introducing the compulsory registration of sex workers; what exit strategies were available to women wishing to leave the profession, including any training or educational opportunities available to them; and what action was being taken to reduce demand for prostitution.

56. **Ms. Bussemaker** (Netherlands) said the Committee’s recommendation that efforts to eliminate stereotypical images from the media should be strengthened had been taken very seriously. A conference on women and the media had taken place in 2013, in cooperation with the Council of Europe, and the Government had established a platform to improve the portrayal of women in the media, foster a more balanced representation of women and men, and cultivate respect for cultural diversity. The media was, however, self-regulating: the Advertising Code Authority was not a government body and there was no appetite in the Netherlands for it to become one. It was important that organizations took responsibility for their own actions. Nonetheless, the Government tried to be a positive influence and was committed to raising awareness of the issues.

57. Because the different forms of interpersonal violence were often closely related, policies should address all forms together. That was not to say that gender was unimportant; indeed, several measures had been adopted to ensure that the gender perspective was taken into consideration. For example, data on domestic violence was disaggregated by sex; projects and legislation were in place that benefitted female victims in particular, including by helping women living in shelters to regain their autonomy; and a toolkit on gender-sensitive policies had been developed for the use of municipal authorities, police officers and the Safe at Home organization. There were also specific policies to help victims of female genital mutilation and to combat the “loverboys” phenomenon. Both those issues were addressed through close cooperation between central and municipal authorities.

58. **Mr. Naaijkens** (Netherlands) said that the Social Affairs and Employment Inspectorate endeavoured to detect signs of trafficking when conducting criminal investigations into labour exploitation and monitoring compliance with employment law. Inspectors were trained to recognize the signs and to take appropriate action. Victims were

interviewed as soon as possible after being identified, and the Inspectorate worked with a range of NGOs to provide shelter and support for them.

59. Although every regional police force had a unit that dealt with both trafficking and migrant identification processes, trafficking was addressed separately within those units by a dedicated team. The granting of residency to trafficking victims was linked to their participation in criminal proceedings because their statements were vital to bring perpetrators to justice. All suspected victims of trafficking were allowed a three-month period of reflection during which they received shelter and protection while deciding whether or not to cooperate with law enforcement officers

60. Child victims of trafficking benefited from specific provisions and could remain in the country for three months while they decided whether to apply for asylum or for residency on the grounds of their status as a trafficking victim. Such decisions were always taken with the advice of a lawyer. When the latter option was pursued, the asylum process remained open to victims nonetheless.

61. Four municipalities offered shelters for male victims of trafficking, while there were 35 shelters for female victims. The municipal authorities were responsible for providing care and shelter for all victims granted residency in the Netherlands, and undocumented victims received health insurance and a basic income. There were also special shelters for child victims, victims of “loverboys” and those requiring treatment for trauma.

62. Many NGOs were involved in the Government’s anti-trafficking activities, which had included the establishment of a referral mechanism and a related website, and the organization of biannual meetings with ministries. The membership of the Human Trafficking Task Force had been expanded to include a representative of the Strategic Platform on Human Trafficking, which comprised NGOs working in the area.

63. The policy for combating the “loverboys” phenomenon encompassed advertising campaigns, strategies to restrict loverboys’ criminal activities and the provision of specialist assistance for victims, who also had access to specialist centres and more general programmes for young people. The implementation of risk analysis tools had improved victim identification at the regional level.

64. **Ms. Bussemaker** (Netherlands) said that the Federation of Somali Associations in the Netherlands had set up a network of influential figures able to stimulate discussion about female genital mutilation within migrant communities. More than 29,000 women in the State party had suffered female genital mutilation, and between 40 and 50 girls were at risk each year.

65. The gender analysis undertaken in 2015 had demonstrated the need to make domestic violence policies more gender-sensitive, and new policies were being designed as a result. Professionals and municipal officials working in the field had highlighted the need for more information about the tools available to them. There were 21 organizations providing different forms of shelter to victims, including crisis shelters and safe houses. Although the differing registration systems and definitions used by the different local authorities had so far prevented the compilation of nationwide data on the use of shelters, there were plans to produce harmonized statistics in the near future.

66. A national network of support centres for female victims of violence had been set up so that women were able to access assistance and information on criminal proceedings through a single agency. Victims with severe emotional or physical injuries attributable to an offence of violence committed within the State party were entitled to financial compensation from a Government fund, as were the victims’ next of kin.

67. During its Presidency of the European Union in the first half of 2016, the Netherlands had established the European Network for Victims’ Rights to serve as a forum

for the exchange of knowledge and experience in implementing the European Union directive establishing minimum standards for the rights, support and protection of victims of crime. The Network's activities were of particular relevance for incidents of an international nature such as terrorist attacks.

68. Given their vital role in ensuring that perpetrators of violence against women were brought to justice and that victims were supported, police officers received training in how to recognize both the physical and psychological effects of violence against women. Particular priority was given to the prevention of stalking. The police force had also established a system for handling complex child abuse cases, and the Public Prosecution Service had devised a special programme for tackling sexual abuse within the family. As part of its efforts to address new forms of crime, the police force was examining how the phenomenon of loverboys could be recognized and prevented, paying particular attention to vulnerable victims.

69. Prostitution was legal in the Netherlands and, as such, no steps were being taken to reduce demand. Measures were, however, in place to prevent abuse and sexual exploitation, for example, by enabling members of the public, sex workers and social workers to report abuse anonymously. Sex workers were informed of their rights and responsibilities by means of a website available in seven languages, and through contact with the local authorities, which also worked with sex workers' organizations to resolve problems experienced by prostitutes. The Government gave grants to an organization of sex workers and funded programmes that helped former sex workers to find alternative employment.

70. Sex work was permitted in Aruba, Curaçao and Sint Maarten. Brothels were prohibited in principle but some were tolerated in practice pursuant to government policy for combating trafficking and illegal prostitution. Under that policy, prostitutes from Colombia and the Dominican Republic were permitted to engage in sex work in the "tolerated" brothels, where working conditions were monitored and medical check-ups were provided for prostitutes that helped the authorities to detect the signs of trafficking. Under the anti-trafficking provisions adopted as part of the visa waiver programme for citizens of Colombia and Peru, the situation of migrant and self-employed workers had to be verified before work permits could be issued. Migrant workers were targeted by awareness-raising campaigns informing them of the signs of trafficking, and the authorities on all three islands shared information and expertise.

71. **Ms. Arnell** (Netherlands) said that domestic violence policy in Sint Maarten was geared towards the protection of women and girls. A policy for the provision of support services for victims of domestic violence had been drawn up but had not yet been adopted. Such services would cater specifically for victims and their dependents, who would be referred, if necessary, to agencies providing legal aid, housing and other forms of support. The police had committed to prioritizing cases of domestic violence.

72. The anti-trafficking legislation adopted in Sint Maarten included new Penal Code provisions that established harsher penalties for convicted traffickers, whatever their level of involvement, and defined aggravating circumstances for the offence. Special attention was paid to child victims. A dedicated department had been created within the Ministry of Justice to receive reports of trafficking, process cases and lead national campaigns to combat the phenomenon. The department's contact details had been widely publicized in the press and online, and several investigations had been opened as a result of information it had received. Law enforcement authorities routinely carried out raids on sites where traffickers were believed to be holding victims. Officials in Sint Maarten, including police and customs officers, had participated in training on anti-trafficking measures to raise their awareness of the signs of trafficking and equip them to deal with vulnerable persons and sensitive information.

73. **Ms. Hooyboer-Winklaar** (Netherlands) said that secondary school students in Aruba were educated about the dangers of loverboys before they left to study abroad. That education was provided in all four of the languages spoken on the island.

74. **Ms. Juliet-Pablo** (Netherlands) said that the anti-violence strategy in Curaçao had been drawn up jointly by the Government and NGOs. The three shelters that catered for the island's 150,000 inhabitants focused their activities on women and children.

75. **Ms. Haidar** suggested that the Media Act might be amended to include a section on stereotypes, along the line of previous amendments to incorporate provisions on child protection. She asked whether there were plans to increase the resources granted to NGOs working to combat female genital mutilation and to reinstate the support previously provided for specific target groups.

76. **Ms. Leinarte** asked why the actions of loverboys had been criminalized, while prostitution had not; both often involved exploitation and child abuse.

77. **Ms. Bussemaker** (Netherlands) said that while Ms. Haidar's suggestion regarding the Media Act would be considered, meaningful change would only be achieved through the efforts of broadcasting and media organizations. The main broadcasting organization actively challenged stereotypes and was working to increase the number of women on television.

78. Organizations working with migrant and ethnic minority groups, particularly in the area of female genital mutilation, could apply for government grants. Prostitution was legal when a prostitute worked independently and of her own free will; the activities of loverboys were illegal because the victims were forced into sex work against their will.

The meeting rose at 1 p.m.