



**Assemblée générale**

Distr.  
GÉNÉRALE

A/HRC/4/34/Add.4  
7 février 2007

FRANÇAIS  
Original: ANGLAIS

CONSEIL DES DROITS DE L'HOMME  
Quatrième session  
Point 2 de l'ordre du jour provisoire

**APPLICATION DE LA RÉOLUTION 60/251 DE L'ASSEMBLÉE  
GÉNÉRALE DU 15 MARS 2006 INTITULÉE «CONSEIL  
DES DROITS DE L'HOMME»**

**Rapport de la Rapporteuse spéciale sur la violence contre les femmes,  
ses causes et ses conséquences, M<sup>me</sup> Yakin Ertürk**

**Additif**

**MISSION AUX PAYS-BAS<sup>\* \*\*</sup>**

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\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe au résumé, et il est distribué dans la langue originale seulement.

\*\* La soumission tardive du présent document s'explique par le souci d'y faire figurer des renseignements aussi à jour que possible.

## Résumé

Le présent rapport contient les conclusions de la Rapporteuse spéciale sur la violence contre les femmes, ses causes et ses conséquences à l'issue de la mission officielle qu'elle a menée aux Pays-Bas du 2 au 12 juillet 2006. Il porte essentiellement sur trois aspects: la violence dans la famille et dans le couple, la violence dans le contexte de la prostitution et la situation des immigrantes, des demandeuses d'asile et des réfugiées. Le dernier aspect a acquis une visibilité particulière depuis quelques années dans le contexte du débat plus général sur l'immigration qui a lieu aux Pays-Bas.

La société néerlandaise est devenue une société multiethnique, une part considérable de la population étant composée d'immigrants d'origine non occidentale. Bien que beaucoup de ces personnes fassent maintenant partie de la classe moyenne, leur situation socioéconomique générale est nettement moins enviable que celle de la moyenne de la population néerlandaise de souche, comme le montrent le taux de chômage, le niveau de pauvreté et le degré de dépendance à l'égard de l'aide sociale chez ce groupe. Ces indicateurs varient fortement selon le sexe, les femmes immigrées étant davantage marginalisées que les hommes.

Au cours de la décennie écoulée, des progrès considérables ont été accomplis en matière d'égalité des sexes dans la société néerlandaise de souche. Les autorités de l'État sont nombreuses à penser que les obstacles qui subsistent concernent uniquement les femmes appartenant aux communautés d'immigrants. Tel n'est pas le cas. Les Néerlandaises de souche sont encore sous-représentées dans les postes de décision autant que sur le marché du travail en général.

Aux Pays-Bas, les femmes connaissent divers types de violence sexiste. Même si le Gouvernement est résolu à lutter contre ce phénomène, il y voit avant tout un problème d'intégration à régler par des mesures relevant de l'ordre public. Une telle approche aboutit à nier que les victimes du problème sont les femmes. L'efficacité globale des mesures prises par l'État pour lutter contre la violence à l'égard des femmes s'en trouve amoindrie et il en résulte aussi une réaction sélective qui fait que certaines formes de violence sont banalisées et d'autres sont perçues comme un problème culturel.

Les disparités socioéconomiques entre les Néerlandais de souche et les immigrés, associées à une approche qui réduit le phénomène à une question de culture, ont indirectement conduit à isoler les femmes d'origine non occidentale. En outre, en raison du durcissement de la législation nationale sur l'immigration, certains groupes de femmes d'origine étrangère sont maintenues dans une situation précaire car elles dépendent de leur conjoint pour obtenir un permis de séjour et n'osent pas s'adresser aux services de l'État lorsqu'elles sont victimes de violences.

Compte tenu des résultats de sa mission, la Rapporteuse spéciale recommande au Gouvernement néerlandais d'améliorer les politiques et le cadre institutionnel visant à promouvoir l'égalité entre les sexes; d'éliminer toutes les formes de discrimination; de faire en sorte que les auteurs d'actes de violence contre les femmes soient poursuivis et condamnés et que les femmes risquant d'être victimes de violences bénéficient d'une protection; d'élargir la base de connaissances sur la violence contre les femmes, ses causes et ses conséquences.

**Annex**

**REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST  
WOMEN, ITS CAUSES AND CONSEQUENCES, ON HER  
MISSION TO THE NETHERLANDS (2-12 JULY 2006)**

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## I. INTRODUCTION

1. At the invitation of the Government, I carried out an official fact-finding mission to the Netherlands<sup>1</sup> from 2-12 July 2006. I was especially interested in focusing on three areas: domestic/intimate-partner violence, violence in the context of prostitution, and the situation of immigrant, asylum-seeking and refugee women. In recent years, the last has gained particular visibility within the context of the wider debates on immigration taking place in the Netherlands.
2. During the course of my mission, I consulted with national and municipal authorities in The Hague, Amsterdam, Rotterdam and Utrecht and also visited a departure centre for rejected asylum-seekers. In addition, I met with independent experts, women's rights groups and migrants' organizations. I would like to thank the Government and civil society actors for their excellent cooperation and support.
3. In order to put my observations into context, the report starts with a review of the country's immigration experience and continues with an assessment of the gender-equality policy and practices in the Netherlands. My specific findings on violence against women and the State response to such violence are presented with respect to the three areas mentioned above: intimate-partner violence, violence against immigrant, asylum-seeking or refugee women and violence in the context of prostitution. The final section of the report contains my conclusions. It sets out a number of recommendations to the Government and the municipalities on how to better address violence against women, its causes and consequences.

## II. A SOCIAL LANDSCAPE CHANGING TOWARDS INCREASED DIVERSITY

4. The Netherlands has become a multi-ethnic society: 1.7 million inhabitants (10 per cent of the total population) are first- and second-generation immigrants of non-Western origin.<sup>2</sup> Every third resident of Amsterdam, Rotterdam and The Hague (and more than half of all children younger than 14 years) has a non-Western ethnic background.

### A. The recent history of immigration

5. The migratory flows resulting in the present ethnic composition of the population began in the 1940s and 1950s with migration from Indonesia (the former Dutch Indies). In the 1960s, male labourers from Turkey, Morocco and Southern Europe were actively recruited to work as industrial workers and help rebuild the Dutch economy. Originally recruited on a temporary basis as "guest workers", many permanently settled in the Netherlands and were joined by their families. Today, 364,000 persons of Turkish and 323,000 persons of Moroccan origin live in the Netherlands. They are joined by immigrants from former Dutch colonies in Suriname (331,000) and the Dutch Antilles and Aruba (129,000). The 1990s were characterized by a large inflow of asylum-seekers, especially from Iraq, Afghanistan, the former Yugoslavia and countries of the

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<sup>1</sup> The report focuses only on the European territory of the Kingdom of the Netherlands.

<sup>2</sup> In official statistics the category of non-Western immigrants includes immigrants from Turkey, Africa, Latin America and Asia with the exception of Indonesia and Japan.

former Soviet Union. Between 1995 and 2001, around 250,000 people applied for asylum in the Netherlands.

6. Although many individuals of non-Western background have managed to “integrate” into the middle class, the overall socio-economic position of immigrants, as revealed by unemployment, poverty and welfare dependency levels, is substantially worse than that of the average native population. While this situation is closely associated with low education levels of the first- and second-generation immigrants - although they are gradually catching up in this field - the persistence of ethnic discrimination is also an important factor. Illustrative is a 2005 study, commissioned by the Ministry of Social Affairs and Employment, which found that a quarter of the small and medium-sized enterprises in the Netherlands preferred not to employ a person of non-native Dutch origin.<sup>3</sup> According to the Monitor on Racial Discrimination, the majority of the population remains of the opinion that native Dutch and immigrants should have equal chances and rights. The native Dutch population has, however, become more negative with regard to living together with immigrants, especially with the Muslim population.

7. There are also significant socio-economic differences between and within immigrant groups. Turks and Moroccans, as well as certain smaller refugee communities, are lagging far behind other ethnic groups with regard to education, employment and income.<sup>4</sup> The situation of women of Turkish and Moroccan origin with respect to these indicators is particularly worrisome. A 2006 study comparing native Dutch women and women from the four main immigrant groups found that women of Turkish and Moroccan origin have the lowest education level, the lowest labour market participation rate, the lowest level of economic independence, the lowest rate of participation in leisure activities and the lowest rate of activity in community organizations of all five groups of women.<sup>5</sup> First-generation immigrant women from Turkey and Morocco, who went to the Netherlands on the basis of a marriage with Dutch nationals or permanent residents, often have a particularly marginal integration status, not least due to language problems.

## **B. Shifts in the policy framework**

8. Dutch society has long prided itself on a history of tolerance of ethnic and religious diversity. After the Second World War, a seemingly successful paradigm of coexistence emerged. Provided that they obeyed the laws and respected the way of life in the host country,

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<sup>3</sup> J. Klaver, J.W.M. Mevissen and A.W.M. Odé. 2005. *Etnische minderheden op de arbeidsmarkt. Beelden en feiten, belemmeringen en oplossingen*, Amsterdam: Regioplan Beleidsonderzoek.

<sup>4</sup> Mérove Gijsberts. 2004. *Ethnic Minorities and Integration: Outlook for the future*, The Hague: Social and Cultural Planning Office.

<sup>5</sup> S. Keuzenkamp and A. Merens. 2006. *The social atlas of women from ethnic minorities* (English summary). The Hague: Social and Cultural Planning Office.

The disparities between men and women also proved to be greatest in the Turkish and Moroccan ethnic groups.

newcomers were allowed to retain their group identity and live in accordance with their own cultural norms, side by side with the native population.

9. During the initial decades of labour migration, full integration was not expected, nor actively promoted. Instead, there was a widespread assumption that the “guest workers” would one day return to their countries of origin. It soon became clear that a large number of migrant workers, joined by their families, had already permanently settled in the Netherlands. In the absence of an active integration policy the State concentrated on taking non-discriminatory measures to close socio-economic gaps between different immigrant groups. Efforts to encourage active engagement between native Dutch and newcomers were less pronounced. Accordingly, “tolerance” of immigrants with a different ethnic and/or religious background never quite transformed into engagement and “acceptance”.

10. During the 2000s the debate on integration of immigrants has undergone a radical change. The post-11 September environment, which created a general sense of mistrust of Muslims, due also to the participation of some seemingly integrated immigrants in Western countries in terrorist attacks, caused a large part of the Dutch population to question “tolerance” of diversity in the Netherlands. Pim Fortuyn, a populist politician who also campaigned on an anti-immigrant and Islamophobic platform, emerged as a prominent figure in Dutch politics before he was murdered in May 2002.<sup>6</sup> In the subsequent parliamentary elections, the List Pim Fortuyn emerged as the second strongest political party, winning 26 out of 150 seats.

11. One year later the lower house of parliament appointed a commission headed by Stef Blok to study the Netherlands’ integration policies. In its final report, the Blok Commission demanded that the State pursue a much more active integration policy that also places more demands on the immigrant population.

12. On 2 November 2004, Theo van Gogh, a film-maker who had made a controversial film on violence against women in Islamic societies, was murdered by a young Dutch Islamist extremist of Moroccan origin. The murder galvanized public attention. Subsequently, the Government reformed the immigration policy framework combining mandatory integration requirements to enhance social cohesion with new restrictions on immigration, especially for the purpose of family reunification. The policy focus shifted from socio-economic to sociocultural integration of first- and second-generation immigrants.

13. Applicants for a residence permit on family reunification grounds from non-Western countries are now obliged to complete a civic integration examination which determines fundamental knowledge of the Dutch language and Dutch society before they are allowed to enter the Netherlands. The draft legislation, pending in parliament, would require immigrants from non-European Union countries, including immigrants who are already in the Netherlands, to take part in mandatory integration courses before they are granted permanent residence status.

14. The enhancement of the social participation of immigrant women, especially Muslim women, constitutes a central plank of the reoriented integration policy. A number of measures

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<sup>6</sup> On 6 May 2002, Fortuyn was murdered by a young, native Dutch man, who testified in court that he committed the crime to stop Fortuyn and his politics.

and initiatives have been introduced which aim to protect these women from gender discrimination (including gender-based violence) and marginalization within their own communities and facilitate their integration into wider society.

15. While the objective is praiseworthy, its credibility even among immigrant women is undermined by two shortcomings. Firstly, there is a tendency to conflate women's emancipation measures with immigration restriction measures. For example, a foreigner who marries a Dutch national or permanent resident is no longer entitled to join the spouse in the Netherlands as long as the incoming foreigner is younger than 21 years (even though the legal age of marriage is 18 years). This drastic and discriminatory limitation of the human right to marry and found a family,<sup>7</sup> apparently aims to prevent marriage migration by poor and less educated women who need more support to integrate into Dutch society. Some officials also perceive the norm as an effective way to prevent forced marriages. However, it is more likely that it would merely increase the age of victims of a forced marriage.

16. Secondly, the Government's approach often does not sufficiently place discrimination against immigrant women in the wider context of gender discrimination experienced by women of all ethnicities. A false dichotomy between emancipated native Dutch women and oppressed immigrant women is hereby fostered in the public perception. Women and men of immigrant background are categorically stigmatized, either as victims or perpetrators, which only increases their marginalization and polarizes the society between "us" and "them".

17. One manifestation of this trend is the increasing discrimination against Muslim women who wear a headscarf at the workplace and in other areas of public life, because the headscarf is increasingly viewed as a symbol of submission and unwillingness to integrate, without paying attention to the motivation of the individual woman wearing it. In November 2006, the Cabinet adopted a proposal to prepare a bill regarding a general ban on wearing a burka or other garments covering the face in public space. The Government referred to "considerations of public order, security and the protection of (fellow) citizens" (sic)<sup>8</sup> to justify the measure. This proposal could foster the stigmatization and marginalization of Muslim women without providing any meaningful support to those women who may be facing extreme patriarchal oppression.

### **III. EMANCIPATION POLICY AND PRACTICE**

#### **A. Gender mainstreaming**

18. Since 1974, the Netherlands has pursued an active emancipation policy. The Multiyear Emancipation Policy Plan (2000-2010) established four interlinked objectives: economic independence and labour-force participation of women; establishment of favourable conditions to combine paid work and family responsibilities; progress towards equal representation of

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<sup>7</sup> See article 16, Universal Declaration of Human Rights; article 23, International Covenant on Civil and Political Rights.

<sup>8</sup> See [http://www.government.nl/actueel/nieuwsarchief/2006/11November/17/0-42-1\\_42-89394.jsp](http://www.government.nl/actueel/nieuwsarchief/2006/11November/17/0-42-1_42-89394.jsp).

women and men in decision-making positions; and respect for women's rights, especially in the context of violence against women. Recently, the Government added the enhancement of the social participation of women as a fifth objective that is specifically aimed at women from immigrant communities (see above).<sup>9</sup>

19. Initially, the emancipation policy consisted of a two-track approach. Firstly, a specific policy is to be pursued to promote change for women's emancipation, place new issues on the political agenda and stimulate strategic alliances with social partners and non-governmental organizations. Secondly, a gender perspective is to be integrated in all areas and at all levels of policymaking as part of gender mainstreaming.

20. In practice, the focus seems to have gradually shifted from the two-track approach to one of almost exclusive focus on gender mainstreaming. At the same time, the structures to implement gender mainstreaming remain underdeveloped, a concern also expressed by the Government's Auditing/Inspection Committee on Emancipation in its interim report.<sup>10</sup> Entities embedding a gender perspective within each government agency, such as a Gender Steering Committee, do not exist. Furthermore, a strong national machinery to monitor and coordinate the gender-related work done by different government agencies is also lacking. The Minister of Social Affairs and Employment has the responsibility to coordinate emancipation policy and has an Equality Policy Coordination Department for this purpose. However, even officials from that Department acknowledged that the Department does not have the resources to fully engage with and coordinate the gender-mainstreaming activities of the different departments. Instead, the Department sees its role as that of a "stimulator" or "initiator".

21. There is also a tendency to "downstream" gender mainstreaming. Gender-sensitive policy issues are delegated to the municipal level without equipping the municipalities with the necessary know-how to incorporate a gender perspective. Coherence with central government policy is not adequately monitored. The decentralized Dutch prostitution policy, discussed below, is a case in point.

22. While the competences of municipalities are expanded, the Government has limited the role of non-governmental organizations and expertise centres for gender equality and women's human rights. A number of institutions have seen their core funding cut. Remaining budgets were often shifted into project-based support that is linked to the Government's political priorities in the gender field.<sup>11</sup>

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<sup>9</sup> See Ministry of Social Affairs and Employment, Dutch Multi-Year Emancipation Policy Plan 2006-2010 - Emancipation: Self-evident but not yet self-supporting (2002).

<sup>10</sup> M. de Boer and M. Wijers, 2006. Taking Women's Rights Seriously? Utrecht: Humanist Committee on Human Rights [CEDAW shadow report], at 12.

<sup>11</sup> Ibid.



## **B. The current situation**

23. The weaknesses in the institutional framework for the promotion of gender equality may to some extent be a reflection of a widespread yet erroneous perception that the emancipation of native Dutch women has been successfully completed and is now self-sustainable. Many of the authorities assume that remaining challenges concern only women belonging to immigrant communities. This is not the case.

24. In the Netherlands, all women remain underrepresented in decision-making positions<sup>12</sup> and the labour force in general. For example, women make up only 4 per cent of all members of boards of directors and other senior business managers. The percentage of women among senior government officials is a mere 16.7 per cent in the salary scales 14-16 and just 11 per cent in the salary scales 17 and higher. Only 9 per cent of all professors are women (compared to 30-40 per cent of PhD students). While the Netherlands has a relatively strong representation of women in the national parliament, the percentage of women in municipal councils stagnates at around 23 per cent. In the provincial councils it is even declining.

25. Over the last years, the participation of women in the labour force has hardly advanced. Women's net labour participation rate stood at 54.1 per cent in 2005 compared to 53.2 per cent in 2001. The figures for men were 72.1 per cent in 2005 and 76.5 per cent in 2001. Moreover, employed women often still hold low-paying jobs and are very likely to work flexible hours or part-time, especially after they have children. Women now work fewer hours on the average than a decade ago. Due to these factors, only 44 per cent of all women could be considered economically independent. It is most unlikely that the Government will reach its self-proclaimed targets to increase the workforce participation rate of women to 65 per cent and the proportion of economically independent woman to 60 per cent by 2010.

26. Many of my interlocutors, including some government officials, suggested that the low representation of women in the labour force and among decision makers resulted from lifestyle preferences of individual women. Structural obstacles such as the absence of a long, uninterrupted school day and insufficient numbers of public childcare places as well as the persistence of gender ideologies that prioritize women's reproductive roles were often insufficiently acknowledged.

## **IV. MANIFESTATIONS OF VIOLENCE AGAINST WOMEN AND STATE RESPONSE**

27. Women in the Netherlands face various types of gender-based violence. While the Government is committed to combating the problem, in practice, it seems to have identified it mainly as an integration problem to be addressed within a law and order framework. Such an approach fails to recognize the gendered nature of the problem. This not only hampers the overall effectiveness of the State response to violence against women (VAW), but it also results in a selective response whereby some forms of violence become normalized and others are essentialized within a cultural explanation.

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<sup>12</sup> Ibid.

28. VAW, in order to avoid a fragmented and gender-neutralized perception, must be viewed as a continuum of acts emanating from unequal gender hierarchies that intersect with other hierarchical systems, creating multiple and diverse manifestations of violence.

#### **A. Intimate-partner violence**

29. Domestic violence committed by a current or former male intimate partner remains the most prevalent form of VAW in the Netherlands: 57,000 cases of domestic violence, domestic harassment and stalking in the domestic sphere were reported to the police in the course of 2005.<sup>13</sup> Most domestic violence cases (41.1 per cent) concerned physical assault. Women were the primary victims of the violence reported. Three out of every four victims of all reported cases (76.1 per cent) are women. In comparison, male victims are most likely to be found in age groups with inherent vulnerabilities: boys, teenagers and the elderly.

30. The reported cases represented only the tip of the iceberg since most cases go unreported. No up-to-date national prevalence survey on intimate-partner violence is available,<sup>14</sup> but a 1997 survey estimated that only about 12 per cent of all cases of domestic violence are reported.<sup>15</sup> Applied to the 2005 police figures on reported domestic violence, this would mean that there are 325,000 cases annually in which women are subjected to violence, harassment or stalking in the domestic sphere. In 133,000 of these cases, women would be subjected to physical violence.

31. It is also estimated that 100,000 children in the Netherlands witness domestic violence each year. According to professionals, children witnessing violence between parents may suffer a post-traumatic stress disorder that can seriously affect their cognitive and emotional development. Children who grow up in a violent environment are more likely to become victims of child abuse themselves and are also more likely to continue the cycle of domestic violence (as perpetrators or victims) when they grow up.<sup>16</sup>

32. According to the 2005 police figures, domestic violence is primarily committed by former or current intimate partners (71.2 per cent of all reported cases). It is estimated that four out of every five perpetrators of domestic violence are men.<sup>17</sup>

33. The Government seems genuinely committed to addressing domestic violence, ending impunity and protecting victims. In 2002, it launched an ongoing interdepartmental project

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<sup>13</sup> H. Verwerda, 2006. *Binnen zonder Kloppen: Omvang, aard en achtergronden van huiselijke geweld in 2005 op basis van landelijke politiecijfers*, Advies- en Onderzoeksgroep Beke.

<sup>14</sup> The Government informed me about plans to commission such a study in 2007.

<sup>15</sup> T. Van Dijk et al., 1997. *Huiselijk geweld, aard, omvang en hulpverlening*, The Hague: Intomart.

<sup>16</sup> The Government developed the Kindsporen (child trails) protocol on steps to be taken by law enforcement and youth care institutions in case children witness domestic violence.

<sup>17</sup> Ministry of Justice, F&A 6840: Domestic Violence (2006).

against domestic violence, which is coordinated by the Ministry of Justice and involves a range of other stakeholders. The project foresees the implementation of more than 50 concrete measures designed to improve the existing approach to preventing and curbing domestic violence. An estimated €14 million will be spent on the project.

34. A number of positive measures have already been implemented. In 2003, the Board of the Procurators General, which sets government policy on the investigation and prosecution of crimes, issued new guidelines on domestic violence to the law enforcement authorities that are based on a zero-tolerance approach. The Government reports that the guidelines are already well implemented, but the National Police Commissioner responsible for the project on domestic violence has acknowledged continued problems. According to her, 45 per cent of all criminal complaints related to domestic violence are eventually dropped. Perpetrators are often not prosecuted because the police reports submitted to the prosecution are inadequate or there are problems in the documentation of evidence, including with regard to victims' testimonies. The Government has pledged to extend a project of the police that aims to improve the quality of minutes of testimonies.

35. Data management has also been cited as a recurrent problem. It is therefore a positive development that a single registration protocol for cases of domestic violence has been put in place. Women's groups have also expressed concern that too many cases do not result in a conviction because prosecutors overemphasize reconciliation between the partners and voluntary treatment programmes for offenders.

36. The Government has also taken steps to enhance the existing protective framework. Women who are Dutch nationals or legally reside in the Netherlands have the right to guaranteed admission to any of the country's 100 women's shelters regardless of whether they have reported their case to the police; 4,600 women use the protection of a shelter every year. Also, the Government has set up a grant scheme to create 35 Advice and Support Centres on Domestic Violence that provide guidance to victims, perpetrators and others on how to escape or end domestic violence.

37. These funds have also helped to support long-term protection measures. The Amsterdam Violence Centre, for example, has implemented a safe accompanied return project for battered women, considering that about half of all battered women eventually return to their partners. In several counselling sessions with the woman, her partner and the couple together, the return is prepared. The Centre follows up on each case to ensure that violence does not recur.

38. Furthermore, legislation is pending in parliament which would authorize mayors to impose temporary restraining orders against persons who threaten their partners, children or others in the domicile with violence. The restraining order can be extended to a maximum period of four weeks. Since it is a preventive safety measure and not a criminal sanction, the restraining order is to be based on a future-oriented risk assessment. Persons subject to a restraining order are not allowed to enter into contact with the person they have threatened and they are barred from entering the joint domicile. The police are tasked with monitoring compliance with the restraining orders issued and the courts may sanction breaches with up to two years of imprisonment or a community service order.

39. Unfortunately, however, the effectiveness of these positive measures is undermined by serious flaws in the Government's strategic framework to combat domestic violence, which is defined in a gender-neutral manner as "violence committed by a member of the domestic circle of the victim". While no distinction is made between different types or victim groups, policy documents stress that domestic violence is not confined to women and that boys and men are often also victims.<sup>18</sup>

40. This approach fails to acknowledge that the vast majority of domestic violence cases concern violence committed by men against their current or former female partners. Such violence is treated within the same framework as violence against inherently vulnerable groups (children and the elderly) and the odd case of violence committed by an adult woman against her adult partner that may also occur. The strategic framework thereby misses the specificity of violence of men against women, which is a manifestation of historically unequal power relations between men and women and constitutes one of the social mechanisms by which women are forced into a subordinate position.<sup>19</sup> As a result, the Dutch domestic violence policy tends to focus on individualized interventions to support victims and treat or punish perpetrators, but largely neglects the root causes of violence suffered by women: lack of socio-economic empowerment, the perpetuation of stereotypical gender roles, and the unequal gender power relations interlinked with both factors.

41. The justifications underlying the gender-neutral approach to domestic violence are less than convincing. The then Minister of Justice emphasized in our discussions that everyone is equal before the law, which is why all forms of domestic violence ought to be treated alike. Law enforcement agencies and judicial organs should indeed pursue all individual perpetrators of violence, whether they are men or women, with equal dedication. Yet, this does not prevent the adoption of a policy framework, which, firstly, acknowledges the fact that three distinct categories (men's violence against women, violence against children, violence against the elderly) constitute the vast majority of domestic violence cases and, secondly, takes a differentiated approach towards each category, bearing in mind its specificities.

42. Other interlocutors offered a more practical justification, explaining that a gender-neutral understanding of the problem would be more acceptable to the wider population. If this is indeed true (hopefully not), the Government should urgently increase public awareness of the gender dimension of domestic violence rather than accommodate uninformed views that do not, or do not want to, acknowledge this basic fact.

### **B. Violence against immigrant, refugee and asylum-seeking women**

43. It is widely assumed in the Dutch society that women with a foreign background face higher levels of violence than native Dutch women. While it is reported that 60 per cent of all

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<sup>18</sup> Ministry of Justice, 2002. *Private Violence - Public Issue: Summary of the Netherlands Government memorandum on the joint approach to domestic violence.*

<sup>19</sup> See General Assembly resolution 48/104 of 20 December 1993, Declaration on the Elimination of Violence against Women.

women seeking refuge in Dutch shelters are of foreign background,<sup>20</sup> a 2002 survey on domestic violence in the Surinamese, Antillean, Aruban, Moroccan and Turkish communities found that 27 per cent of the women interviewed reported to have been the victim of domestic violence.<sup>21</sup> This figure is actually lower than the figures emerging from older surveys on domestic violence in the general population, leading the authors of the 2002 survey to believe that this resulted from underreporting.

44. Official police statistics generally do not record the ethnicity of perpetrators or victims. In a pilot initiative, two police regions have been asked to record the ethnicity of perpetrators and victims in reported domestic violence cases during the first half of 2006. The results were not available at the time I finalized my report.

45. The uncertainties about the overall levels of violence noted, some categories of violence are prevalent in the Netherlands which primarily or exclusively affect women with a foreign background. These acts of violence, which gained visibility over the last few years, particularly in association with the Turkish and the Moroccan immigrant communities, are referred to as “honour”-related violence (HRV). This visibility led some to link HRV with Islam. Consequently, efforts to eliminate HRV have become intimately linked with the Government’s integration and immigration strategy.

46. According to a working definition used by the Ministry of Justice, the term HRV denotes “any form of mental or physical violence committed in response to a (threatened) violation of the honour of a man or woman and therefore that of his and her family, of which the outside world is aware or may become aware of”. This definition disregards both the gendered nature of HRV as well as its intersections with other systems of inequality. No comprehensive, sex-disaggregated statistics on HRV have been compiled in the Netherlands. Most of the known cases involve situations where the regulation of the conduct of young women or girls seems to have failed, which prompts the family to take severe action, including - in the most extreme cases - murder.

47. Although boys and men may also become targets,<sup>22</sup> HRV serves to ensure women’s conformity with group norms and sustain control over their sexuality, as honour is seen to reside in the bodies of women. The family’s attempt to force a woman into a marriage or to cause her to end an unacceptable relationship is often a central theme leading to HRV. Sometimes the mere perception of dishonourable behaviour within the community can lead to HRV.

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<sup>20</sup> Kvinnoforum, 2005. Honour Related Violence: European Resource Book and Good Practices, Stockholm: Kvinnoforum.

<sup>21</sup> T. van Dijk et al., 2002. *Huiselijk geweld onder Surinamers, Antillianen en Arubanen, Marokkanen en Turken in Nederland: Aard, omvang en hulpverlening*. Hilversum: Intomart.

<sup>22</sup> Men can become targets of HRV if they refuse to take part in the punishment of female family members or for being an accomplice to the dishonourable act. Experts in the Netherlands also tend to view homosexual or bisexual immigrant men suffering violence at the hands of homophobic family or community members through the prism of HRV. Defining honour as a general trait of certain groups and considering all related acts of violence as HRV conceals its particularities as a form of VAW.

48. Public attention has strongly focused on several murders that are said to be honour related. At the same time, the continuum of related acts of violence has probably remained invisible, because HRV tends to be incremental. It typically begins with emotional pressure, restriction of movement, systematic social isolation and veiled threats of violence before achieving its distinct form if the victim continues to be “defiant”. The immense emotional pressure often exercised on victims can affect their mental health and even lead to suicide. Dutch law enforcement officials informed me about cases in which immigrant girls had been driven to suicide in order to cleanse a supposed stain on the family’s honour.<sup>23</sup>

49. Cases of HRV are characterized by various specificities. They often involve a collective threat as several family members (sometimes including women) collude to subjugate the victim. A violent escalation can occur quite unexpectedly or take place long after the honour crisis was seemingly resolved. The ability to reclaim honour through enforced compliance necessarily makes these acts demonstrative and dependent upon approval. Due to these specificities, the protection framework established for conventional forms of intrafamily violence has proven to be inadequate.

50. The Government, in recognition of the protection gap, has adopted a strategy on HRV that prioritizes the protection and safety of the victim, foresees more engagement with immigrant communities and aims to strengthen the capacity of the law enforcement bodies to investigate and prosecute perpetrators of HRV. Several projects are already under way to operationalize this strategy. The Haaglanden police region, for instance, has set up a Multiethnic Policing Unit, staffed with specialized personnel. The Unit is charged with the investigation of crimes occurring within immigrant communities and, in practice, often also serves as a sort of national expertise centre on HRV.

51. Female genital mutilation (FGM) has become another priority concern for the Government. According to Pharos, a national expertise centre on FGM, an estimated 16,000-20,000 girls and young women with roots in countries where the practice is prevalent are considered to be at risk. Due to the nature of the practice, it is difficult to ascertain how many FGMs are actually carried out in or organized from the Netherlands. In 2005, a commission of the Dutch Council for Public Health and Health Care estimated that at least 50 girls living in the Netherlands are subjected to FGM annually.<sup>24</sup>

52. The Government has adopted a zero-tolerance policy towards FGM. It is considered to be a form of violence against women and children and a protocol has been introduced requiring health-care professionals to report detected cases to the Dutch Child Abuse Agency. Even though there is no specific criminal provision on FGM, perpetrators can be prosecuted for assault

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<sup>23</sup> While some have claimed that the suicide rate among immigrant girls is three to four times higher than among their Dutch counterparts, the official suicide statistics for 1996-2004 do not support such claims: see <http://www.cbs.nl/en-gb/menu/themas/mens-maatschappij/gezondheid-welzijn/publicaties/artikelen/2006-2042-wm.htm>.

<sup>24</sup> Commissie Bestrijding Vrouwelijke Genitale Verminking, 2005. *Bestrijding vrouwelijke genitale verminking: Beleidsadvies*. Zoetermeer: Secretariaat Commissie Bestrijding Vrouwelijke Genitale Verminking.

or aggravated assault under the Criminal Code. Dutch nationals can also be prosecuted if they perpetrate FGM in another country regardless of whether that country has criminalized the practice. So far there have not been any prosecutions. In addition to repressive measures, the Government and municipalities support a range of preventive measures that aim to reach out to immigrant communities in which FGM is assumed to be prevalent. In six regions, the Government is funding a project to introduce and implement a protocol on preventing FGM.

53. In Rotterdam, the municipality funds the AMBER-Programme which engages various communities of African origin through information events, personal visits, training for religious leaders and other activities.

54. Representatives of immigrant women's organizations with whom I met during the mission emphasized violence-related concerns which were significantly different than those prioritized by the Government. While immigrant women generally welcomed the Government's commitment to tackle VAW within their communities, they often felt that the authorities selectively focused on special phenomena such as HRV or FGM, without adequately addressing immigrant status and the general vulnerabilities of immigrant women with respect to violence.

55. Increasingly restrictive immigration laws and regulations have produced a number of negative side effects that disproportionately affect immigrant women and thereby undercut the Government's initiatives to further their emancipation. In addition, the framing of various forms of violence experienced by immigrant women as a cultural problem complicates the individual and collective struggles of these women to counter VAW within their own communities. Immigrant women who have not yet attained permanent residence status are most affected.

56. According to Dutch immigration law, a foreign woman who comes to the Netherlands to join her spouse who is a Dutch national or permanent resident only receives a dependant residence permit, which lapses in case the couple divorces or otherwise separates. She can apply for a temporary independent residence permit only after having lived for three years with her spouse.<sup>25</sup>

57. These rules apply to men as well, but they have particular, adverse consequences for women. They create a long-term dependency relationship between the incoming wife and her husband, who controls the legality of her residence in the Netherlands and can choose whether to abuse this control or not.

58. The dependant residence permit system has trapped many immigrant women in the dilemma of either staying in abusive relationships or become undocumented immigrants once they leave the abuser. Since 17 October 2003, Dutch law offers a legal way out of the dilemma; a woman escaping her husband's violence can apply for a special independent residence permit.<sup>26</sup> However, she will only receive the permit if: (i) she formally reports her abusive

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<sup>25</sup> An exception applies if the spouse passes away during the three years or in cases involving domestic violence (see below).

<sup>26</sup> A total of 97 independent residence permits were issued on the basis of the domestic violence exception between July 2005 and November 2006.

partner to the police; or (ii) the perpetrator is being prosecuted and the victim also submits a medical report documenting violence. Other evidence - for instance, reports from women's shelters or medical reports on their own - does not provide the same entitlement. In these cases it is entirely up to the immigration authorities whether or not to grant an independent residence permit.

59. These evidentiary requirements, which are meant to prevent fraudulent abuse of the domestic violence provision, undermine the norm's utility because the vast majority of women do not dare, or do not want to, report their abusive partners to the police. As highlighted above, only an estimated 12 per cent of all domestic violence victims in the Netherlands (whether immigrants or natives) report the crime to the police. For women with dependant residence permits the stakes are even higher because they are risking the relationship on which their permit depends by denouncing their partner to the law enforcement authorities. Immigrant women who find themselves in abusive relationships therefore often try to live through three years of abuse and only go to the police when the violence reaches unbearable levels.

60. Undocumented migrant women (including a substantial number of women whose dependant residence permit lapsed when they separated from their husbands) are in an even more vulnerable situation. Because of their irregular administrative position, they are often afraid to report violence to the police. This fear may not always be unfounded. Civil society organizations have told me about cases in which undocumented immigrant women were themselves arrested when they reported violence to the police.

61. Furthermore, Dutch law largely excludes undocumented immigrant women from access to social welfare benefits. This also means that undocumented immigrant women facing violence are not legally entitled to a shelter paid by the Government. Many shelters therefore refuse to accept undocumented immigrant women with an unclear immigration status. The Government has acknowledged the problem, but so far has only partially addressed it. I was informed that special funds are now available to finance shelter space for those undocumented immigrant women who face "honour"-related violence, provided that the women formally apply for a residence permit.

62. The precarious situation of domestic migrant workers in the Netherlands, the vast majority of whom are women, is also noteworthy. The demand for domestic migrant workers, who perform housekeeping chores or provide care services in private homes, has sharply increased over the last decades. While domestic work is not legally recognized as a category for which work permits are issued to non-European Union nationals, women from Asia, Latin America, Africa and Eastern Europe are increasingly meeting this demand. At best, a domestic migrant worker from outside the European Union can register as an au pair and obtain a one-year residence permit that falls short of a work permit.<sup>27</sup> In practice, most domestic migrant workers do not hold any work permit and are recruited informally, which makes them vulnerable to unfair labour practices that can in extreme cases amount to exploitation. Cases of verbal abuse, sexual and racist harassment and isolated instances of physical and sexual abuse against domestic migrant workers have also been reported.

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<sup>27</sup> Considered as a form of cultural exchange rather than work, the au pair status ties the permit holder to one particular employer and limits her work to 30 hours per week.



63. Asylum-seeking women also have specific concerns that relate to gender-based violence. Asylum-seekers have to show a well-founded fear of persecution on the grounds of race, religion, nationality, membership of a particular social group or political opinion to be recognized as a refugee under Dutch Law. Gender-related persecution is not explicitly recognized as a ground for asylum. However, under certain circumstances gender-based violence (e.g. sexual violence) can substantiate fear of persecution on one of the aforementioned grounds and give rise to a refugee claim.

64. In practice, it is often difficult for asylum-seeking women to gain refugee status if their persecution claim stems from a traumatic experience of gender-based violence. Most asylum cases are disposed of under the Accelerated Procedure, which allows for a dismissal of manifestly unfounded claims within the first 48 hours of the process. In order to maintain her claim, an asylum-seeking woman has to at least mention the persecution experience in the second interview upon arrival (the *nader gehoor*). In the Accelerated Procedure this interview may take place very soon after arrival, when the asylum-seeker is often still very tired, confused, and lacks trust in the authorities.

65. Under these circumstances, women are often unable to relate experiences of rape or other traumatic incidents to the interviewer, which means that they will be precluded from basing a claim on these experiences at a later stage of the process. An exception only applies if the woman can adduce sufficient evidence proving that she was medically unable (e.g. due to trauma) to relate her persecution experience. According to legal experts this evidentiary burden is often very hard to meet. The Government was not in a position to provide me with information on how many women successfully invoked this exception.

### **C. Violence in the context of prostitution**

66. There are about 20,000 women in prostitution in the Netherlands (8,000 in Amsterdam alone). An estimated two thirds of them are immigrant women from developing countries or Eastern Europe. In addition, there are smaller numbers of men and transgender persons in prostitution.

67. VAW occurring in the context of prostitution remains a significant problem. In 2004 alone, 405 cases of trafficking in women were registered by the Dutch Foundation against Trafficking in Women, which organizes shelter and other support for victims. The vast majority of detected trafficking cases relate to the sexual exploitation of women, although trafficking of women (and men) for the purpose of labour exploitation has also become increasingly more visible.

68. Minor girls are also among the victims of trafficking into sexual exploitation. The National Rapporteur on Trafficking in Persons, an independent monitoring institution established by the Government, has reported that some of these girls are trafficked into the Netherlands by being made to pose as unaccompanied underage asylum-seekers.<sup>28</sup> There are also strong indications that pimps deliberately seek to recruit minor girls (and sometimes also boys) at

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<sup>28</sup> Dutch National Rapporteur on Trafficking in Human Beings. 2005. Third report of the Dutch National Rapporteur. The Hague: Bureau NRM, at 51.

asylum-seeker centres.<sup>29</sup> In this context, it is a subject of grave concern that a number of minors disappear from asylum-seeker centres every year and their whereabouts cannot be traced.

69. Trafficking and sexual exploitation of women or girls within the Netherlands is also an issue of concern.<sup>30</sup> In this context, the issue of so-called “lover boys” has attracted much attention. The term, an unfortunate euphemism, refers to criminal pimps who deliberately seek out vulnerable girls and women and pose as their boyfriends before pushing them into prostitution through manipulation and/or violence. The victims are typically minors when they are first forced into prostitution. Using available victim data, the Rotterdam Health Authority has calculated that the victims’ average age of recruitment is only 15.5 years. It is estimated that “lover boys” are involved in almost half of all cases of youth prostitution.<sup>31</sup>

70. Women in prostitution also face a substantial risk of violence. A survey among prostitutes conducted by the Intermediary Project for Prostitutes in Amsterdam indicated that more than one fifth of all respondents (22 per cent) had been subjected to assault in the course of their prostitution activities.

71. The Government pursues a model of legalized and regulated prostitution to curb VAW in prostitution and improve these women’s social situation in general. Neither persons engaging in prostitution nor sex buyers are criminalized. Since October 2000, the operation of brothels and the organization of prostitution, which had only been tolerated before, have been formally legalized. The model enjoys widespread support among the general public. Most Dutch women’s organizations are also in favour as they regard prostitution as sex work and want to see the issue destigmatized.

72. The Dutch approach to prostitution rests on three interlinked and interdependent tenets. First, a distinction is drawn between legalized prostitution involving consenting adults on the one hand and involuntary prostitution, prostitution of minors (regardless of their consent) and human trafficking on the other hand. With regard to the latter issues the Government pursues a zero

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<sup>29</sup> One teacher working in such a centre informed me about a case of a 15-year-old asylum-seeker girl who was approached by a known pimp and only saved from exploitation due to the teacher’s intervention.

<sup>30</sup> It should be emphasized that sexual violence remains a general problem even outside the context of prostitution, especially for younger women and girls. A survey conducted in 2005 found that 18 per cent of a sample of women and girls aged 12-25 years had experienced some form of sexual coercion (compared to 4 per cent of men in the same age range). H. de Graaf, S. Meijer, J. Poelman and I. van Wesenbeeck. 2005. *Seks onder je 25e. Seksuele gezondheid van jongeren in Nederland anno 2005*. Utrecht: Rutgers Nisso Groep. Among less-educated females this figure reached 21 per cent. In this context, several interlocutors highlighted shortcomings in school sex education, which is often limited to a discussion of “easy” issues such as sexual skills, safer sex and contraception, but does not sufficiently reflect upon problem areas such as harmful sexual attitudes or abuse of power in interpersonal relationships.

<sup>31</sup> Anke van den Borne, Karin Koosterboer. 2005. *Investigating Exploitation: Research into Trafficking in Children in the Netherlands*. Amsterdam: UNICEF/ECPAT.

tolerance strategy. Second, the Dutch municipalities have been mandated to regulate and monitor the sex sector on the basis of a licence system. Third, the Government is committed to protecting and improving the social position of women in prostitution. These issues are discussed in greater detail in the following paragraphs.

73. In implementing its zero-tolerance strategy, the Government has stepped up efforts to combat human trafficking. In 2005, new legislation entered into force that criminalizes all forms of trafficking recognized under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime. The same year, an Expertise Centre on Human Trafficking and People Smuggling, to serve as a national focal point for the collection and analysis of information on trafficking, was set up. Efforts are also being made to make investigations more victim-sensitive by requiring that police officers complete a special training programme before interviewing potentially traumatized victims of trafficking, forced labour or sexual exploitation. Law enforcement agents are also encouraged to pursue investigation strategies that make prosecutions less dependant on evidence based on the testimonies of victims, who are usually traumatized and frightened.

74. Improvements must still be made with regard to the protective framework available to victims of human trafficking and sexual exploitation. Women's shelters are often hesitant to take in victims of trafficking, not least due to increased security risks. I was told about cases in which women had to shuttle from shelter to shelter in order to avoid detection by the trafficking network they escaped from. The authorities are also confronted with the dilemma of former victims who often return to "lover boys" due to a continued emotional dependency. In these cases, courts can order the girls placed in an institution for their protection. In practice, this often means that the girls are placed in penal institutions alongside girls with criminal convictions because there are not enough specialized institutions for exploited minors. The Government plans to create by 2008 closed facilities for up to 400 young people who need care and treatment in a secure environment.

75. Victims of transnational trafficking often do not report to the police because they fear deportation followed by reprisals or public shame in their country of origin. In response to this problem, the authorities have established a comprehensive set of human trafficking indicators. If a possible trafficking case matches a certain number of indicators, the person in question is considered to be a prima facie victim and she is given a period of up to three months to recover and reflect on whether to cooperate with the law enforcement authorities. If she cooperates, she will receive a temporary residence permit for the duration of the investigation and prosecution in accordance with section B-9 of the Aliens Act Implementation Guidelines.<sup>32</sup> A permanent residence permit will be issued if: (i) the trafficker is convicted; (ii) the criminal proceedings have not led to a conviction but, on the date of the judgement, the victim has been in possession of a temporary B-9 permit for at least three years; or (iii) the victim has a just fear of reprisal.

76. If the victim chooses not to cooperate, she will be deported unless she proves that it would be unsafe for her to return to her country of origin. The linkage between protection and

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<sup>32</sup> In 2005, 65 B-9 permits were issued. This figure increased to 116 for the period between January and November 2006.

cooperation has been criticized by experts and non-governmental organizations, since many victims have a well-founded fear of reprisals against themselves or their families, without being in a position to prove it.

77. Concerning the role of the municipalities, they are responsible for licensing and regulating the sex industry within their boundaries, but are not allowed to outlaw prostitution altogether. In the absence of a national law on prostitution, almost all municipalities adopted regulations that more or less follow a model General Municipal By-Law drawn up by the Association of Dutch Municipalities. The municipalities can appoint officials to monitor the operation of brothels or street prostitution who have full access to sex establishments. Officials can demand that women in prostitution identify themselves (allowing, for example, the identification of minors), but they are not permitted to permanently register data on women in prostitution.

78. Under the Promotion of Integrity Reviews by the Public Administration Act, the municipalities can ask a special administrative body to withdraw a sex establishment's licence if there is serious risk that its operators are involved in other criminal activities.

79. Women in the legalized and regulated sex sector are now better protected against violence, exploitation or unsafe working conditions since access by health or law enforcement authorities is assured and the activities in the regulated sector are more visible to the authorities. The legalization of brothels has also given brothel operators the opportunity to break criminal ties and with practices they maintained while operating in a situation of tolerated illegality.

80. At the same time, however, the legalization legislation also appears to have unintended, negative side effects. A grey sex sector continues to exist that escapes regulation. So-called escort services, for example, are often not covered by municipal licensing schemes or it is unclear which municipality has jurisdiction over them, since they do not operate from a fixed address. Some municipalities are also pursuing de facto abolitionist policies (contrary to national legislation), thereby pushing prostitution within their boundaries once again into an unregulated illegality.<sup>33</sup>

81. Many of the women in the grey sex sector come from countries outside the European Union, since they are generally not entitled to work permits under Dutch law and are therefore not engaged in the regulated sex sector. This legislation is controversial among experts. Some interlocutors argued that these women responded to an existing demand for "migratory sex work" and should therefore be provided with a work permit and the formal labour protection this entails. Others feared that formal legalization could facilitate human trafficking from abroad, since the women were typically recruited in countries with no regulatory protective framework for prostitution.

82. Furthermore, a substantial number of women who would be legally entitled to engage in prostitution seem to have shifted into the unregulated sector to avoid taxation or municipal regulations they consider overly intrusive.

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<sup>33</sup> In some cases, municipalities also seem to have closed sex venues for public order purposes. In this context, women's organizations have heavily criticized the closure of designated street prostitution zones. See CEDAW shadow report, supra at note 10, at 89.

83. Due to the semi-illegality of the grey sector and the absence of regulation and monitoring, women in the grey sex sector face a higher risk of violence. The exploitation of minor girls and trafficked women also appears to take place mainly in grey sector sex establishments. In 2002, an official evaluation of the lifting of the brothel ban found “a lack of supervision and poor accessibility for social and health workers [in the grey sector], as the result of which these prostitutes are extra vulnerable to exploitation and their position has worsened rather than improved.”<sup>34</sup> Four years later, the government authorities are still struggling to get control of the grey sex sector, especially the escort agencies. The authorities now require newspapers to record the names and addresses of persons placing advertisements for prostitution. The law enforcement authorities also launch sting operations against suspicious escort services by posing as potential buyers. Amsterdam plans to introduce a licensing system for escort agencies which is expected to enter into force in 2007. However, other municipalities still fail to assume their legal responsibility to regulate the entire sex sector operating within their boundaries.

84. Improving the position of women in prostitution is by far the least developed tenet of the prostitution policy. It is still very apparent that the sex sector is organized by men for men. Women who operate independently of male pimps are still the exception, not the norm. Efforts of women to open independent establishments have also been hampered by the fact that many municipalities have limited the number of licences issued and prioritized existing establishments. Women’s organizations report that many women are still badly informed about their rights vis-à-vis brothel owners. They criticize the Government for focusing mainly on regulation, therefore not devoting enough attention to this problem. This issue needs to be urgently addressed if the Dutch approach to prostitution is to successfully reduce violence and exploitation on a sustainable, long-term basis.

85. The Government reported that it is currently evaluating its prostitution policy, which could lead to some policy adjustments.

## V. CONCLUSIONS AND RECOMMENDATIONS

**86. Gender equality has considerably advanced in the Netherlands over the last decades thanks to an active emancipation policy driven by the Government and civil society. Contrary to widely held beliefs, however, the emancipation project is not yet completed, let alone self-sustainable. This is indicated by the fact that women in the Netherlands, including native Dutch women, are still strongly underrepresented in decision-making positions and the labour market in general. Moreover, a majority of women are not economically independent.**

**87. The Government’s gender-mainstreaming strategy does not effectively address remaining inequalities since it delegates fragments of the problem associated with gender inequality to various entities, often as gender-neutral tasks. Overall coordination, monitoring and accountability mechanisms for different government agencies as well as gender-budgeting practices are lacking.**

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<sup>34</sup> Annelies Daalder. 2002. The Ban on Brothels Lifted: Prostitution in 2000-2001. The Hague: Wettenschappelijk Onderzoek and Dokumentatiecentrum.

88. **Domestic violence is the most prevalent form of violence against women in the Netherlands. While significant efforts to address the issue exist, they are typically formulated as a gender-neutral security issue. VAW in the private sphere is lumped together with violence against inherently vulnerable groups, thereby de-linking the problem from its root causes and prevailing power dynamics.**

89. **Women belonging to immigrant communities face particular problems of gender inequality that also translate into violence. Culturally essentialized perceptions of violence experienced by these women have increased stigmatization and discrimination against women and men of immigrant backgrounds, which is making the efforts to eradicate gender discrimination within these communities more difficult. These women's vulnerability to violence is fostered by increasingly restrictive immigration laws that have unequal consequences for women.**

90. **Women in prostitution still face violence, despite the legalization and regulation approach and the Government's efforts to enforce a zero-tolerance policy towards trafficking and sexual exploitation. Additionally, a grey sex sector continues to escape regulation and monitoring. Furthermore, the overtly regulation-oriented policy has failed to enhance the ability of women in prostitution to effectively pursue their interests in the sex sector.**

91. **Overall, without a comprehensive policy on violence against women that is defined within the context of gender inequality, a fragmented, gender-neutral and "law and order"-focused approach prevails, which undermines the effectiveness of the many commendable programmes in place to address the problem.**

92. **In view of my findings, I would like to make the following recommendations to the Government:**

**(a) Improve the gender-equality policy and institutional framework by:**

- **Providing institutional oversight to the gender-mainstreaming initiatives within a holistic gender-equality paradigm. In this regard, the mandate and competence of the Department for the Coordination of Emancipation Policy should be strengthened. All government agencies should also consider establishing internal gender steering committees that monitor and coordinate gender-mainstreaming work with a gender-equality perspective;**
- **Reviewing and consolidating existing policy and practice on all forms of VAW into a comprehensive gender-sensitive policy. The Government should also consider developing a national action plan to eradicate VAW;**
- **Considering ratification of the Council of Europe Convention on Action against Trafficking in Human Beings;**
- **Further reforming the social security and the taxation system to foster and facilitate the participation of women in the labour market;**

- **Ensuring adequate funding to non-governmental organizations and independent expert institutions working on gender equality and women's rights;**

**(b) Eliminate all forms of discrimination by:**

- **Implementing fully the recommendations contained in the concluding observations of the Committee on the Elimination of Discrimination against Women of 2001 on the Netherlands' second and third report to the Committee (see A/56/38);**
- **Addressing and challenging through media campaigns and school curricula unequal gender-based power relations in the private sphere by promoting male and female identities that break with notions of domination and use of force. Sexual education in schools should address harmful sexual attitudes and abuse of power in interpersonal relationships;**
- **Ensuring the norm of equal opportunity and non-discrimination on the basis of sex and ethnic or religious origin in the labour market, the justice sector and other key institutions. Special measures should be considered to facilitate the equal participation of women and men with an immigrant or refugee background in the educational system and the labour market. In this regard, the Government should consider signing and ratifying the International Convention on the Rights of All Migrant Workers and Members of Their Families;**
- **Acknowledging the diverse voices within different cultural groups and supporting those that respect and promote women's rights. To counter cultural essentialism and stigmatization, the Government should promote gender equality as a universal culture that has emerged in response to a universal history of gender inequality;**
- **Promoting a new social consensus that is inclusive and participatory and that aims at achieving integration based on equal participation and mutual respect;**

**(c) Investigate and punish perpetrators of VAW and protect women at risk of violence by:**

- **Pursuing a policy of zero tolerance of gender-based violence and sexual harassment, particularly in law enforcement. The police should adopt a proactive approach in investigating and documenting all cases of VAW including intimate-partner violence. Good practices in this regard should be documented and disseminated;**
- **Fostering international cooperation in cases that involve the transnational planning and execution of oppressive and violent practices;**

- **Considering an expansion of the concept of multi-ethnic policing beyond the Haaglanden police region and ensuring community support for such initiatives;**
- **Promoting the pending legislation on restraining orders. Immigrants should be able to apply for a restraining order without being questioned about their immigration status;**
- **Ensuring that restraining orders against potential perpetrators of VAW are issued on the basis of a comprehensive risk assessment to prevent violence before it occurs. Adequate resources should be dedicated to follow up restraining orders, detect breaches and initiate sanctions proceedings;**
- **Ensuring regulation of the entire sex sector, including escort agencies, operating within its boundaries by expanding and improving existing licensing schemes;**
- **Providing women in prostitution with access to information about their rights and supporting their initiatives to break dependency on pimps;**

**(d) Address particular vulnerabilities of women who are not Dutch citizens by:**

- **Ensuring that undocumented immigrant women have full access to State protection against violence, including filing criminal complaints relating to violence, applying for restraining orders, accessing a women's shelter or pursuing any other protective mechanism irrespective of their immigration status and without fear of deportation. Adequate resources should be made available to ensure that all undocumented immigrant women exposed to violence (whether "honour"-related or not) can access women's shelters;**
- **Providing women holding dependent residence permits who escape violence access to independent residence, regardless of whether they prove the fact that violence occurred by way of an official police report, medical reports, reports of a woman's shelter or any other means. Immigrant women and men married to citizens or permanent residents should automatically receive an independent residence permit after no more than two years in the country, regardless of their income;**
- **Adopting gender-sensitive asylum procedures including by recognizing gender-related persecution as a ground for asylum and ensuring that they are accessible to traumatized victims of violence;**
- **Enhancing measures to detect and prevent trafficking and sexual exploitation of asylum-seekers, especially minors. The Government should also ensure inter-agency cooperation on the basis of a shared**



**protocol to meticulously follow up each case of a disappearance of a minor asylum-seeker;**

- **Refraining from sending victims of transnational human trafficking back to their country of origin, regardless of whether they cooperate with the law enforcement authorities, unless an individualized risk assessment demonstrates that the victim can be safely repatriated. In cooperation with the country of origin, adequate provisions must be made to ensure that the victim can be reintegrated without revictimization;**
  - **Developing a long-term protection and support strategy for women under threat or continued risk of violence by providing them with access to housing with suitable security arrangements and special security provisions to allow for their contact with non-hostile family members. Guidance and psychological counselling should also be provided for victims to enable them to establish a sustainable and safe life on their own;**
- (e) **Expand the knowledge base on VAW, its causes and consequences, by:**
- **Commissioning a comprehensive prevalence survey, conducted by independent researchers, on all forms of violence and harassment in the domestic sphere that provides results disaggregated by the sex, age, ethnicity, education, social status and immigration status of the victims and perpetrators. The survey should also seek to assess to what extent victims were able to access law enforcement, social services and other relevant authorities.**

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