



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

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

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

Sixth periodic report of States parties due in 2014

Netherlands*

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* The present document is being issued without formal editing.



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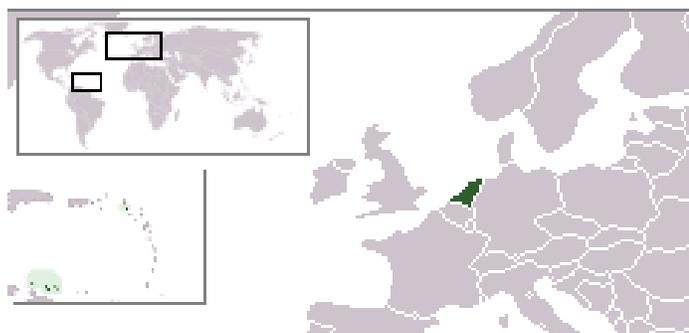
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General Introduction

1. The Kingdom of the Netherlands ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, hereinafter: the Convention) on 23 July 1991. The Convention entered into force in all parts of the Kingdom of the Netherlands on 22 August 1991.
2. The initial reports under Article 18 of the Convention were submitted on 19 November 1992, 17 September 1993 and 20 September 1993 for the Netherlands, the Netherlands Antilles and Aruba, respectively. The Committee on the Elimination of Discrimination against Women considered the fifth periodic reports of the Netherlands, Aruba and the former Netherlands Antilles at its 916th and 917th meetings, on 27 January 2010. The concluding observations of the Committee on the fifth reports are contained in doc CEDAW/C/NLD/CO/5 dated 5 February 2010.
3. This sixth report by the Kingdom of the Netherlands is submitted in accordance with article 18, paragraph 1(b) of the Convention. It updates previous reports and describes policy measures taken in the period 2008-2013 to implement the recommendations of the concluding observations on the fifth periodic report. An interim report was submitted on 24 May 2012 (CEDAW/C/NLD/CO/5/Add.1).

Constitutional restructuring

4. Since the last report the Kingdom of the Netherlands has undergone a process of constitutional restructuring. This concerned the former Netherlands Antilles, which consisted of the islands of Curaçao, St Maarten, Bonaire, St Eustatius and Saba. The reforms were based on referendums and decisions by the parliamentary assembly concerning the constitutional future of the country. Except in the case of one island, the result of the consultation process was clear: the islands no longer wished to be part of the Netherlands Antilles, but nevertheless wished to retain their ties with the Kingdom.
5. An agreement was reached concerning the new constitutional relations within the Kingdom. It was decided that the amended Charter for the Kingdom of the Netherlands would enter into force on 10 October 2010. Since that date, the Netherlands Antilles has ceased to exist as a country.
6. Under the new structure, Curaçao and St Maarten have acquired the status of countries within the Kingdom, similar to Aruba, which has held the status of country within the Kingdom since 1986. As a result, since 10 October 2010 the Kingdom has consisted of four rather than three countries of equal status: the Netherlands, Aruba, Curaçao and St Maarten. All have a large degree of internal autonomy.
7. The three other islands — Bonaire, St Eustatius and Saba — opted for direct ties with the Netherlands and now constitute ‘the Netherlands in the Caribbean’. These ties took their new legal form with the conferment of the status of public bodies within the meaning of article 134 of the Constitution. Their status is roughly equivalent to that of a municipality in the Netherlands, with some adjustments to reflect their small scale, their distance from the Netherlands and their location in the Caribbean. The vast majority of Netherlands Antillean law remains in force, in amended form, in these public bodies. The constitutional reform brought no change in terms of representation in foreign relations.
8. To clarify the situation, maps of the Kingdom of the Netherlands and the Caribbean parts of the Kingdom are shown below:



<i>Country</i>		<i>Land area</i>	<i>Population</i>
Netherlands	European part	41 526 km ²	16 727 255 (2011)
	Bonaire	288 km ²	15 666 (2011)
	St Eustatius	21 km ²	3 643 (2011)
	Saba	13 km ²	1 824 (2011)
Curaçao		444 km ²	150 563 (2011)
Aruba		180 km ²	101 484 (2010)
St Maarten		34 km ²	37 429 (2010)

Source: Statistics Netherlands and Central Bureaus of Statistics of Curaçao, Aruba and St Maarten.

9. The Kingdom of the Netherlands therefore now consists of four countries of equal status. Each of these countries is autonomous when it comes to the implementation of the Convention. The report is therefore divided into four parts. In Part I on the Netherlands a special section has been inserted to describe developments and initiatives on the islands of Bonaire, St Eustatius and Saba now constituting ‘the Netherlands in the Caribbean’.

Part 1 — The Netherlands

Introduction

1. The report on the Netherlands was drafted by an interministerial working group representing the Ministries of 1) Education, Culture and Science (responsible for coordinating policy on equal treatment); 2) the Interior and Kingdom Relations; 3) Social Affairs and Employment; 4) Security and Justice; 5) Health, Welfare and Sport and 6) Foreign Affairs. In the spring of 2013, the working group had a meeting with Dutch civil society organisations for the purpose of identifying the most urgent issues in relation to the position of women in the Netherlands. In November 2013, the working group met with four representatives of the Dutch CEDAW Network, a representative of the Netherlands Institute for Human Rights, and a representative of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). They were informed of the subjects the working group planned to include in the report, and were given the opportunity to say what they considered to be essential for a good report.

2. With this report, the Netherlands wants to show that women’s position in society is steadily improving. At the same time, however, it is taking a critical look at areas where there has been no progress or progress has been slower than desired and where improvement is possible.

3. To put the priorities of Dutch equal treatment policy firmly in the spotlight, the various articles of the convention have been grouped into seven sections. Section I, ‘Attitudes to men and women’, discusses under articles 3 and 5 changing attitudes and progress with equal treatment and under article 4 the special measures taken by the Netherlands to speed up the process. Section II, ‘Economic independence’, deals with one of the policy priorities. It examines under articles 11 and 13 women’s economic situation and their position on the labour market. Section III, ‘Violence against women’, deals with a second priority. It examines violence against women under general recommendations 11 and 19 and discusses under article 6 efforts to prevent human trafficking and abuses in the sex industry. Section IV, ‘Political and public life, education and health care’, discusses under articles 7, 8, 10 and 12 developments in these public and semi-public sectors. Section V, ‘Equality before the law and measures to tackle discrimination’, describes developments linked to articles 1 and 2, 9, 15 and 16. Section VI, ‘LBT women’, deals with a third policy priority. In 2007, responsibility for equal treatment of women and LBT women in particular was designated to a single minister (the Minister of Education, Culture and Science). Improving the position of LBT women, and preventing discrimination against them is thus a priority which should be discussed in this report. Section VII, ‘Bonaire, St Eustatius and Saba’, discusses the position of women in the Caribbean Netherlands. The Committee’s recommendations in response to the previous report are discussed within the relevant articles.

Equal treatment policy

4. Since 2008, the Netherlands has had three governments, all of which contributed to overcoming cultural stereotyping and prejudice. Before discussing the various articles of the convention, this report will first outline the equal opportunities policies pursued by the Fourth Balkenende Government, the First Rutte Government, and the current Second Rutte Government.

The Fourth Balkenende Government (2007-2010)

5. The policy presented by the Fourth Balkenende Government in 2008 acknowledged that while much had been achieved, ensuring equal rights and opportunities for women was an ongoing process that would never be completed. It recognised that there was a huge gap between equal rights for men and women and social reality. Much of this policy aimed to increase women's participation in employment and thus increase their economic independence. Some new measures were taken such as extra tax incentives to encourage women to work outside the home, and to make work more profitable. More opportunities were created to combine work and care tasks by improving access to and the quality of childcare and increasing parental leave from 13 to 26 weeks. A 'part-time plus' task force was appointed to bring about a culture change within companies and make working outside the home more appealing to women. Special attention was devoted to women and girls from ethnic minorities, who were encouraged to participate in society by doing volunteer work. Apart from participation, the prevention of violence against women and girls was a priority of the Fourth Balkenende Government. At international level, the government was committed to eliminating all forms of discrimination against women everywhere in the world, and to bringing about permanent improvements to the position of women.

The First Rutte Government (2010-2012)

6. In 2011, the First Rutte Government presented a new equal opportunities policy document stating that people should be able to make the most of their lives, and make their own choices in freedom and safety. Everyone has the right to a life without violence and a fair chance to participate. Measures were taken to prevent discrimination, and more severe penalties were introduced. The government placed more of the responsibility on companies, social institutions and men and women themselves, limiting its own role to areas where equal treatment was a non-starter, and where safety and participation were both under threat. The government wanted to make progress by calling on people to use their own strengths and talents. The First Rutte Government focused more sharply than its predecessors on safety and paid work for everyone. Specific policies were launched to activate and strengthen the position of poorly educated women, since employment levels were much lower among this group than among better educated women. The government did not take it for granted that progress was being made at international level with the achievement of equal opportunities. It was therefore actively committed to improving the position of girls and women all over the world, focusing particularly on sexual and reproductive health and rights.

The Second Rutte Government

7. The Second Rutte Government took office in 2012, and in May 2013 a letter outlining equal opportunities policy was sent to the House of Representatives.¹ The letter adopts the principle that issues relating to gender equality should be seen in terms not only of individuals, but also of relationships between people, of how we behave towards each other and society. The core values underpinning the government's equal opportunities policy are autonomy, resilience and equality. The economic crisis confronting the Netherlands at this time impacts directly on the lives of people. Their situation can change from one moment to the next — for example, where a family is suddenly deprived of the single income it depends on. A family with two incomes is less vulnerable. Economic independence for women is therefore one of the government's priorities. The government is also committed to ensuring a safe society, in which citizens feel safe at home, on the street and in their neighbourhoods. Preventing discrimination and violence has been one of the priorities of the Dutch government for many years. It is therefore painful to see that there are still so many people being subjected to harassment, discrimination and violence. In fact, 39% of all Dutch women have been the victims of sexual violence, and 84% of girls between the ages of 15 and 25 have been confronted with unacceptable sexual behaviour (compared to 66% of boys). In recent years we have witnessed increasing polarisation in the international debate on gender equality. After many decades of increasing consensus, leading internationally to more rights and a better position for women, in recent years a group of countries has been campaigning, with increasing stridency, for traditional values and role patterns. The Netherlands has opted for an active international role in countering the discrimination of women and LGBT people. It is committed to following up UN Security Council Resolution no. 1325, and plans to organise an international conference on this subject in 2014.

Implementing policy

8. The Minister of Education, Culture and Science is responsible for coordinating policy on equal treatment. She works actively together with the Ministers of the Interior & Kingdom Relations, Social Affairs & Employment, Security & Justice, Health, Welfare & Sport, Defence and Foreign Affairs to achieve the aims of the government's equal opportunities agenda.

9. In coordinating equal opportunities policy, the Minister of Education, Culture and Science plays several roles. For example, in drafting the policy framework, she sets the agenda. She also provides support in embedding policy in the ministries, and, where necessary, helps them to meet priorities. This means reaching agreement with the ministries responsible for specific areas of policy on the provision of support and assistance in achieving their goals. An example is the cooperation with the Minister of and State Secretary for Social Affairs and Employment on the issue of equal pay and the division of work and care tasks. The Minister's third role involves driving and promoting equal opportunities in society. She has, for example, reached agreement with the municipal authorities on the provision of support in developing and implementing equal opportunities policy. The Minister also fosters the development of a sound knowledge infrastructure to help achieve equal

¹ Letter outlining equal treatment policy 2013-2016; <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/05/10/hoofdlijnenbrief-emancipatiebeleid-2013-2016.html>.

opportunities within society. Fourthly, the Minister is responsible for coordinating not only implementation by the Netherlands of the UN Convention on the Elimination of all Forms of Discrimination against Women and the Beijing Platform for Action but also for representing the Netherlands internationally regarding matters relating to gender equality and equal opportunities. In this role, she is responsible for the reports submitted to the CEDAW committee on compliance with the Convention. Finally, the Minister is responsible for monitoring and appraising progress with the achievement of equal opportunities in the Netherlands. To this end, the equal rights monitor is published every two years.

10. From 1995, the year in which the Beijing Declaration and Platform for Action were adopted, gender mainstreaming has been the main pillar supporting policy. The priorities set out in the Beijing Declaration are also reflected in this report. The only subject not to be addressed is women and the environment, since the Netherlands does not pursue policies on this issue. Essential to gender mainstreaming is that equality should not be regarded as an isolated theme, but as a means of solving problems relating to the labour market, health care, social cohesion and so on. For example, if women work more, society will also benefit, since the costs of an ageing population can more easily be met, and participation in employment strengthens social cohesion. Gender mainstreaming is therefore vital not only to achieving equality for women, but also to addressing other social issues.

11. There are two more developments in the Netherlands that are relevant to policy-making and implementation. First, various government tasks, such as youth care, work and income and care of the elderly and long-term sick people have devolved to the municipal authorities, since they are closest to the people, and can provide customised services with less red tape and at lower cost. As yet, there is no reason to believe that this development will have a negative impact on the position of women. Second, in the past few years the Netherlands has opted to strengthen general policy and focus less on target-group policies. There was little evidence that these policies, which had been pursued for many years, had been effective. What is more, they led to negative stereotyping. General policy, with due regard for the differences between population groups, is now the norm.

I. Attitudes to men and women

Introduction

12. Current attitudes are the result of social developments that have taken centuries to unfold. Changing them takes time and patience, as well as a sensitive approach that appeals to people rather than putting them on the defensive. The information provided under article 5 sets out how views on relations between men and women have developed over the past few decades. Though some attitudes in the Netherlands could be described as gender-insensitive, steady progress is being made towards achieving gender equality. This is touched on under article 3. The information under this article has been kept brief intentionally in order to prevent overlap with other articles where the position of women in Dutch society is dealt with in detail. Under article 4, information is provided on several temporary special measures that the Netherlands has taken or plans to take in addition to gender mainstreaming policy to improve women's position and counter negative stereotyping.

A. Article 5: Changing attitudes

13. Gender norms have evolved rapidly in the Netherlands in the past few decades. Shortly after the Second World War, the male breadwinner model was dominant, and homosexuality was a taboo subject. Nowadays, many families have two incomes, and men and women can marry a same-sex partner. The notion of the gender binary is gradually losing ground, so that the position of transgender people in society is improving. Gender is no longer experienced as either male or female, but increasingly as a spectrum with male and female at either extreme, and numerous variations in between. The new transgender legislation and the Lesbian Co-Parents Act (Wet lesbisch ouderschap) (see Section VI, LBT women) reflect these new attitudes to gender.

14. In the past, the general public experienced the drive for equal treatment of women as a social revolution. Nowadays, it has become more abstract to them. People forget that the process of empowerment and emancipation of women affects them personally. During one of the focus group sessions held to prepare the recent letter to the House of Representatives on equal opportunities policy, a young Dutch man remarked that he was growing tired of the whole subject, because he was used to women having the same rights. There is a danger of gender equality being taken for granted, so we cannot rest on our laurels. We must remain committed to ensuring that women are empowered and have equal opportunities.

15. Maintaining the status quo is not enough. Negative stereotyping of girls and women is still widespread in Dutch society. Take, for example, the catalogues published each year by toy shop chains in which advertisements show little girls with toy vacuum cleaners and irons. Added to the fact that in the Netherlands it is mainly women who work part-time, it is clear that Dutch culture is far from gender-sensitive.

16. It takes time and patience to change attitudes and stereotypes, and a sensitive approach is needed that appeals to people. Emancipation is a process that cannot be forced on individuals. Freedom of choice is an important principle underpinning policy. The government prefers to use persuasion, by pointing to the possible consequences if women make choices that do not contribute to their own empowerment. For example, women who are economically dependent on their partner are at greater risk of sinking into poverty after a divorce. Women who then opt for greater independence by, for example, working longer hours, can count on the government's support.

17. Women's image in the media impacts on gender norms in society. In order to discuss this issue, on 4 and 5 July 2013, the Council of Europe and the Dutch government held an international gender equality conference entitled 'Media and the Image of Women'. Discussion topics included stereotyping and sexism, gender equality and freedom of expression and women's leadership in the media. At this conference, the Dutch government announced that it would support a platform for the media and NGOs on the subject of women and the media.

B. Article 3: Progress in achieving equal treatment

18. Article 3 of the Convention points to the importance of taking all appropriate measures to ensure the full development and advancement of women in all fields, in

particular in the political, social, economic and cultural fields. Despite stereotyping and the fact that women largely work part-time, steady progress has been made in achieving equality for women in the Netherlands. Since this will become apparent from the information provided under the other articles, just a few examples are given here. Despite the economic crisis, the percentage of economically independent women rose slightly from around 47% to more than 48% between 2008 and 2012. Men were hit harder by the crisis, and the percentage of economically independent men dropped from around 70% to 67% in the same period. Representation of women in political bodies is growing slowly but surely, while the number of women in top-level positions in the private sector has doubled in the past decade. Nonetheless, this figure is still far too low.

C. Article 4: Temporary special measures

19. In order to improve women's position and combat negative stereotyping, the Netherlands has introduced a number of special measures.

Targets for women and men in top-level positions

20. Legislation is now in force in the Netherlands setting out targets for the percentage of women in top-level positions in the private sector. On 1 January 2013, an amendment to the rules relating to the management and supervisory boards of public and private limited companies (Civil Code, Book 2), submitted by member of the House of Representatives Paul Kalma, entered into force. This amendment sets out minimum targets of 30% women and 30% men on the management and supervisory boards of large companies. Companies, which have applied since 1 January 2013 and do not meet these targets, are required to account in their annual report for their failure to comply and to explain what course of action they plan to take to remedy the situation ('comply or explain'). The shareholders' meeting is responsible for approving the company's reasons and actions, but there are no sanctions. Companies will be monitored and the legislation will be evaluated in 2015. The table below presents the number of women in top-level positions since 2001.

Table 1
Number of women in top-level positions (management and supervisory boards) in the Dutch private sector²

<i>Largest companies</i>	<i>2001</i>	<i>2007</i>	<i>2009</i>	<i>2011</i>
Top 25	4.6	8.9	10.6	11.7
Top 100	5.1	7.3	9.3	10.2
Top 500	3.9	5.6	6.8	7.5
Top 5,000	3.1	4.5	4.2	6.0

² Source: Equal Rights Monitor 2012 (Netherlands Institute for Social Research (SCP)/Statistics Netherlands (CBS)).

Economic independence project

21. This year the Minister of Education, Culture and Science will launch a project to highlight the importance of economic independence. The aim is to make women so much more aware of the need for economic independence that they will take action. To achieve this, the Minister will organise meetings at local level to talk with men and women and make specific agreements with employers, municipal authorities and other stakeholders. The long-term aim is for more women to become economically independent, and for differences between men and women in this respect to shrink. Specifically, the project will target three groups of women, with three specific goals:

- i. to ensure that young women maintain their economic independence;
- ii. to return women to the workforce who, due to childcare tasks, are now semi-dependent on their partners for economic independence;
- iii. to help women who are far removed from the labour market attain economic independence. This group largely comprises poorly educated and semi-literate women.

Eigen Kracht (On Your Own) and Tafel van Een (Table for One) projects

22. The aim of the project Eigen Kracht, on which the Minister of Education, Culture and Science reached agreement with 22 large and medium-sized municipalities, is to activate women who have had little education. Within the context of this project, which will run in most municipalities until the end of 2014, Women Inc.³ has developed the so-called Tafel van Een ('Table of One') method geared to communication with, assistance for, and recruitment and activation of poorly educated women who are unemployed and receive no benefits. Municipalities may use this method if they wish. In 2012, nine municipalities launched Tafel van Een projects, followed by another five in 2013. In 2012 and 2013, around 3,000 women took part in the project or in other events organised by the municipalities. The municipalities have agreed to make this strategy a permanent feature of their participation policies. The Ministry of Education, Culture and Science has commissioned an evaluation of the effects of the Eigen Kracht project in all 22 municipalities. The results should be available in mid-2014.

Semi-literacy

23. More women than men are semi-literate. The potential workforce (people between the ages of 15 and 65) includes 1.3 million semi-literate and 1.5 million semi-numerate people. Older people are more frequently semi-literate. Eight per cent of the potential workforce in the 23 to 34 age group is semi-literate, while the figure for people aged 55 to 64 exceeds 20%. In several regions, the Reading & Writing Foundation/Language for Life specifically targets semi-literate mothers with a programme that dovetails with existing early childhood education programmes for children whose language skills lag behind. When a mother, father and child work together to improve their language skills, they enter a self-reinforcing upward spiral towards participation (e.g. parental involvement) and, ultimately, economic independence. The programme is a springboard to mainstream

³ Women Inc. is a network organisation committed to improving the position of women in the Netherlands. It focuses on two themes, money and health (www.womeninc.nl).

adult education language and arithmetic courses provided by Regional Training Centres (ROCs), or to a basic secondary vocational education programme. The effects of the Reading & Writing Foundation's programmes are now being monitored, and the results will be published in 2016.

Duizend en één Kracht (Thousand and One Strong) project

24. Between 2007 and 2011, municipal authorities and migrant and volunteer organisations worked closely together within the Duizend en één Kracht project to encourage ethnic minority women to take an active role in society through volunteer work. Together they developed a programme of activities from which women could choose and described possible follow-up steps. Thousands of women consulted the list, and took steps to become active in society.

II. Economic independence

Introduction

25. As stated above, economic independence is one of the government's priorities. Women who are economically independent are not financially dependent on a partner or on social security benefits.⁴ They have more freedom to make their own choices in life and are less likely to fall into poverty. Under articles 11 and 13, this report provides a detailed account of the position of women on the labour market and their economic position vis-à-vis men. It gives an overview of the most relevant statistics, and outlines policy-related developments. Under article 14, the report examines differences between urban and rural areas in terms of economic independence, and looks at labour market participation in the various regions of the Netherlands.

A. Article 11: Women and employment

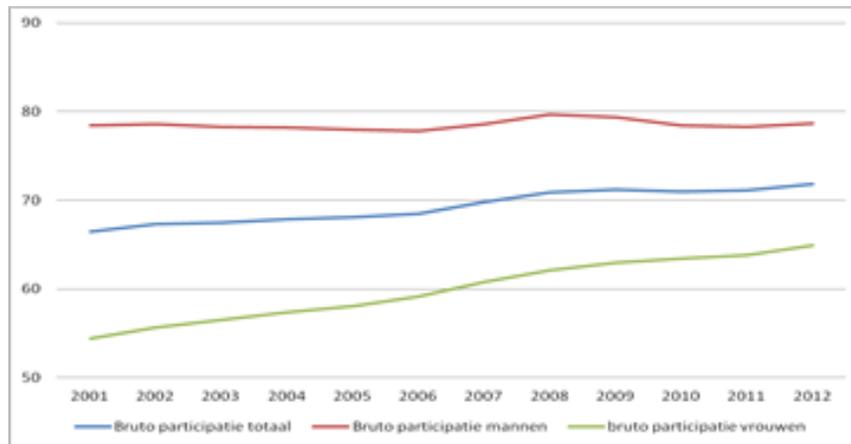
Women's participation on the labour market

26. Women's average gross labour force participation rate⁵ has increased in the past few years, rising from 62.1% in 2008 to 64.9% in 2012. Among the active male work force, the rate dropped in the same period from 79.9% to 78.7%. The difference between men and women in this respect has thus shrunk from 17.8% to 13.8%. So, compared to men, women's position on the labour market has improved in the past few years.

⁴ An individual is deemed to be economically independent if his or her income is equivalent to or higher than 70% of the reference minimum wage.

⁵ Gross labour force participation rate: the labour force (employed and unemployed people between the ages of 15 and 65) as a percentage of the potential labour force.

Figure 1
Gross labour force participation rate among men and women⁶



Blue = Total gross labour force participation rate
 Red = Gross labour force participation rate among men
 Green = Gross labour force participation rate among women

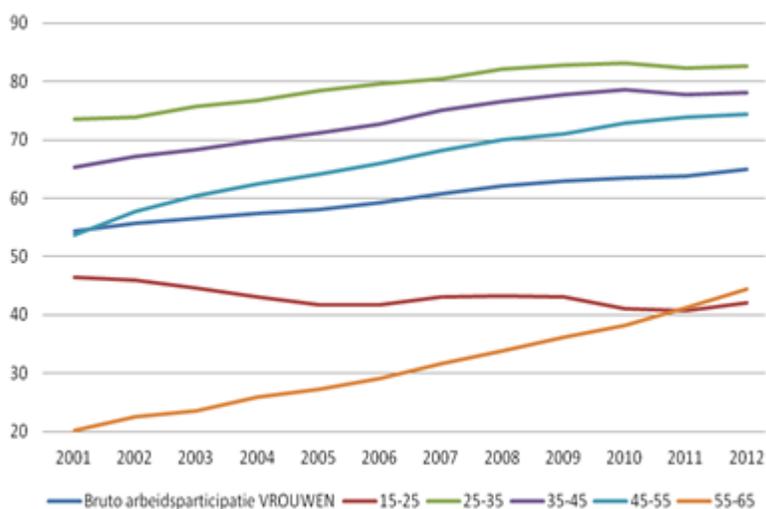
Labour force participation among women by age

27. The gross labour force participation rate is highest among women in the 23 to 35 age group, and rose from 82.1% in 2008 to 82.6% in 2012. This figure declines with age, but in five of the six age groups participation has increased since 2008. There was only a slight drop in the lowest age group (15 to 25). This was partly linked to a structural rise in the number of women going on to higher education. Figures from the Ministry of Education, Culture and Science show that in 2011 more women than men were enrolled in institutions of higher education.⁷

⁶ Source: Statistics Netherlands (CBS).

⁷ http://www.trendsinbeeld.minocw.nl/grafieken/3_1_1_15.php.

Figure 2
Gross labour force participation rate among women by age⁸



Blue = Gross labour force participation rate among WOMEN
Gross labour force participation rate among WOMEN

Labour force participation by origin

28. The gross labour force participation rate is higher among women of ethnic Dutch origin than women from ethnic minorities. Among women of ethnic Dutch origin, the rate rose from 63.2% in 2008 to 66.3% in 2012 and among ethnic minority women from 57.9% to 59.9% in the same period. In this latter group, labour force participation is lowest among women of non-western origin (53.2% in 2008 and 54.7% in 2012). Table two shows the labour force participation rate among women from Suriname, the Netherlands Antilles or Aruba, Turkey and Morocco.

Table 2
Labour force participation rate (in %) among women of non-western ethnic origin

	2008	2012
Suriname	67.6	68
Netherlands Antilles or Aruba	59.6	63.5
Turkey	47.3	49.3
Morocco	44.3	44.4

Net labour force participation rate among fathers and mothers

29. The net labour force participation rate⁹ has increased slightly among women, from 59.2% in 2008 to 60.6% in 2012. Among mothers with young children (in the 0-12 age group) this figure has increased from 69.4% to 71.5%. The net labour force

⁸ Source: CBS.

⁹ Net labour force participation rate: percentage of the potential workforce (aged 15 to 65) in employment.

participation rate among fathers is high — among fathers with young children, the rate was 93.2% in 2012. However, there has been a downward trend in net labour force participation among men — from 75.9% in 2009 to 73.7% in 2012.¹⁰

Labour force participation among disabled women

30. In the Netherlands, the focus is not on an individual's disability but on their potential to participate in the labour market. People who are prevented from working or finding work because of sickness or long-term disability are recognised as being work disabled. The labour force participation rate among disabled women is lower than among disabled men. The most recent figures show a drop in recent years from 35.7% in 2008 to 33.0% in 2011. Among men, participation fell from 49.7% to 41% in the same period. Unemployment among disabled women also decreased slightly — from 9.1% in 2008 to 8.8% in 2011. Among men, it rose in the same period from 8.6% to 11.5%.

Unemployment

31. The overall unemployment rate rose from 3.8% to 6.4% between 2008 and 2012. Among men, it rose from 3.2% to 6.3% in this period. Though fewer men than women are unemployed, the unemployment rate among men has risen more rapidly since 2008. Among women, it rose from 4.7% in 2008 to 6.6% in 2012. Fluctuations in economic growth have a greater impact on men's jobs. Men are more likely to reap the benefits from a burgeoning labour market (e.g. between 2005 and 2007), but to lose their jobs in an economic downturn, when the unemployment rate among men starts to close the gap with the — generally higher — rate among women. The crisis has had less impact on employment in sectors where many women tend to work, for example the care sector and teaching.

Working hours

32. At 28.4, the average weekly working hours of women aged between 15 and 65 have not changed since 2008. Men's average weekly working hours decreased from 39.4 in 2008 to 39 in 2012.

Working hours by level of education

33. The higher their level of education, the more hours women tend to work. Women with only a basic education worked an average of 25.8 hours a week in 2012. Women with a secondary education worked 27.4 hours a week, and women with a higher education worked 31 hours.

Working hours by age

34. Between 2008 and 2012, working hours among younger women dropped, while those among older women rose.

¹⁰ Parliamentary Papers II, 2013-2014, 31 322, no. 226.

Table 3
Weekly working hours between 2008 and 2012, by age group¹¹

<i>Weekly working hours among women</i>	<i>15-25</i>	<i>25-35</i>	<i>35-45</i>	<i>45-55</i>	<i>55-65</i>
2008	28.3	31.1	27.4	27.7	26.7
2012	26.9	31	27.9	27.9	27.3

Working hours by ethnic origin

35. On average, women from ethnic minorities, of both western and non-western origin, work longer hours than women of Dutch ethnic origin. In 2012, women of Dutch ethnic origin worked an average of 28.1 hours a week, while women from the ethnic minorities worked an average of 30 hours a week.

Raising labour force participation and combating unemployment

36. The government wants people in the Netherlands to participate in society as fully-fledged citizens. The policies pursued to tackle unemployment are generic, so no distinction is made on the basis of gender. Of course, women also benefit from these policies. Take, for example, policy promoting labour force participation among older workers or tackling unemployment among young people. On 19 December 2012, acting in consultation with the social partners, the government released a total of €102 million over a period of two years to help jobless young people and people in the 55 to 65 age group find work. €67 million will be spent on activities to benefit older jobless people, and €35 million will be used to tackle unemployment among young people. Measures taken to improve opportunities for these two groups will also benefit women. See, for example, the increase in labour force participation among women in the 55 to 65 age group.

37. The government plans to temporarily reintroduce the Unemployment Insurance Act reintegration budget. This budget can be used by the Employee Insurance Agency (UWV) to fund retraining or courses leading to a qualification. Some of these funds will also be used for the placement bonus intermediaries (including employment agencies) may receive for helping older unemployed people into a job. The government aims to improve the position of over-55s on the labour market with the introduction of the mobility bonus for older benefits recipients. This makes it financially more attractive for employers to employ older workers. The government also plans to promote the reintegration of over-55s into the workforce through networks. UWV data show that 30% of older people find a job within six months of taking part in network training. Without this training, only 5% succeed. Moreover, the government creates opportunities for older job seekers and employers with vacancies to come into direct contact with each other ('inspiration days'). This is greatly appreciated by both groups. Job seekers learn useful tips, gain an understanding of the labour market, and can take part in job application workshops.

Home help services scheme

38. In recommendation 39, the Committee on the Elimination of Discrimination against Women called for measures to improve the position of domestic workers. In

¹¹ Source: CBS.

response, the Government, working with the social partners, has appointed a committee to investigate the scope for improving the position of domestic workers. Part of this response is the possible ratification of ILO Convention no.189 concerning decent work for domestic workers in relation to the current home help services scheme. On 27 March 2014 the committee issued a report on the position of domestic workers. The government is preparing a response to this report. A public debate that could contribute to possible solutions is already under way. The trade union federation FNV and the branch organisation for domestic and commercial cleaning services recently called for the introduction of a voucher system for paying domestic workers for their services.

Combining work and care

39. Services provided under the Work and Care Act have made it easier to combine work and care. In 2008, the Fourth Balkenende Government published a fact-finding study of work and care schemes (Work and Care Act and the Working Hours (Adjustment) Act (WAA)). The study led to the drafting of the modernisation of leave and working hours adjustment schemes bill, which was sent to the House of Representatives for approval.

40. The aim of this bill is to enable the provisions of the Work and Care Act and the WAA to be used more flexibly. It contains amendments to existing statutory work and care schemes, for example providing opportunities for more flexible use of parental leave, the right to direct continuation of leave with a new employer, longer maternity leave when a child has to be admitted to hospital, and more flexible use of parental leave for foster care and adoption.

41. In early 2008, the Part-Time Plus Task Force was established to find ways to persuade women to work longer hours. Its aim was to trigger a cultural change in the Netherlands so that holding full-time or larger part-time jobs would become the norm for women. In the past few years, both the Task Force and the Social and Economic Council¹² have published recommendations for the Dutch government, companies and other organisations on better ways to combine work and care. The chief recommendations related to opportunities for all-inclusive childcare services, more flexible working hours and policies at regional level adapting and harmonising the opening hours of all kinds of social services to take account of the fact that both partners in a family work. For the Netherlands, combining work and care is not only a matter for the government, but also and mainly for employers and employees, at the negotiating table and on the work floor. They can use the above-mentioned recommendations to make combining work and care easier for both men and women.

42. In March 2012, the Work and Care Act was amended to implement Council directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave. Protection of employees against less favourable treatment on the grounds of an application for or use of parental leave is thus enshrined in law. The amendment also introduces the statutory right of employees returning from parental leave to request changes to their working hours and/or patterns and requires employers to consider and respond to such requests, taking into account their needs.

¹² SER (2011): *Tijden van de samenleving*.

43. A meeting was held on the subject of work and care on 18 November 2013. It was organised by the Minister of Social Affairs and Employment in collaboration with the State Secretary for Health, Welfare and Sport and the Minister of and State Secretary for Education, Culture and Science. At the meeting, they talked with representatives of the social partners, civil society organisations and academia and other experts on fostering the combination of work and care.

44. The topics discussed included encouraging men to increase their involvement in care tasks, introducing more flexibility into work patterns and childcare services, harmonising childcare and school and the psychosocial burden of combining work and care. The House of Representatives was informed of the outcome of the meeting on 12 December 2013.¹³ With a view to the points raised during the meeting, the government will focus on the following four themes in the coming period:

- agreements on the work floor on combining work and care tasks;
- a statutory system of leave schemes in response to the changing needs of society;
- enabling conditions, such as good, affordable childcare and flexible opening hours within the community;
- division of care tasks between men and women.

Childcare

45. Parents in the Netherlands who work or follow a programme leading to work and make use of a registered childcare service provider may be eligible for benefit to help meet the costs. The amount of benefit depends on income, number of children in the family, the costs of childcare and parents' working hours. Childcare benefit is calculated on the basis of the hourly rates charged by the childcare centre, subject to a maximum, depending on type of childcare. Parents receive benefit for a maximum of 230 hours a month per child. Government expenditure on childcare rose from €1 billion in 2005 to €3.2 billion in 2011. Projections showed that it will rise to €3.7 billion by 2015.

46. In the light of the current economic and financial situation, this expenditure was neither sustainable nor justifiable. Due to cuts and higher unemployment rates, expenditure on childcare is now €2.5 billion. However, it should be noted that, despite these cuts, Dutch expenditure on childcare services is still above the OECD average. Budgetary measures in relation to childcare benefit have been designed to minimise loss of labour force participation. What is more, the effects on parents on a low income or working full time will be kept to a minimum. The Netherlands Bureau for Economic Policy Analysis (CPB) has calculated that cuts to childcare benefit will lead to a 0.1% reduction in labour force participation.

47. As of 1 January 2014, the government is earmarking an extra €100 million for childcare. Half will be used to raise the benefit for the first child of parents with an annual income of between €47,812 and €103,573. The rest will be used to restore the right of parents with an income of over €103,574 to benefit equivalent to 18% of the costs of care for their first child.

¹³ Parliamentary Papers II 2013/14, 32 855, no. 15.

48. The percentage of households with children in the 0 to 4 age group claiming childcare benefit rose from 46% in 2008 to 48% in 2012. The percentage with children in the 4 to 12 age group rose even more sharply in the same period — from 16% to 23%.

Table 4
Use of childcare benefit (x1000)¹⁴

	2008	2009	2010	2011	2012
Average number of children in total	600	695	715	738	709
Childcare centres	262	290	314	323	303
Out-of-school care	198	246	283	305	303
Child-minders	140	160	118	110	103

49. The number of children using childcare services dropped by 4% in 2012. The average number of hours spent in childcare also dropped by 6%. The total drop in the use of childcare services was 10% in 2012. However, labour force participation by the mothers and fathers of young children remained fairly stable in 2012. Figures on labour force participation among women showed that it is also fairly stable. There was a slight rise among the mothers of children in the 0 to 12 age group — from 71.1% to 71.5%. However, labour force participation among single mothers dropped from 64.6% to 63% in 2012.

Parental leave

50. The total number of people entitled to take parental leave remained much the same in the 2008 to 2012 period. However, there was a drop in the number of men (from 138,000 in 2008 to 129,000 in 2012), and a rise in the number of women (from 119,000 in 2008 to 132,000 in 2012) entitled to take parental leave. The table below shows how many women were entitled to take parental leave in the period under review, and how many did so.

Table 5
Entitlement to and use of parental leave among women, 2008 to 2012¹⁵

	2008	2009	2010	2011	2012
Total number of women entitled to parental leave	119 000	128 000	122 000	128 000	132 000
Total number taking parental leave	45 000	53 000	52 000	63 000	70 000
Total number taking paid parental leave	25 000	30 000	30 000	32 000	37 000
Total length of parental leave	10 months	10 months	11 months	12 months	13 months
Hours per week of parental leave	11 hours	12 hours	10 hours	10 hours	10 hours

51. The number of women taking parental leave as a percentage of those entitled to it has grown. In 2008, 37.8% of those entitled to take parental leave actually did so.

¹⁴ Source: Ministry of Social Affairs and Employment on the basis of information from the Tax and Customs Administration (Ministry of Social Affairs and Employment key data).

¹⁵ Source: CBS StatLine database.

By 2012, this figure had increased to more than 53%. More women than men take parental leave. Of the men entitled to take parental leave in 2008, only 18.1% actually did so. This percentage rose to 20.9% in 2012. Nearly 50% of the men and just over 50% of women who took parental leave took paid leave. Women also take parental leave for more hours a week than men. On average, however, men take leave over a longer period (17 months in 2012, as opposed to 13 months among women).

The gender pay gap

52. Every two years, the Ministry of Social Affairs and Employment commissions a survey of wage disparities. The latest survey was conducted by Statistics Netherlands in 2012, and related to figures over 2010. Studies over the years 2008 and 2012 show that women still earn less on average than men. However, the pay gap, i.e. the difference between the average gross hourly wages earned by men and women is shrinking.¹⁶ More than 50% of the pay gap is due to the fact that women in the Netherlands mainly work part-time.¹⁷ However, none of the models used in the studies can fully account for discrepancies in hourly wages. There always remains an unexplained discrepancy, identified as ‘the corrected pay gap’.¹⁸ Wage disparities between men and women must be interpreted with the necessary caution, and cannot always be attributed to discrimination. There are various instruments (e.g. the WageIndicator and management tools) that enable both employers and employees to look into possible wage gaps.

53. The gender wage gap in the public sector was 15% in 2008. The corrected pay gap, i.e. that part of the gap that cannot be explained by the background characteristics incorporated into the model used by Statistics Netherlands (CBS) for its study, was 7.7%. By 2010, the gender wage gap in the public sector had dropped to 12.9% and the corrected pay gap to 7.0%. In the private sector, the pay gap dropped from 22.1% in 2008 to 20.4% in 2012. The corrected pay gap dropped from 9.3% to 8.1% in the same period.

54. In 2010, the pay gap in the public sector in the 15 to 25 age group was to women’s advantage. The same applied to the 25 to 35 age group. Here, the pay gap was 0.7% to women’s advantage. In the private sector, the pay gap in every age group was to men’s advantage in 2010. However, in the case of young women in the 15 to 35 age group, it was much smaller. This might indicate that the current generation of young women have the same career opportunities as their male counterparts.

55. The current government is actively committed to ensuring equal pay for equal work. In this context, it has asked the SER for advice on the issue of discrimination on the labour market, with a specific focus on the role the social partners could play in tackling the problem of unequal pay for equal work, since employers and employees bear primary responsibility for preventing and combating discrimination on the labour market. On the basis of the SER’s advisory report, which is expected

¹⁶ CBS (2008 and 2010): *Gelijk loon voor gelijk werk? Banen en lonen bij overheid en bedrijfsleven*.

¹⁷ Closing the Gender Gap. OECD, 2012.

¹⁸ CBS (2010 and 2011): *Gelijk loon voor gelijk werk? Banen en lonen bij overheid en bedrijfsleven*.

in early 2014, the government will decide whether and, if so, which follow-up measures are needed to combat discrimination on the labour market.

56. The Netherlands Institute for Human Rights carried out a study of the gender wage gap in hospitals. The main cause turned out to be that salaries were set on the basis of factors that had nothing to do with the value of the work, such as last earned salary, salary negotiations etc. It is important to identify these factors to ensure workers are paid a fair salary. The aim is to share the results of the study and the new approach with other sectors. The Institute is currently in talks with the Ministries of Social Affairs & Employment and Education, Culture & Science on plans to carry out a supplementary study of the wage gap in two other sectors in 2014.

Statutory framework against sex discrimination

57. Both the Equal Treatment (Men and Women) Act and the General Equal Treatment Act contain provisions banning sex discrimination. Both sets of legislation specify that the ban also encompasses sexual harassment. People who believe that they are the victims of discrimination may submit evidence to support this, in response to which the other party must prove that they have not contravened the law. Under the provisions of the Civil Code, contravention of equal treatment legislation may also constitute an unlawful act.

58. The definition of psychosocial work-related stress given in section 1, paragraph 1e of the Working Conditions Act also includes sexual harassment. Under Section 3, paragraph 2, employers are required to have policies in place to prevent psychosocial work-related stress, or, where prevention is not possible, to minimise it. The Working Conditions Decree requires employers to assess and evaluate the risks of psychosocial work-related stress, and to take the necessary measures. Employers are also required to inform and instruct employees about these risks and the relevant measures. It is an offence for employers not to pursue adequate policies, for which the Social Affairs and Employment Inspectorate may impose a fine.

Discrimination on the work floor

59. With regard to sexual harassment, the table below provides an overview of the number of complaints about aggression, violence and harassment submitted to the Social Affairs and Employment Inspectorate in the 2010 to 2012 period.

Table 6
Complaints about aggression, violence and harassment submitted to the Social Affairs and Employment Inspectorate

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Total number	11	7	10
Well-founded	1	1	1
Partly founded	1		3
Unfounded	3	4	1
Withdrawn	4	1	2
Decision pending	2	1	3

60. In 2012, the Netherlands Institute for Human Rights issued 212 findings, of which 44 (21%) were gender related. In 63% (38) of the cases in which the Institute established that an individual had been discriminated against on the grounds of gender, its findings were acted on.

Table 7
Findings of the Netherlands Institute for Human Rights in relation to sex discrimination complaints

	Work					Goods and services	Other	Multiple areas per finding	Total
	Recruitment & selection	Appointment	Termination of contract	Conditions of employment	Work other				
Sex	17	2	7	9	3	5	–	1	44

Pregnancy and discrimination

61. A study conducted by the predecessor of the Netherlands Institute for Human Rights shows that 45% of women who became pregnant or gave birth in the period between 2007 and March 2011 and worked or sought work during and after their pregnancy were the possible victims of discrimination. The term ‘possible’ is used here because it can no longer be established whether they were the victims of discrimination in the legal sense. From the report of the study, it can be concluded that women were not always aware of their rights and duties in relation to their pregnancy. The Institute’s recommendations to the government mainly relate to adequate information provision. A database can now be accessed on the central government website (www.rijksoverheid.nl) listing all the rules for pregnant women. The Ministry of Social Affairs and Employment also plans to supplement the information on dismissal and pregnancy that is now available on the government website for employers (www.antwoordvoorbedrijven.nl).

B. Article 13: Economic position of women and men

Average income

62. Women’s average annual income increased from €15,000 in 2005 to €19,400 in 2010 and €19,800 in 2011 (provisional figure). Men’s average income also increased in the same period to €35,400 in 2010 and €40,000 in 2011 (provisional figure). In absolute terms, the income gap between men and women remained more or less the same.

Table 8
Average income¹⁹

	Men	Women	Gap
2005	€35 400	€15 000	€20 400
2010	€40 000	€19 400	€20 600
2011 (provisional figure)	€40 000	€19 800	€20 200

¹⁹ Source: CBS, 26 November 2013.

Economic independence

63. In 2007 an average of 57.9% of people in the 15 to 65 age group was economically independent. This figure increased to 58.4% in 2009. A slight drop to 57.6% was recorded in 2011. This is linked to growing unemployment among men and women in the same period. The proportion of men enjoying economic independence was 70% in 2007, 69.1% in 2009 and 67.4% in 2011. More women have become economically independent, from 45.8% in 2007 to 47.6% in 2009 and 47.8% in 2011. The gap between men and women dropped by 4.5% in the period between 2007 and 2011. Economic independence among women is highest in the middle age categories, and lowest in the lower and higher age categories.

Table 9
Economic independence among women

<i>Age group</i>	<i>15-20</i>	<i>20-25</i>	<i>25-30</i>	<i>30-35</i>	<i>35-40</i>	<i>40-45</i>	<i>45-50</i>	<i>50-55</i>	<i>55-60</i>	<i>60-65</i>
2007	1	35.3	69.6	65.9	59.8	56.6	56.6	50.5	36.8	14.6
2009	0.6	33.4	68.8	68.7	62.2	59.8	58.5	55.8	41.7	18.2
2011*	0.5	28.5	64.6	68.9	62.5	61.3	58.9	55.5	45.5	22.9

Income by origin

64. The nominal annual income of women of ethnic Dutch origin rose from €15,400 in 2005 to €20,100 in 2010. The structurally higher average income of women immigrants of western origin also increased from €16,200 to €20,300 in the same period. The average income of women immigrants of non-western origin was the lowest, though it also rose from €10,700 to €13,900 between 2005 and 2010. The gender income gap is smaller among immigrants of non-western origin, though it should be noted that the men have a relatively low average income compared to men of Dutch ethnic origin. Women of ethnic Dutch origin tend to be more economically independent than ethnic minority women. While more women of Dutch and western ethnic origin have become economically independent in recent years, there has been a slight drop in the economic independence of women from non-western ethnic minorities.

65. Economic independence among women of Dutch ethnic origin increased from 47.6% in 2007 and 49.9% in 2009 to 50.5% in 2011. Among women of western ethnic origin it increased from 45.9% in 2007 to 45.8% in 2009 and 46.1% in 2011. The average number of economically independent women of non-western ethnic origin was 32.1% in 2007, 32.8% in 2009 and 31.9% in 2011. Economic independence is linked to labour force participation. Women of non-western ethnic origin appear to have been hit harder by the crisis than women of Dutch and western ethnic origin.

Old age pension

66. Every eligible individual receives a pension under the General Old Age Pensions Act (AOW). This is a standard, universal allowance awarded to every man and women in the Netherlands, on the basis of the number of years they are registered as residents. The nominal AOW pension is slightly higher than social assistance benefit. Women tend to build up less pension than men. In 2011, 60% of

women had a supplementary pension, compared to 92% of men. In 2011, the AOW pension was the main source of income for 40% of women beyond pensionable age. They had no supplementary pension. Only 8% of men had no supplementary pension in 2011.

67. AOW pension rights are built up over the actual number of years in which an individual is insured as a percentage of the maximum number of years insurance is possible, given the individual's age. Not everyone in the Netherlands has built up full pension rights. This is the case, for example, if they have lived abroad. Between 2007 and 2011, the pension rights of both men and women of ethnic Dutch origin increased from 98.3% to 98.6%, and of men and women from ethnic minorities from 72.8% to 73.8%. These percentages correspond to the average income of ethnic Dutch women vis-à-vis ethnic minority women. In the same period, ethnic minority women built up more pension rights (74.3%) than their male counterparts (73.3%).

Supplementary pension

68. The majority of people in the Netherlands — 60% of women and 90% of men — also build up a supplementary pension. On average, women build up 50% less supplementary pension than men — €8,000 a year, compared to €16,000 a year. 34% of women receive a supplementary pension of between €100 and €500 a month, 13% between €500 and €1,000 a month, 6% between €1,000 and €1,500 a month, 5% of between €1,500 and €2,000 a month and 4% of more than €2,000 a month. As far as the total pension rights (AOW & supplementary pension) of women of Dutch ethnic origin and women from ethnic minorities are concerned, the former have built up more than the latter. Women's pension rights have grown by 10% in the past eleven years. In 2000, only 50% of women had a supplementary pension. The rise in the number of women with a supplementary pension is mainly due to the fact that increased labour force participation has enabled younger generations to build up more pension rights than older generations.²⁰

Poverty

69. In recommendation 45, the Committee requested information on the incidence of poverty. The number of women at risk of poverty²¹ dropped from 873,000 in 2000 to 546,000 in 2010. This drop is largely due to the fact that the risk of long-term poverty among single parent families and elderly singles, the two groups in which women are strongly represented, declined considerably during this period. In 2011 and 2012, the number of women with a low income grew by more than 100,000. After decreasing for ten consecutive years, the number of women with a long-term low income increased from 157,000 in 2010 to 182,000 in 2012. The economic situation played an important role here, as witness the fact that the total number of individuals in low-income families rose from 1,037,000 to 1,329,000 in the same period.

70. At 8.8% the number of women at risk of poverty was higher than the number of men (8.4%). An important reason for this is that women work fewer hours on

²⁰ <http://www.cbs.nl/nl-NL/menu/themas/inkomen-bestedingen/publicaties/artikelen/archief/2012/2012-3555-wm.htm>.

²¹ At risk of poverty: individuals/households with an income under the low-income line used by the CBS to reflect a fixed sum in purchasing power over a period of time. Long-term low income: a low income for at least four consecutive years.

average than men. Overrepresentation of women in the segment of the population with a long-term low income is most prominent in the 20 to 39 and 55 to 64 age groups.

Table 10
Percentage and number of women at risk of poverty

(Number x 1000)	Number of women (total in NL)	In household with low income (no.)	In household with low income (%)	In household with long-term low income (no.)	In household with long-term low income (%)
2000	7.535	873	11.6	335	5.0
2005	7.715	739	9.6	221	3.2
2010	7.923	546	6.9	157	2.2
2011	7.969	607	7.6	166	2.3
2012	7.992	700	8.8	182	2.5

Source: CBS/SCP (poverty monitor 2012).

Poverty reduction

71. The primary aim of the Dutch government's poverty policies is to make work a more attractive option. By simplifying the allowances for parents with children, the government is addressing the poverty trap for single parents, of which 95% are women. After all, it should pay to work. The government has also earmarked extra funds for poverty reduction — €20 million in 2013, €80 million in 2014 and, from 2015, €100 million a year. Individuals not receiving the full old-age pension, and with little or no other income, may be eligible for a supplement under the Work and Social Assistance Act. The Social Insurance Bank administers this supplementary income provision scheme for the elderly (AIO).

C. Article 14: Women in rural areas

The Netherlands as an urbanised country

72. The Netherlands is one of the most densely populated countries in the world. It is thus highly urbanised, and even people living in rural areas often live near towns with a population of at least 100,000. More than 90% of the population has access to the Internet. Services and information are therefore easily accessible to the vast majority of people in the Netherlands. There is no question of serious discrimination of women in rural areas.

Economic independence in urban and rural areas

73. There is greater economic independence among women in urban areas than in rural areas. Economic independence among women has increased by more than 2% on average in most areas, with the exception of highly urbanised areas, where there has been a slight drop. The difference between rural and highly urbanised areas has decreased by more than half.

Table 11
Economic independence among women in urban and rural areas

<i>Area/year</i>	<i>2007</i>	<i>2009</i>	<i>2011</i>
Very highly urbanised	48.4%	48.8%	48.0%
Highly urbanised	46.6%	48.5%	48.7%
Moderately urbanised	46.0%	48.1%	48.6%
Slightly urbanised	44.1%	46.5%	46.7%
Rural	42.7%	44.3%	45.7%

Labour force participation in various regions

74. At 66%, the labour force participation is highest among women in the western regions of the Netherlands. It is lowest in the north of the country, at 62.3%. This pattern is also discernible among men, whose labour force participation rate is 79.3% in the west of the country and 77.1% in the north. At 14.8 percentage points, the difference between men's and women's participation is greater in the north than in the west, where it is 13.3 percentage points. The west of the Netherlands is more highly urbanised than the north.

III. Violence against women

75. Violence against women is a serious, often invisible problem in society. Because it is a priority, the Netherlands wishes to state that it attaches great importance to general recommendations no 12 and 19 in which the Committee explicitly refers to violence against women. The term was not used in the original convention, so these two general recommendations are highly significant. In the information provided under recommendations 12 and 19, this report describes the policies the government is pursuing to tackle domestic violence. In the information provided under article 6, the report sets out policy on human trafficking and abuses in the sex industry.

A. General recommendations no. 12 and 19: domestic violence

Domestic violence statistics

76. Every year, around 220,000 adults are the victims of serious, ongoing violence in their domestic environment, and around one million adults are victims of occasional violence.²² An estimated 119,000 children are the victims of abuse.²³ In nearly 75% of cases of known domestic violence, the victims, the majority of whom

²² Veen, H.C.J. van der, Bogaerts, S. *Geweld in huiselijke kring in Nederland. Overkoepelende syntheserapport van het vangst-hervangst-slachtoffer-en daderonderzoek 2007-2010*. WODC, The Hague, 2010. These figures do not include victims of forced marriages, abandonment and honour-related violence, on which no data are available.

²³ Alink, L., IJzendoorn, R. van, Bakermans-Kranenburg, M., Pannebakker, F. Vogels, T., Euser, S. *Kindermishandeling in Nederland anno 2010. De Tweede Nationale Prevalentiestudie Mishandeling van Kinderen en Jeugdigen (NPM-2010)*. Leiden Attachment Research Program & TNO Child Health, Leiden. Casimir Publishers, August 2011.

are women, are physically (65%) or sexually (8%) abused. Although more men are the victims of violence than is often thought, more women (60%) than men (40%) are abused. The vast majority of suspected offenders are men (87%). In more than two-thirds of cases of domestic violence, the partner or ex-partner of the victim is responsible²⁴ and the victim is usually a woman. Men are more frequently the victims of violence by a brother or other member of the household.²⁵ A recent police study confirmed this. Of the more than 95,000 incidents registered by the police in 2012, three out of four victims were women between the ages of 25 and 45, usually (67%) the partner or ex-partner of the suspect.²⁶

77. Since 2002, policy has been pursued nationwide to prevent domestic violence, including violence against women. The ultimate aim has remained the same: to reduce the frequency and gravity of incidences of domestic violence. The fifth report to the CEDAW Committee discussed policy in the 2005-2008 period. The results of the measures announced in the report are discussed in this section.

78. In 2009, the Temporary Domestic Exclusion Order Act entered into force. Under this act, perpetrators of domestic violence may be excluded temporarily from their homes, so that the victims may continue to live there. The mayor of the municipality in question is responsible for implementing the provisions of the legislation, which has proved successful in triggering cooperation between the professionals involved. In the four years since the legislation came into force, 11,692 temporary domestic exclusion orders have been issued in the Netherlands. The recent evaluation of the effects of the legislation shows that domestic violence is less likely to recur after a temporary exclusion order.²⁷ Examples of other measures include the programme to improve the quality of the domestic violence support centres and standardise their working methods, implementation of the plan to improve women's shelters in order to ensure suitable, rapid and effective assistance based on women's own strengths, and the launch of a campaign against domestic violence, which ran to the end of 2011. The Orange House method was developed to break through the spiral of violence in families. Under the motto, 'not secret, but safe', Orange Houses provide safe, temporary accommodation for women wishing ultimately to return to their homes. A study of the nature and extent of domestic violence was published in 2010.²⁸

Current government policy

79. The current government is building on the policies pursued in the past few years. Given the frequency and gravity of incidences of domestic violence, vigorous action still needs to be taken. The current approach rests on three pillars: 1) strengthening the position of victims and potential victims (prevention, recognition, shelter, assistance and after-care); 2) targeting the perpetrators; 3) breaking through intergenerational transmission of violence. It encompasses all forms of domestic violence, from child and partner abuse, sexual violence and abuse of the elderly, to female genital mutilation, honour-related violence and forced marriage.

²⁴ Especially in cases of physical abuse and stalking.

²⁵ Veen et al. *op. cit.*

²⁶ Ferweda, H., Hardeman, M. *Kijk...dan zie je het! Huiselijk geweld geteld en verdiept. Cijfers 2010 t/m 2012*. Bureau Beke, Arnhem, 2013.

²⁷ House of Representatives, 2013-2014, 28 345, no. 128.

²⁸ Veen et al. *op.cit.*

80. The Ministry of Health, Welfare and Sport is responsible for coordinating the government-wide approach, together with the Ministries of Security & Justice, Education, Culture & Science and Social Affairs & Employment. The government-wide approach aims to prevent, identify and stop domestic violence, and provide assistance and after-care. The main priority is to strengthen the leading role played by the municipal authorities, with the aim of achieving a future-proof local and regional system to tackle domestic violence, regardless of the victim's age, gender, sexual preference or ethnic background. Dutch policy is thus gender-neutral, targeting all victims and all forms of domestic violence. As pointed out in the supplementary information sent to the CEDAW Committee in July 2013, the Netherlands is aware of the concerns of both the Committee and Dutch NGOs. The government has therefore commissioned a gender scan to gain a clearer understanding of the degree to which policy and the approach to domestic violence is genuinely gender-sensitive, and how account needs to be taken of this.

81. This study, a summary of which is included as annex II, was completed in January 2014. It led to the conclusion that policy is not explicitly gender-sensitive. Though policy displays a degree of gender-sensitivity, gender-sensitivity is not guaranteed. However, the fact that policy is formulated to be gender-neutral does not necessarily obstruct a gender-sensitive approach. The study examined a number of the reasons why policy and its implementation are only partly gender-sensitive. It found that there was an apparent reluctance to underscore the relevance of gender-related factors, and too little is known about the role played by gender in partner violence. The study then went on to issue recommendations on the government's role, monitoring and research, awareness-raising, adjustment of policy and instruments and the role of the municipal authorities. It also recommended entering into dialogue with the CEDAW Committee. In this report, the government gives its initial response to the study. In the autumn of 2014, it will discuss the conclusions and recommendations with municipal authorities, people working in the field and civil society organisations, and will then decide on the actions needed to make policy and its implementation more gender-sensitive. The conclusions and recommendations will be based on the principle that within a gender-neutral framework, a gender-sensitive approach to domestic violence could prove to be more effective. After all, gender plays a major role in the start and persistence of violence in the domestic environment. This means that policy and its implementation should focus on gender-related factors (differences in the position of men and women, stereotypical role patterns and expectations and the effects of policy and its implementation on them) and, if necessary, take them into account. The study shows that there is certainly room for improvement here. Below, a brief outline is given of current measures, based on the three pillars of government policy.

A) Strengthening the position of victims

Role of the municipal authorities

82. The municipal authorities play a central role in tackling domestic violence. Under the Social Support Act, they are responsible for providing shelter and assistance, and for policy. In 2009, central government issued guidelines for municipalities on drafting and developing policy on the prevention of domestic violence.

83. The Social Support Act is now being amended, and the amendments will enter into force on 1 January 2015. Prevention of domestic violence will also occupy a prominent place in the amended legislation. Under the new Youth Act, also to enter into force on 1 January 2015, the municipal authorities will be responsible for preventing child abuse and providing victims with assistance.

84. In the context of these developments, the domestic violence prevention project was launched in the summer of 2012, and will run to the end of 2014. The Association of Netherlands Municipalities and the Federation of Shelter Organisations are responsible for this project, together with other parties such as MOgroep, an organisation of employers in the social sector, and the national umbrella organisations of the Municipal Health Services and Youth Care Services. The project targets all forms of violence in the domestic environment, including domestic violence, honour-related violence, and child abuse. The aim is to strengthen municipal authorities' policy strategies through, for example, regional plans describing their policies on specific issues such as child abuse and domestic violence. This will lead to greater cohesion at local level.

85. As of 1 January 2015, municipalities will be responsible for merging their Domestic Violence Advice and Support Centres and Advice and Reporting Centres for Child Abuse and Neglect to establish a local joint Domestic Violence and Child Abuse and Neglect Advice and Support Centre. The Social Support Act has been amended accordingly. A support programme was launched by the Association of Municipal Authorities in April 2013.

The role of professionals

86. On 1 July 2013, the Mandatory Reporting Code (Domestic Violence and Child Abuse) Act came into force. Under this legislation, organisations in various sectors, including the healthcare and youth care sectors, are required to have a code of practice setting out the steps to be taken when a professional identifies signs of domestic violence or child abuse. Organisations are also required to promote use and knowledge of the code of practice and are responsible for ensuring that their staff is trained to recognise the signs of domestic violence and child abuse. Given the importance of training, the Ministry of Health, Welfare and Sport has commissioned a basic training course and e-Learning modules for the various professional groups. These can be found in a dedicated database set up with a grant from the Ministry. The inspectorates oversee training of professionals in the sectors to which the Disclosure of Mandatory Reporting Code (Domestic Violence and Child Abuse) Act applies.

87. It is also important that future professionals learn during their studies how to recognise signs of violence in the domestic environment and take appropriate action. A plan of action²⁹ has been drafted for study programmes which train students for occupations in the sectors to which the Act applies. The aim of the plan is to ensure that attention for violence in the domestic environment becomes a permanent feature of these study programmes, so that professionals are fully equipped to recognise the signs, and are not afraid to take the necessary action. The plan will run until the end of 2015.

²⁹ House of Representatives Parliamentary Papers II, 2012-2013, 33 400 XVI, no. 157.

88. The website www.huiselijkgeweld.nl is still an important source of information for professionals and others, and is frequently consulted (more than 331,000 times in 2013). Since 2011, the website has also included a database with effective interventions dealing with domestic violence.

Child abuse

89. In 2012, an action plan specifically targeting child abuse was launched for the 2012 to 2016 period. Children are especially vulnerable in their relationships with their parents and carers, and are less able to stand up for themselves than adults. The measures in the action plan aim to prevent, identify and stop child abuse and to provide adequate treatment for children who may have been harmed. The action plan also focuses on safeguarding children's physical safety and tackling sexual abuse. A task force has been appointed to monitor implementation of the action plan, drive activities forward, and ensure that preventing child abuse occupies, or continues to occupy, a prominent place on the agendas of all the parties involved.

90. Responsibility for preventing child abuse and providing victims with assistance is to be delegated to the municipal authorities. Every municipality will be required to set up a Domestic Violence and Child Abuse and Neglect Advice and Support Centre responsible for advising both professionals and people close to the victims, and investigating suspected cases of child abuse and domestic violence. The legislation regulating decentralisation of youth care services will also include quality assurance measures which are important in dealing with cases of child abuse.

Forced marriage and female genital mutilation

91. The right of self-determination — to make your own choices about your life — is a fundamental human right. Denial of the right to self-determination leads to practices such as forced marriage, wives held captive or abandoned, and honour-related violence, all of which are serious forms of violence. On 6 June 2013, the Minister of Social Affairs and Employment, acting on behalf of four other ministers, sent a letter to the House of Representatives on measures to strengthen cooperation between professionals in preventing forced marriages and assisting abandoned spouses. It announced action on recognition, disclosure and better and faster assistance, including more direct action to deal with complex cases of abandonment abroad. In July 2012, the House of Representatives was informed of a plan of approach for the 2012 to 2014 period aimed at preventing people from becoming the victims of forced marriages. The main thrust was that awareness-raising efforts should come from within the communities themselves and that professional development is essential for people working with young people. Twelve projects have been launched, aiming, for example, to enable discussion of taboo subjects in the home environment and including a campaign targeting young people in the 14 to 25 age group who run the risk of being coerced into an arranged marriage. An eLearning module has also been developed for professionals working in the care and youth and healthcare sectors. On 1 July 2013, the act to extend the scope for criminal prosecution in cases of forced marriage, polygamy and female genital

mutilation came into force. A legislative proposal introducing civil-law measures to prevent forced marriage is currently before the Senate.³⁰

Abuse of the elderly

92. In 2011, the Ministry of Health, Welfare and Sport and the Ministry of Security and Justice launched an action plan to prevent abuse of the elderly. The plan, which will run to the end of 2014, comprises ten actions aimed at preventing abuse, recognising the signs of abuse and stopping it, and providing assistance and after-care. Examples include an eLearning module for professionals and guidelines for volunteers. ANBO, an organisation in the Netherlands representing the interests of the elderly, is currently running an information campaign. In September 2013 it also launched a project on preventing financial exploitation.

B) Targeting the perpetrators

93. The Ministry of Security and Justice targets the perpetrators of domestic violence with various measures. To ensure a vigorous approach, norms need to be set (violence in the domestic environment will not be tolerated and will thus be punished), patterns of behaviour need to be changed (to prevent reoffending, care and behavioural change measures should be imposed on the perpetrators), and the needs of the children should always be given priority.

94. Since the last report, various sets of legislation that contribute to a tougher approach to the perpetrators of violence in the domestic environment have entered into force. They include, of course, the Temporary Domestic Exclusion Order Act, which came into force on 1 January 2009. The domestic exclusion order is an administrative law instrument which has proved to have considerable added value in tackling domestic violence. The Suspended Sentences Act, which entered into force on 1 April 2012, provides scope for the court to impose behavioural change measures within the criminal justice framework. As stated above, legislation extending the scope for criminal prosecution in cases of forced marriage came into force on 1 July 2013.

95. The police and the Public Prosecution Service will be focusing sharply on the investigation and prosecution of cases of domestic violence. Under a programme to improve the performance of the criminal justice system, the Ministry of Security and Justice is taking wide-ranging action to minimise the undesired outflow of cases. Measures include establishing procedural arrangements between the police and Public Prosecution Service, increasing the knowledge and expertise of intake staff, improving the quality of criminal complaints and official reports, and investing in the quality of assistant public prosecutors.

96. In 2012, pilot projects were conducted within three community safety partnerships.³¹ The aim was to toughen up the approach to habitual offenders and perpetrators of intimate terrorism. These projects proved successful thanks to close

³⁰ The proposal was accepted without a vote on 25 March 2014 by the House of Representatives.

³¹ Community safety partnerships are networks in which partners in the criminal justice system, care system, municipalities and government work together to tackle complex problems. The aim is to reduce nuisance, domestic violence and crime. The partners identify problems and seek and implement solutions to them. Work processes are harmonized so that criminal justice and care measures complement each other. Aims are behavioural change, minimizing recidivism, and improving offenders' quality of life.

cooperation between the partners involved who screened cases, provided each other with information, and were thus able to take rapid, effective action. Given the results achieved, the partners are now looking into ways of introducing this approach on a wider scale.

97. The Ministry of Security and Justice's Research and Documentation Centre now includes specific data on domestic violence in the Recidivism Monitor. This monitor contains information on prosecuted perpetrators of domestic violence, recidivism rates, background characteristics and the relationship between domestic violence recidivism and the development of criminal recidivism in general over the years. The first results were published in December 2013.³² The monitor provides continuing insight into recidivism so that adjustments can be made, as necessary, in the way that offenders are dealt with.

98. Efforts are being made within the criminal justice framework to change the behaviour of perpetrators of domestic violence. 'B-safer' is a diagnostic instrument geared to cases involving domestic violence. It is now used nationwide by the Probation Service. From January 2013, a number of regional probation services have been testing a partner violence training course on de-escalating potentially violent situations within relationships.

C) Prevention and halting intergenerational transmission

Campaigns

99. In 2012, a new campaign was launched targeting domestic violence. The campaign, which will run to at least 2016, comprises TV and radio commercials on child abuse, partner violence and abuse of the elderly and a website (www.vooreenveiligthuis.nl). Furthermore it comprises a toolkit for municipalities for domestic violence and child abuse and neglect advice as well as support centres. This campaign builds on earlier campaigns on partner violence and child abuse, but now addresses all forms of violence in the domestic environment. The central message of the campaign is that domestic violence does not stop by itself, but that an active approach is needed.

100. Domestic and sexual violence may be products of economic inequality, the power dynamics between men and women and stereotyping of men's and women's roles. Solutions need to be sought in healthy relationships, based on equality. For this reason, a number of specific campaigns and measures have been launched to raise awareness of the causes of violence against women and to strengthen young people's relational resilience. An example is the WE CAN Young campaign, (part of the international WE CAN end all violence against women campaign). Central government reached agreement with 15 municipalities on the launch of WE CAN Young projects. The idea is to get as many people and organisations involved in order to create a critical mass that can change attitudes towards women. To achieve this, WE CAN Young works with so-called changemakers, coalition partners and ambassadors. The campaign provides young people with the opportunity to design and implement their own actions, raising their awareness and building their resilience to unacceptable behaviour and violence, and enabling them to inspire others.

³² House of Representatives 2013-2014, 33 750, XVI, no. 80.

101. The Ministries of Education, Culture & Science and Health, Welfare & Sport are promoting strategies that use social media to strengthen young people's sexual resilience. For example, a social media tool has been developed which shows young people how resilient they are, and provides them with customised advice, with links to services provided by the Municipal Health Services and www.sense.info. Prevention and increasing young people's resilience both help stop the intergenerational transmission and violence. If patterns of violent behaviour are not adopted by future generations, domestic violence will ultimately be curbed.

Study

102. The government has commissioned a study of national and international interventions that may contribute to preventing intergenerational transmission of violence, with a focus on interventions relating to equal treatment and parenting support and the positive role men can play. The results are expected in the spring of 2015.

Education

103. With the adjustments to the attainment targets for primary education, special education and secondary education, sexuality and sexual diversity became compulsory items on school curriculums as of 1 December 2012 (or 1 August 2013 in the case of special secondary education). The new attainment targets now contain a section requiring children to be taught how to deal respectfully with sexuality and diversity, including sexual diversity, within society. The new targets give schools scope to devote attention to girls' and boys' sexual development.

B. Article 6: Measures to suppress human trafficking and abuses in prostitution

A) Measures to suppress human trafficking

104. Suppressing human trafficking is a matter of priority for the government. One of its goals is to double the number of criminal organizations dealt with between 2009 and 2014. An interministerial project group is also currently working on a National Referral Mechanism for victims of human trafficking. The purpose of this mechanism would be to consolidate the link between the system of care for victims and the criminal prosecution system, and to offer victims of human trafficking more customized help and services. The second mandate of the Task Force on Human Trafficking expired at the beginning of 2014. The Task Force has since been granted a third mandate by the Minister of Security and Justice. It has drafted an agenda for its work during this third period.

105. Figures from the National Rapporteur on Trafficking in Human Beings³³ show that in 2012 the Public Prosecution Service recorded the highest number of cases of human trafficking since 2000 (no fewer than 311). The same applies to the number of human trafficking cases disposed of by the Public Prosecution Service (338). Indictments for human trafficking as a proportion of the total number of human trafficking cases disposed of by the PPS remained more or less constant between 2008 and 2012 (at an average of 70%, ranging from 65% in 2009 to 73% in 2010). In line with this development, the courts of first instance disposed of the highest number of human trafficking cases in 2012 (153). The proportion of convictions for human trafficking — which had fallen by 25% between 2004 and 2009 — rose sharply again in both 2010 and 2012 (to 71%).

106. Tackling human trafficking is also a priority for the EU. In June 2013 the EU ministers of Justice and Home Affairs again labelled human trafficking one of the Union's priorities in its fight against organized crime. An operational action plan has been drawn up for each of these priorities; the plan will be implemented by a group of member states in an "EMPACT project".³⁴ The United Kingdom is the "driver" and the Netherlands is the "co-driver" of the human trafficking project, which involves 25 member states, as well as organizations like Europol, Eurojust and Frontex.

107. The Dutch investigation services work closely with the main countries of origin of trafficking victims, sharing knowledge and experience and providing training, as well as actually investigating human trafficking. In 2011 and 2012, for example, around 50 investigations were launched into the trafficking of victims from Hungary, Bulgaria and Romania. The Dutch authorities worked with the authorities in the countries of origin on many of these investigations. Collaboration with Bulgaria took the form of four Joint Investigation Teams. In 2013 the National Public Prosecutors' Office signed a Memorandum of Understanding with its Romanian counterpart to emphasize the structural nature of their collaboration. The Dutch and Hungarian police signed a bilateral operational action plan in summer 2013, in line with the action plan of the EMPACT project on human trafficking. The police services in Hungary, Austria and the Netherlands have also received EU funding to step up their operational cooperation. The information and results emerging from cooperation with these countries will be shared with EMPACT, to identify links with other member states. There has also been close collaboration with Nigeria for a number of years now. Collaboration with countries of origin is not limited to investigation, however. Hungary, Belgium and the Netherlands have for example applied for (and received) EU funding for a Transnational Referral

³³ The National Rapporteur publishes several reports a year on human trafficking, many of which are translated into English.

- Her most recent report is the Ninth Report on Trafficking in Human Beings published in September 2013. An English factsheet on the report can be found on the Rapporteur's website (see <http://www.dutchrapporteur.nl/reports/ninth/>); a full translation is forthcoming.
- In April 2012 a report entitled *Mensenhandel in en uit beeld: Cijfers vervolging en berechting 2008-2012* was published, containing figures on the number of prosecutions and convictions for human trafficking. The report is not available in English.
- December 2012 saw the publication of "Trafficking in Human Beings: Visible and Invisible. A quantitative report 2007-2011" (see <http://www.dutchrapporteur.nl/reports/trafficking-visible-invisible/>).
- The 6th (2008), 7th (2009) and 8th (2010) reports are all available in English (<http://www.dutchrapporteur.nl/reports/>).

³⁴ European Multidisciplinary Platform against Crime Threats.

Mechanism to enable Hungarian victims to return safely to Hungary from the Netherlands and Belgium if they wish.

Legislation

108. Since the 5th Dutch report in 2008 maximum sentences for human trafficking have been raised twice: once as of 1 July 2009 and again as of 1 April 2013. On 1 April 2013, the maximum sentence for the predicate offence of trafficking in human beings was raised from a term of imprisonment of no more than 8 years to a maximum of 12 years. The maximum penalty of 12 years' imprisonment in cases of serious bodily injury or danger to life was raised to 18 years. The maximum penalty of 15 years' imprisonment in cases involving a death was raised to 30 years or life imprisonment. On 15 November 2013, legislation implementing the EU anti-trafficking directive entered into force. This entailed a few mainly technical amendments to the Criminal Code:

- two new elements were added to the definition of exploitation in article 273f, paragraph 2, i.e. the paragraph that includes forced or compulsory labour or provision of services — namely “begging” and “exploitation of criminal activities”;
- the requirement of double criminality for trafficking in human beings committed abroad by Dutch nationals or foreign nationals permanently residing in the Netherlands against victims over the age of 18 has been abolished (the requirement was already no longer effective for victims under 18); and
- the aggravating circumstance ground in article 273f, paragraph 3, subparagraph 2 has been extended to human trafficking committed against a person under eighteen years of age or against another person whose vulnerable position has been abused;
- The bill further comprised the legal embedding of the National Rapporteur on Trafficking in Human Beings in a National Rapporteur on Trafficking in Human Beings and Sexual Violence Against Children Act.

Measures to tackle online grooming

109. The Ministry of Security and Justice commissioned a film entitled (in translation) “The Prettiest Chick on the Web”, which is designed to make children, parents, friends and teachers aware of the risks associated with social media. It can be viewed via www.mediawijzer.net and various other sites. The Ministry also commissioned Codename Future to develop teaching material based on the film for use in schools. The target group is pupils in years 1 and 2 of high school. Schools received information on the material in September 2013, and in the first week 45 schools requested a package.

Appearances Deceive campaign

110. The successful “Appearances Deceive” campaign targets men who visit prostitutes, and others, teaching them how to recognize signs of human trafficking. Between June 2012 and May 2013 the campaign increased the number of reports of human trafficking to the anonymous crime hotline (*Meld Misdaad Anoniem*) by 76%. The rise in the number of possible victims under the age of majority was striking;

they accounted for one in four of the reports received. In 2011 the figure was one in eight. The Appearances Deceive campaign will continue in 2014 and 2015.

Shelter for victims of human trafficking

111. In the summer of 2010 a two-year pilot project for special shelters for victims of human trafficking was started. The project — set up by the State Secretary for Justice and the State Secretary for Health, Welfare and Sport — provides shelter for foreign victims who are cared for by aid workers with special knowledge of this group. The victims are given a safe place to rest and assistance as needed. The shelters initially had room for 40 female victims and 10 male victims, including their children. A majority of the victims file a criminal complaint of human trafficking (about 90%). This is an important positive development, as the pilot is primarily aimed at providing rest and safety for victims. The shelter has since become permanent and the number of specialized places has been increased from 50 to 70. Psycho-social diagnostics will be introduced, to make certain that victims receive the care and assistance they need, continuing after they leave the shelter. Some victims stay in the shelter facility for a relatively long time, due to a lack of follow-up shelters and regular housing. In order to ensure that more independent housing is available when victims are ready to move on, local authorities are now obliged to provide them with accommodation, and the first victims have now been housed. The NGO Comensha has been given a budget to organize temporary shelter for victims of labour exploitation who do not need urgent care, at least while their case is under investigation. Should any of these victims need care, they can go to the specialized shelters. General women's shelters and youth care facilities are available for Dutch victims, who are often victims of "lover boys" (pimp boyfriends).

Figures on the (potential) number of human trafficking victims

112. At even the slightest suggestion of human trafficking, possible victims are referred to and registered by the NGO Comensha. The figures below therefore refer not only to people who are proven victims of human trafficking, but also people who turned out not to be victims, or for whom no proof of human trafficking could be established.

Table 12
Recorded numbers of possible victims of human trafficking³⁵

	<i>No. of (potential) victims of human trafficking</i>	<i>No. of (potential) female victims</i>	<i>No. of (potential) male victims (percentage of total)</i>
2000	341		
2001	284		
2002	343		
2003	257	257	0
2004	405	404	1 (0%)

³⁵ Source: *Cijfers 2001-2006: Nationaal Rapporteur mensenhandel* (2010); Ten years of independent monitoring. Eighth report of the Dutch National Rapporteur; *Cijfers 2007-2011: Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen* (2012); Trafficking in Human Beings. Visible and Invisible. A quantitative report 2007-2011. The Hague: BNRM.

	<i>No. of (potential) victims of human trafficking</i>	<i>No. of (potential) female victims</i>	<i>No. of (potential) male victims (percentage of total)</i>
2005	424	422	2 (0%)
2006	579	549	30 (5%)
2007	716	664	49 (7%)
2008	826	779	46 (6%)
2009	909	770	138 (15%)
2010	993	879	113 (11%)
2011	1 222	996	226 (19%)

Guidelines for identification of victims

113. The Netherlands has participated in a project for the development of common guidelines and procedures for the identification of victims of human trafficking. The project was led by France and received EU funding. The Netherlands supported this project financially and also made expertise available. The six participating countries — Greece, Bulgaria, Spain, Romania, France and the Netherlands — set out guidelines for the identification of victims of trafficking based on best practice, and developed training material to teach professionals to use the guidelines. Participants from ten different organizations in the Netherlands, both public-sector organizations and NGOs, took part in a train-the-trainer course in June 2013. They in turn will train their colleagues in the field in use of the guidelines. The Ministry of Security and Justice has asked the Dutch Centre for Crime Prevention and Safety (CCV) to monitor and promote use of the guidelines by the relevant organizations and to organize additional train-the-trainer sessions when necessary.

Residency arrangements for victims of human trafficking

114. The Modern Migration Policy Act (*Wet Modern Migratiebeleid*) entered into force on 1 June 2013. The introduction of the new legislation has had implications for the structure of the Aliens Act Implementation Guidelines. The residency arrangements for victims of human trafficking, previously known as the “B9 regulation” is now part of chapter B8/3 of the Aliens Act Implementation Guidelines. The arrangements are described below.

115. At the slightest indication of human trafficking, the police offer the victim a period of reflection. The Immigration and Naturalisation Service (IND) then also grants a stay of departure lasting up to three months. During this period, support for victims of human trafficking is always provided on an unconditional basis (i.e. without the cooperation of the victim as a prerequisite). After the period of reflection victims are asked to cooperate with the criminal investigation in return for a residence permit and support (shelter etc.). The residence permit is temporary, valid for a year, but it may be extended. If the offender is eventually convicted, the victim is in principle always eligible for such an extension (further leave to remain). If the criminal proceedings are still ongoing after three years, a request for further leave to remain will in principle always be granted. If it is decided within three years not to bring criminal proceedings, the victim may apply for a residence permit on humanitarian grounds (further leave to remain). This scheme is also open to EU citizens, and to aliens who are not victims themselves but are witnesses who lodge a criminal complaint.

116. Since 2011, the IND has also had the discretion to grant victims of human trafficking a residence permit if they show that they are unwilling or unable to file a criminal complaint or otherwise cooperate with the investigation and prosecution of the human trafficker as a result of:

- a serious threat; and/or
- a medical or psychological condition.

The IND regards the following as evidence that a victim of human trafficking is unwilling or unable to lodge a criminal complaint or otherwise cooperate with the investigation and prosecution of the human trafficker as a result of a serious threat and/or a medical or psychological condition:

a. a statement from the police to the effect that the alien is a victim of human trafficking; and

b. if applicable: a statement from the police to the effect that the alien cannot be expected to cooperate with criminal proceedings in connection with serious threats in the Netherlands from a human trafficker; or

c. if applicable: medical information showing that he or she has a physical or psychological condition that impedes cooperation with the criminal proceedings. The medical information must come from an attending physician entered in the Individual Healthcare Professions Register or in the register of the Dutch Association of Psychologists.

117. In conclusion of the discussion of the 5th report, the CEDAW committee recommended (Recommendation 29) that the residency scheme for victims of human trafficking be opened to victims who are unable to cooperate in criminal proceedings. As described above, this policy framework has been in place since 2011 and has regularly been brought to the attention of the organizations concerned. A residence permit may be granted on humanitarian grounds without a temporary permit having first been issued on condition of cooperation with the police. Victims who have cooperated with the police and have been issued a temporary residence permit on those grounds may also obtain a residence permit on humanitarian grounds if a decision is taken not to prosecute in their case. The permit will be issued if return to the country of origin is not desirable.

118. The recommendation also draws attention to female victims in aliens detention. During previous follow-up reports it has been mentioned that the project by Dutch NGO FAIRWORK was successful in making detention centre staff more aware of the possible presence of victims of human trafficking at the centre. Staff actively looks out for signs of human trafficking and victims are referred to this NGO. FAIRWORK has now launched a new project in collaboration with the International Organization for Migration (IOM) to enhance the knowledge and monitoring skills of detention centre staff, and will continue advising and supporting them at arm's length.

B) Abuses in prostitution

Act Regulating Prostitution and Combating Abuses in the Sex Industry (*Wet regulering prostitutie en bestrijding misstanden seksbranche*)

119. In its concluding observation 31 of February 2010 the Committee called upon the Netherlands to provide more comprehensive and concrete information in its next periodic report on the measures taken to improve the working conditions of prostitutes and to enhance their autonomy, privacy and safety. A bill was submitted to the House of Representatives in November 2009 which, among other things, provided for mandatory registration for all prostitutes, in order to allow more insight into and control of the industry.³⁶ The Senate objected to universal mandatory registration for prostitutes and adopted a motion calling on the Minister of Security and Justice to scrap this element of the bill. The Committee's urgent request concerning threats to privacy (Recommendation 31) is therefore no longer current as concerns the forthcoming national prostitution legislation.

120. The bill will raise the legal age of prostitution to 21, introduce a licensing system for all kinds of sex businesses and oblige anyone applying for a licence to operate a prostitution business to submit a business plan including measures to protect prostitutes' autonomy.³⁷ The stricter regulations should enhance oversight and control of the industry, and help tackle abuses. After publication of the legislation, local authorities will need several months at least to adapt their own regulations.

121. The legislation will provide for a uniform national licensing system for all sex businesses in the Netherlands. The necessity of this licensing system is endorsed by all parties. The current situation, with local and regional differences, is undesirable and results in sex businesses fleeing to those regions with more lenient rules. With the uniform national licensing system, every commercial prostitution operation in every municipality will be subject to a variety of licensing obligations. The minimum conditions which the sex businesses must comply with in order to receive a licence will be the same in every municipality. This will ensure that sex businesses cannot move to other municipalities with a less stringent regime. The rules sex businesses must comply with in order to obtain and/or keep their licence include the following:

- The owner and operator of a sex business must be older than 21.
- The owner and operator may not have a conviction for a violent offence, a sex crime or human trafficking.
- The owner of a prostitution business is obliged to submit a business plan which describes the actions he or she will take concerning:
 - hygiene;
 - the protection of the health, safety and autonomy of the prostitutes;
 - protection of the health of clients; and
 - prevention of criminal acts.

³⁶ Parliamentary Papers 32 211 Act Regulating Prostitution and Combating Abuses in the Sex Industry (*Wet regulering prostitutie en bestrijding misstanden seksbranche, WRP*).

³⁷ Parliamentary Papers 32 211. Rules concerning the regulation of prostitution and measures to combat abuses in the sex industry (*Wet regulering prostitutie en bestrijding misstanden seksbranche*).

The licensing system will regulate the situation and general conduct within the industry. Any operator who fails to abide by the rules will no longer be able to run a sex business. This tackles one source of abuse. Moreover, the licensing system will improve the working conditions of prostitutes and enhance their autonomy and safety, as owners' proposed measures to protect the health, safety and autonomy of the prostitutes will be screened before the licence is issued. These measures must include:

- an adequate supply of condoms;
- the possibility to be tested for STDs on a regular basis;
- no obligatory medical examinations;
- the freedom to choose one's own doctor; and
- freedom to refuse to perform sexual acts.

The owner or operator of the sex business is obliged to supply the prostitute with the above-mentioned information in a language the prostitute understands. As well as the uniform licensing system, the legislation will also introduce a register of all escort licences and of withdrawn and suspended licences and denied applications for licences. This will facilitate monitoring of legal and illegal businesses by the police and other agencies responsible for monitoring the industry.

Empowering prostitutes

122. For the past two years the Ministry of Security and Justice and the Ministry of Social Affairs and Employment have subsidized an organization that is researching the needs of prostitutes, ways of identifying and combating abuse and the possibility of setting up a self-help organization or pressure group. Prostitutes can access information in many ways on work-related health issues, support for victims of abuse, their rights and obligations as independent workers or employees, support if they wish to leave the industry etc. Some organizations visit prostitutes at work to provide counselling and information. Cities like Utrecht, Amsterdam and The Hague have specific centres where prostitutes can go for information and support. Furthermore, throughout the Netherlands several programmes exist which provide help for prostitutes who want to stop working in the sex industry. The website www.prostitutiegoedgeregeld.nl provides information in many different languages for prostitutes working in the Netherlands. Improvement of the position of prostitutes in the Netherlands is one of the topics being addressed as part of a national programme in which local authorities and government ministries are working together.

IV. Political and public life, education and health

Introduction

123. This section examines progress towards equal rights and opportunities for women in various public and semi-public sectors. The information under article 7 examines the representation of women in publicly elected bodies and in the senior civil service. The information under article 8 refers to the representation of women in the diplomatic service, as well as to the Millennium Development Goals (MDGs)

and sexual and reproductive health and rights. The information under article 10 focuses on developments in education and under article 12 on developments in health care.

A. Article 7: Women in political and public life

Women in political parties

124. Successive governments have had the same ideas regarding targets and quotas for political office. As indicated in previous reports, the basic principle is that political parties are responsible for recruiting members and appointing candidates for political office. The freedom of political parties is one of the foundations of the Dutch democratic system. The figures on the proportion of women in political and public office locally are presented in the biannual report *Staat van het Bestuur* (“Trends in Governance” — only available in Dutch).

125. In Recommendation 13, the Committee asked the Netherlands to take measures against the discrimination within the SGP (Reformed Political Party). In 2013 the party accepted the consequences of a Supreme Court judgment of 9 April 2010 in a case brought against the SGP and a decision by the European Court of Human Rights of 10 July 2012 declaring the SGP’s application against the said Supreme Court judgment inadmissible. The SGP’s central office amended the party’s General Regulations, so that in candidacies for local council, provincial council, House of Representatives, Senate and European Parliament elections, the sex of candidates cannot by law be used as grounds for refusing their candidacy. The amended regulations took effect on 1 April 2013. This now means that women in the SGP may stand as candidates for their party. This decision by the SGP, which followed an exchange of correspondence with the government and meetings with the party’s central office, means the party’s candidacy procedure is now in line with the applicable legislation as interpreted by the Supreme Court. There is now no further need for the State to take measures. In March 2014, the first female SGP candidate headed the party’s list of candidates for the local elections in Vlissingen and was subsequently elected into office.

Women in the senior civil service

126. The Senior Civil Service (ABD) consists of the approximately 550 senior civil servants in the Dutch public sector. The proportion of women in the ABD has risen, from 18% in 2007 to 27% in 2013. This Government’s goal is for women to account for at least 30% of the ABD by 2017. On 18 November 2013 the Minister for Housing and the Central Government Sector submitted an action plan to the House of Representatives setting out how this target is to be achieved. It highlights three closely related areas: 1) development of talent, 2) retention of female managers and talent, and 3) managing outflow of staff in order to create room for new talent (inflow) and for current female ABD directors (promotion). The Ministry of Education, Culture and Science and the Ministry of Foreign Affairs have signed a “Talent to the Top Charter”, which is both a public commitment and a code setting out clear arrangements for achieving male/female diversity in the senior civil service.

Mayors

127. The Minister of the Interior and Kingdom Relations as well as the *Nederlands Genootschap van Burgemeesters* (Dutch Association of Mayors) deem it important that the number of female mayors rises. The position of mayor is one of the most high-profile roles in local administration. The Ministry of the Interior and Kingdom Relations is funding an orientation programme which provides promising lateral-entry candidates with the opportunity to familiarize themselves with and prepare for applying for mayoral vacancies.

Table 13
Women in politics³⁸

<i>Percentage of women</i>	2006	2008	2010	2012
European Parliament	44	52	48	46.2
Senate	29	35	35	36
House of Representatives	39	39	41.3	40
Provincial councils	28	36	34.8 (2009)	34.5
Local councils	26	26	26.8	26.7
Board of water authority	11	?	19	20
Ministers	33	31	25/25*	33.3/38.5**
State Secretaries	40	55	63.6/12.5*	12.5/42.9**
Queen's Commissioners	8	17	8.3 (2009)	16.6
Provincial Executives	17	30	30.4 (2009)	29.3
Mayors	20	18	19	21
Members of municipal executives	17.7 (2005)	18 (2007)	18.1	19.5

* Fourth Balkenende Government/First Rutte Government (sworn in on 14 October 2010).

** First Rutte Government/Second Rutte Government (sworn in on 5 November 2012).

B. Article 8: International government representatives

Diplomatic service

128. On 31 December 2012, overall female participation at the Ministry of Foreign Affairs, including diplomats, stood at 50%. However, women occupied only 18% of the highest ranking posts in the diplomatic service. The aim is to increase this to 30% by 2017. A programme of measures in support of talented women has been put in place (MFA Policy on Diversity, December 2012) and numerical targets have been set for each year, to be monitored closely in accordance with the “comply or explain” principle.

Gender mainstreaming and the Convention's implications for the MDGs

129. In Recommendation 49 the Committee indicates that full implementation of the Convention will be necessary if the Millennium Development Goals are to be achieved. The Netherlands has consistently focused on women's empowerment and

³⁸ Source: Ministry of the Interior and Kingdom Relations.

gender equality in its foreign policy, in line with the Beijing Declaration and Platform for Action. The MDGs have served as a guide for development cooperation in particular, since 2000.

130. With a view to strengthening women's rights, voice and agency in developing countries, the Netherlands has launched the world's largest grant facility — the MDG3 Fund — exclusively accessible to autonomous women's organizations. In the period 2008-2012, 77 million euro was channelled through 45 grant recipients, eventually reaching grassroots women's organizations in 99 countries. Preparations for the continuation of this facility after expiry of the MDG3 Fund started in 2011. The Funding Leadership and Opportunities for Women (FLOW) grant facility with a total budget of 85.5 million euro became operational in 2012.

131. The portion of the Netherlands's Official Development Aid (ODA) budget specifically reserved for the furthering of women's rights and opportunities stood at 53 million euros in 2013. The Netherlands is also a staunch supporter and partner of the UN funds and programmes that have gender equality at the heart of their mission. We partner and generously support the work of UNFPA, UNICEF, UN-Women and others to advance women's rights, voice and agency.

132. In 2007, the Ministry of Foreign Affairs and the Ministry of Defence launched the Dutch National Action Plan for the implementation of UN Security Council resolution 1325 (NAP1325). The number of partners has seen a steady increase over the years, and exceeded 40 in 2012. Each partner contributes resources, expertise and actions to NAP1325, in coordination. Collaborative programmes have been set up with other countries and elements of the Dutch approach are being customized and adopted by others.

Sexual and reproductive health and rights

133. Ever since the early 1990s the Netherlands has been steadfast in its commitment to supporting and advancing sexual and reproductive health and rights (SRHR). In recent years more focus has been applied, and the current priorities within the SRHR agenda are:

- young people's access to information;
- increased access to sexual and reproductive health commodities;
- increased access to quality sexual and reproductive health-care services; and
- greater respect for the sexual and reproductive rights of people to whom these rights are denied.

The allocation for SRHR from the ODA budget stood at 380 million in 2013, or almost 10% of total ODA.

C. Article 10: Education

Boys' and girls' performance in primary and secondary education

134. At the end of their primary schooling, boys perform no worse than girls (and vice versa) if we look at the average scores on the final attainment tests (CITO tests). Boys do slightly better in maths, while girls perform slightly better on

language. Boys attain slightly higher scores, but they are also more likely to be in special education or not to take the regular attainment tests.

135. A difference begins to emerge in the lower years of secondary school. Boys and girls deviate from the recommended level in their choice of secondary school transitional class equally often, but girls are more likely than boys to join a higher-level class, while boys are more likely than girls to join a lower-level class. Girls are also more likely to move on to a higher level in their first three years, while boys are slightly more likely to move to a lower level (relative to each other). This means that girls are more likely to complete senior general secondary education (HAVO) or pre-university education (VWO) even though their final attainment score (on the CITO test) at primary school was lower on average than that of the boys.

136. Figures from the Education Executive Agency (DUO) for year 3 show that girls are indeed relatively more likely to be in HAVO or VWO, and boys are more likely to be in pre-vocational education (VMBO). Over the past few years, however, there has been no change in the trend: both are more likely to go to HAVO or VWO, and the difference between them has not increased. Change has however occurred in terms of their choice of subject in tertiary education: VMBO students are opting in fewer and fewer numbers for technical subjects (which can be attributed largely to a decline in interest among boys), and the same applies to health care (where the decline in interest is among girls).

137. There is little difference between boys' and girls' pass rates in their final exams. The pass rates for boys and girls are 92% in VWO, 88% in HAVO and 94% in VMBO. The fall in the pass rates in recent years has been caused to a large degree by the number of non-Western ethnic minority students failing their final exams. Their pass rate is 12 percentage points lower in VWO, 10-14 percentage points lower in HAVO (where non-Western boys perform better than non-Western girls), and 7-11 percentage points in VMBO (where the same applies). In the 2009/2010 school year only three-quarters of non-Western ethnic minority students met the exam requirements, a figure nine percentage points lower than four years previously, and well below the average pass rate for native Dutch students.

Vocational education and higher education

138. There are more boys than girls in secondary vocational education (MBO). The number of native Dutch girls under the age of 21 in this type of education has fallen over the past few years, while the number of girls from non-Western backgrounds has risen sharply in relative terms. The number of boys of non-Western origin has also risen sharply. The number of native Dutch boys has risen slightly. There are more girls than boys in the higher levels of MBO (levels 3 and 4).

Table 14
Participation in secondary vocational education, 2011/2012

Sex	Total	Level 1:	Level 2:	Level 3:	Level 4:
		Assistant training	Basic vocational training	Professional training	Middle-management and specialist training
Male	53	61	65	49	48
Female	47	39	35	51	52

Source: Statistics Netherlands.

139. As a logical consequence of the growth of HAVO/VWO, the number of students in higher education has also risen over the past few decades. Both men and women are now more likely to have a degree. The number of first-year students has risen by more than half over the past 15 years, to 129,000 in 2009/2010. In that period (from 1996/1997) the proportion of female students exceeded 50% for the first time, and the proportion of ethnic minority students also increased relatively rapidly. In both higher professional education (HBO) and at universities, there are now more female than male students.

This is in line with development in pre-university education (VWO), where girls have caught up with boys. In higher education, the ratio of male to female students in both HBO and university education is approximately 53% to 47% of the total number of students.

Gender stereotyping in education

140. As regards gender stereotyping in terms of subject of study, there has been a notable rise in the number of girls opting for science and technology at HAVO (senior secondary general education) and VWO (pre-university education) level. In VMBO (pre-vocational education) the proportion of girls choosing technology has fluctuated around 5% for years. Very few boys choose vocational health-care training, either at school (VMBO) or at college (MBO). In order to ensure there are enough qualified staff in the health-care sector in the near future, and to achieve greater “gender neutrality” in the health-care professions, health-care employers and the Ministry of Health, Welfare and Sport are encouraging boys to opt for health-care training. Subject choice is not only gender-stereotyped, it also depends strongly on ethnic background, and thus on prejudices about certain sectors. Boys of non-Western origin are unlikely to choose a technical profession, and are more likely to choose economics and commerce. Their success rate (in terms of drop-outs and diplomas awarded) is also relatively poor.

Girls and science/technology

141. Thanks, among other things, to specific activities in schools designed to inform girls about science and technology (role models, educational guidance, Girlsday by VHTO25), more girls are opting for these subjects. In the 2010/2011 school year 29% of girls in year 5 of HAVO had an “N-profile” (sciences). In VWO, the proportion was almost half (49%). These figures were significantly lower in the 2006/2007 school year, at 20% and 41%. Such a rise has not been seen in VMBO. In late 2013 an independent evaluation of current projects in HAVO and VWO was performed, with a focus on impact and on consolidating the activities introduced. The results will be incorporated into the “Technology Pact”. Current projects in primary schools and VMBO will continue until mid-2014. The education ministry has also commissioned VHTO, the national expert organization on women and girls in science and technology to enhance support in the field for breaking gender stereotypes about girls and technology by convening expert meetings and conferences on the subject.

Post-initial education

142. It is important that working people, including working women, remain employable. In the Netherlands, men and women have equal access to post-initial

education and lifelong learning. The government plays a key supporting role in this, by encouraging recognition of prior learning (EVC), disseminating best practice on sustainable employability and encouraging individuals to train by making the costs of training tax deductible. Prior learning recognition helps people formalize their knowledge and experience (gained at work or elsewhere) so that it can be recognized. It can result in a Prior Learning Assessment Certificate. It is also a good way of helping women return to the workforce. Past work experience can be taken into account, as well as other experience (such as voluntary work or informal care) gained when they were not actively participating in the labour market.

143. Tax deductions for the costs of training are generous, and agreements have been made with the social partners on the co-financing of sectoral plans designed to retain specialists, and on “work-to-work guidance” and intersectoral training.

144. Statistics Netherlands last collected figures for participation by women aged 15 to 64 in post-initial education in 2009. At that time, their participation rate was 16.2%, somewhat higher than that of men (14.9%). This figure encompassed all training, both funded and unfunded, work-related and non-work-related. When it came to corporate training, participation by female staff (37%) was slightly lower than by male staff (40%). Women are more likely to take courses and training in teaching, the humanities and medical subjects. Men, on the other hand, are more likely to participate in technical, science-oriented and economic/administrative courses and training.

Female professors

145. The number and proportion of female professors varies sharply from one university to another. Radboud University Nijmegen has the highest proportion of female professors, at 20.6%, well above the national average of 14.8%. The University of Groningen and Leiden University come second, with 19.2% female professors. The universities of technology (Delft, Eindhoven and Twente), which offer subjects that have traditionally attracted fewer women, have relatively low percentages of female professors.

D. Article 12: Health care

Health alliance

146. Gender also has an impact when it comes to health care. Women live four years longer than men on average, but they often have poor quality of life in their final years. Cardiovascular disease is often seen as something that affects mainly men, but in fact heart failure is now the number one cause of death among women, partly because the signs manifest themselves differently in women, and are not always recognized in time. Furthermore, figures show that women take more time off sick during their working life, and incur higher medical expenses than men. Women’s organizations, the health-care sector and researchers have therefore called for more “gender awareness” in health care, taking account of differences between the sexes. This should improve quality of life for both men and women, and save money. Working with pioneers in this field, the Ministry of Education, Culture and Science is taking measures to enhance the knowledge and awareness of stakeholders (doctors, insurance companies, employers, patients) concerning the need for gender-aware health care, and to actually develop such practices. An alliance has been

forged for this purpose with pioneers from the field. The “Gender and Health Alliance” has drawn up a strategic plan for awareness raising, teaching and research, with the aim of launching a widely supported programme in two years’ time. This is being done in consultation with the Ministry of Health, Welfare and Sport and the Ministry of Social Affairs and Employment. The initiative will also tie in with other innovative developments, such as the interministerial National Disease Prevention and Health Promotion Programme, which focuses on a healthy start (parenting and education), housing and life in healthy neighbourhoods in healthy surroundings, healthy working, health protection and disease prevention in the health-care sector.

Ethnic minority women and health care

147. In 2008 it was announced that ZonMw³⁹ was to launch a research programme on the health of ethnic minorities. The organization funds research and promotes use of the knowledge developed in order to improve health care and health. The Ministry of Health, Welfare and Sport is one of ZonMw’s main commissioning organizations. The programme, mainly aimed at improving the health and care of members of non-Western ethnic minorities, will run to 2015, after which the first results can be expected. At this moment, therefore, it is not possible to give further information on this matter. We will return to it in the next report.

Measures on maternal mortality among female asylum seekers

148. In Recommendation 47 the Committee refers to the high rate of maternal mortality among female asylum seekers. Reports on high levels of maternal mortality appeared in response to a publication as part of a PhD study of risk factors conducted between 1 August 2004 and 1 August 2006. In the opinion of the Dutch government, the study did not adequately explain that many pregnant women arrive at a shelter only in the final phase of pregnancy. Prior to arriving at the reception centre they will have had little or no access to prenatal care, and this deficit cannot always be made up. Furthermore, many of these women have fled from a situation that has caused many other complications, some of them severe. It is therefore not surprising that female asylum seekers belong to a high-risk group. As a result, they cannot be expected to have similar risk profiles to the average inhabitant of the Netherlands. Precisely because of their high risk profile, pregnant asylum seekers are referred as quickly as possible for obstetric care. A protocol for the purpose has been established by the central body responsible for the reception of asylum seekers, COA, the primary health-care sector and the obstetrics sector. The protocol is regularly evaluated and adjusted as necessary. Given the high risk profile of these women, it is in fact thanks only to the well-organized medical care provided to asylum seekers that maternal mortality is not much higher among this group. Another important point is that the Netherlands is the only country to make figures on the care of asylum seekers available. It is therefore not possible to compare them with those for asylum seekers in other countries, which would give a clearer picture of the quality of health care offered to asylum seekers. Between 2009 and 2012 one woman in the Netherlands died during pregnancy. She was in the early stages of pregnancy, and her death was not related to her pregnancy. According to the WHO definition of maternal mortality,

³⁹ ZonMw (Netherlands Organisation for Health Research and Development), 2012: *Vrouwen zijn anders*.

this case probably cannot be classified as a maternal death, because at this stage it is unlikely that her pregnancy contributed to her death.

Appropriate examination methods for pregnant women suspected of drug smuggling

149. When there are indications that a person has swallowed drugs in order to smuggle them, customs officers at Schiphol airport hand the suspect over to the Royal Military and Border Police. The Royal Military and Border Police must then examine whether the suspect has indeed swallowed latex balloons containing drugs. The basic rule in anti-drug smuggling operations is that a suspect must have produced three “clean” bowel movements to show that he or she is not carrying drugs in their intestinal tract. The suspect may also opt for a body scan, which can rule out smuggling by this method. Not every suspect opts for the body scan. Pregnant women who are suspected of having swallowed drugs in latex balloons do not tend to opt for this alternative as it is harmful to the foetus. They will therefore have to produce three clean bowel movements. They are placed in detention until they have produced three clean bowel movements, which generally takes around four days. This Government is unaware of any alternatives to the body scan or three clean bowel movements rule that are appropriate for pregnant women and can demonstrate that a suspect is “clean”.

Female informal carers and volunteers

150. Sick and elderly people want to live in their own homes for as long as possible. This is a clear social trend, which will be reflected in the State Secretary for Health, Welfare and Sport’s forthcoming reform of long-term care. This will require formal and informal care and support to be organized differently, with people in the patient’s own network and community — informal carers and volunteers — playing a bigger role in the future. Of the 3.5 million informal carers in the Netherlands, 2.6 million give intensive and/or long-term care. The majority of informal carers are women. Their share has remained constant over the past few years, at 60%. Qualitative studies have shown that men are often less directly involved in care, playing more of a support role than women (SCP 2013: Informal Care in the Netherlands). There are also at least a further 450,000 volunteers who provide care and support in the Netherlands. Female volunteers are almost three times more active than men in the health-care sector (Scholten Utrecht 2011). There are more than 5.5 million active volunteers in the Netherlands, some 44% of the adult population (Statistics Netherlands 2009). As a society we must be considerate towards informal carers and volunteers, and their efforts and commitment. They must be properly equipped to do their work properly, and to sustain their efforts. On 20 July 2013 the State Secretary for Health, Welfare and Sport sent a letter to Parliament setting out policy on informal care for the coming period.

151. The State Secretary plans to strengthen informal support and care by providing a firm statutory basis for informal carers (under the new Social Support Act, *Wet maatschappelijke ondersteuning* and the Long-term Care Act, *Wet langdurige zorg*). The new Social Support Act will for example stipulate that local authorities must involve informal carers when considering applications for support. This should ensure that local authorities review all aspects of the client’s and informal carer’s situation on a regular basis, and provide customized support if necessary. Local authorities must set out in a policy plan how they intend to support informal carers and volunteers, and they will be responsible for giving them a mark of appreciation

once a year. The Long-term Care Act also focuses on the position of informal carers. It stipulates, for example, that care plan discussions must also encompass informal care. To help people combine work and informal care, the Minister of Social Affairs and Employment, the Minister of Education, Culture and Science, the State Secretary for Social Affairs and Employment and the State Secretary for Health, Welfare and Sport, at a meeting on work and care on 18 November, launched a discussion of work-floor problems and solutions with employers' and employees' associations and civil-society organizations and experts. On 12 December 2013 the House of Representatives was informed of the results of this meeting. (See also Section II Economic Independence, Art. 11: Women and employment.)

152. Finally, the State Secretary will attempt to make the work of informal carers and volunteers easier, while at the same time using the potential available more effectively, by further improving collaboration between formal and informal carers. Professional care and support should focus not only on the client and his or her situation, but should also consider what the family and social network can contribute, and what help they need. Civil-society organizations — including the Association of Netherlands Municipalities, the informal carers' association Mezzo, the volunteers' association NOV and care providers — are involved in improving this interaction. Since it is mainly women who provide informal care, the State Secretary's new policy will largely benefit women.

V. Equality before the law and measures to tackle discrimination

Introduction

153. Section V considers the articles concerning equality of men and women before the law, and measures to tackle and prevent discrimination. The notes on articles 1 and 2 set out the legal framework for tackling and preventing discrimination, and discuss human rights education. The notes on article 15 explore a number of points concerning the equality of female asylum seekers during the asylum procedure. The notes on article 9 briefly explain that there are no differences between men and women when it comes to obtaining citizenship. Finally, article 16 in this part examines a number of matters related to equality between men and women in marriage and in family relationships.

A. Articles 1 and 2: Preventing and tackling discrimination

Changes to the General Equal Treatment Act (AWGB)/equal treatment legislation

154. The main items of legislation in the Netherlands banning discrimination against women are article 1 of the Constitution and the General Equal Treatment Act and the Equal Treatment (Men and Women) Act. Article 1 of the Constitution provides an important basis for combating discrimination. The ban on discrimination in the Dutch Constitution has been implemented in six specific Acts of Parliament, including the General Equal Treatment Act and the Equal Treatment (Men and Women) Act.

155. Since 2009 a number of changes have contributed to the reinforcement of equal treatment legislation in general and the position of women in particular. They include the amendment of the General Equal Treatment Act to adapt it to European Equality Directive (Directive 2000/78/EC) definitions of direct and indirect discrimination in the law. This change came into force on 3 December 2011. Another change concerns differences in life insurance premiums based on gender-related actuarial factors, which have been banned since 21 December 2012, as a result of a judgment by the EU Court of Justice of 1 March 2011 in a case brought by the Belgian consumer organization Test-Achats (*Test-Achats* case). The Equal Treatment Decree was amended in response to this judgment on 21 December 2012. The change and the notes explaining it are consistent with the European Commission guidelines on the application to insurance of Council Directive 2004/113/EC, in light of the judgment of the Court of Justice of the European Union in Case C-236/09 (*Test-Achats*).

156. The General Equal Treatment Act was evaluated over the period September 2004 to September 2009. One of the main issues was female employees' right to return to their own job after pregnancy. Article 15 of EU Directive 2006/54, which has replaced a number of previous directives on gender discrimination, provides that an employee is entitled, at the end of her maternity leave, to return to her own or an equivalent post, under the same conditions, and benefit from any improvement in working conditions to which she would have been entitled during her absence. This right is not explicitly laid down in Dutch equal treatment legislation. However, under the General Equal Treatment Act, the Equal Treatment (Men and Women) Act and article 7:646 of the Civil Code, there is a general ban prohibiting employers from discriminating on the grounds of sex, including pregnancy and motherhood. In the context of the evaluation (and after the evaluation, in a 2012 study on discrimination against pregnant women and mothers with young children at work) the Equal Treatment Commission (ETC) concluded that explicitly stipulating the right to return in equal treatment legislation would not lead to a significant improvement in the protection of pregnant and nursing workers.

157. The ETC was incorporated into the Netherlands Institute for Human Rights (NIHR) on 2 October 2012. The NIHR's mandate encompasses conducting investigations, reporting and making recommendations on the protection of human rights, dealing with complaints about discrimination previously handled by the ETC, providing advice and information, and encouraging the ratification and observance of human rights treaties and European and international recommendations related to human rights. The NIHR can provide advice on laws and regulations either at the request of the authorities or on its own initiative. It has the right to institute on-site investigations and to gain access to all places, with or without permission, except for places designated by law as secret.

Right of complaint

158. In the Netherlands there is no statutory right of complaint for individual employees. However, this does not mean that employees have nowhere to go with their complaints. Any employee who feels that he or she has been discriminated against can submit a request for investigation to the NIHR. The NIHR will then investigate the complaint and evaluate whether the actions did in fact contravene equal treatment legislation. The NIHR's complaints procedure is publicly accessible. Representation is not compulsory and there are no costs associated with the procedure. Employees can also report their complaint to one of the anti-discrimination

agencies, which can mediate in efforts to resolve the complaint or support the employee in further procedures before the NIHR or the courts.

159. In addition, local authority anti-discrimination legislation came into force in 2009. This legislation provides for a national network of institutions that offer help to victims of discrimination. An evaluation in 2012 showed that 98% of local authorities provide anti-discrimination services. Since the introduction of the legislation in 2009 almost all citizens have been able to report their complaint to an anti-discrimination service and obtain professional assistance if needed.

Table 15
Number of complaints of discrimination

<i>Gender discrimination complaints</i>	2009	2010	2011	2012
Complaints to anti-discrimination service	n/a	478	378	380
Complaints to ETC/NIHR	76	63	117	112
Appeals to ETC/NIHR	21	32	38	44

CEDAW in the Netherlands

160. Since CEDAW entered into force in the Kingdom of the Netherlands on 22 August 1991, the Netherlands has been obliged to comply with the obligations under the Convention. The Netherlands also ratified the Optional Protocol to the Convention on 22 May 2002 (it entered into force on 22 August 2002). This allows individuals in the Netherlands to submit complaints to the Committee concerning violations of statutory obligations under the convention. Several complaints have been submitted since 2002. The Committee did not find any violations of the Convention in individual complaint procedures until March 2014, when the Committee for the first time ever concluded in an individual complaint procedure that the Convention had been violated by the Netherlands.

161. International obligations take effect in the national legal order on the basis of articles 93 and 94 of the Constitution. Article 93 provides as follows: “Provisions of treaties and of resolutions by international institutions which may be binding on all persons by virtue of their contents shall become binding after they have been published”. Article 94 of the Constitution provides as follows: “Statutory regulations in force within the Kingdom shall not be applicable if such application is in conflict with provisions of treaties or of resolutions by international institutions that are binding on all persons.”

Provisions of treaties that have “direct effect” under article 93 can be invoked by an individual and their application can be legally enforced if needs be. The answer to the question of whether a treaty provision has direct effect is ultimately determined by the courts. Treaty provisions that do not have direct effect are required, where necessary, to be implemented in national legislation.

162. As a result, it is not generally possible to state how the provisions of the Convention are reflected in the domestic legal order. This depends on the extent to which the provisions have direct effect on the basis of articles 93 and 94 of the Constitution. Provisions that do not have any direct effect will, where necessary, have to be transposed into national law. The Convention’s substantive provisions are incorporated into domestic law in this way.

163. The more generally provisions are worded and the more action on the part of the state they require, the less direct effect is assumed. Parliamentary record shows that, as far as CEDAW is concerned, article 2d, article 7, article 9 and article 11 are assumed to have direct effect as regards equal pay.⁴⁰ The question of whether a provision is binding on everyone and therefore has direct effect is, in the final instance, determined by the Dutch courts in individual cases. The Netherlands believes that this does not mean that “insufficient measures have been taken to address discrimination against women” as the Committee appears to suggest in Observation 12.

164. The provisions of conventions that are binding on the Netherlands are considered in policymaking and legislative procedures. This applies not only to provisions with direct effect, but to all provisions that are binding on the Netherlands. The legislative process uses an integrated decision-making framework (*Integraal Afwegingskader, IAK*) and special instructions for legislation (*Aanwijzingen voor Regelgeving*), which include checks on whether the legislation complies with international law.

Other human rights conventions

165. As regards human rights conventions to which the Netherlands is not yet party (Recommendation 50), on 14 November 2012 the Netherlands signed the Council of Europe’s Convention on preventing and combating violence against women and domestic violence. The bill ratifying the Convention is expected to be submitted to the Dutch parliament in 2014. It has been decided that an impact analysis should be conducted for the part of the Kingdom in the Caribbean — where the Convention will also apply — to identify the implications and steps required for further implementation of the Convention on the islands. Work is also underway on the ratification of the UN Convention on the Rights of Persons with Disabilities, as announced in the coalition agreement. The bills for the ratification and implementation of this convention have been submitted to the House of Representatives in the summer of 2014.

166. The Government is studying the implications of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It will determine its position on the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities after ratification of the Convention itself. Ratification of the Third Optional Protocol to the Convention on the Rights of the Child is under examination. The Government has no plans to reconsider its position on the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This is because, in the government’s view, the convention does not distinguish adequately between legal and illegal aliens, particularly as regards social security.

Education on human rights and women’s rights

167. Equality for all under the law does not mean that discrimination does not occur. Education for young people and adults is vital in preventing discrimination, and mechanisms to identify and condemn discrimination are also important. The Committee had concerns about awareness of CEDAW in the Netherlands

⁴⁰ Parliamentary Papers, House of Representatives, 1984-1985, 18 950.

(Recommendation 17). The Netherlands will assess awareness of the Convention, based among other things upon use of the Convention in the legal system. The Netherlands regards the Convention as part of an institutional system that safeguards human rights in this country, including the rights of women.

168. Human rights education is a statutory responsibility of the Netherlands Institute for Human Rights (NIHR), which was established in 2012. The establishment of the NIHR means the Netherlands now complies with the UN resolution requiring every state to establish an independent human rights institute. The resolution contains guarantees pertaining to the independence of national human rights institutes and makes recommendations concerning their role, composition, status and staffing; these are known as the Paris Principles. The Netherlands Institute for Human Rights was established in accordance with these principles. Its purpose is to protect and promote compliance with human rights in the Netherlands. The NIHR may issue statements on the rights of and discrimination against women in the Netherlands and has taken over the responsibility of the Equal Treatment Commission for assessing complaints of discrimination against women. The statutory responsibility for human rights education is enshrined in section 3, subsection d of the Act establishing the Netherlands Institute for Human Rights (NIHR Act), and encompasses “providing information and promoting and coordinating education on human rights”.

169. Besides the NIHR, a new institute has been established for women’s rights and women’s history. Known as Atria, it is the result of a merger between the country’s two biggest women’s rights institute, Equality and Aletta. The goal of the merger was to strengthen the new institute’s standing in society to allow it to develop and disseminate knowledge on women’s rights. Atria and the NIHR have together given an important boost to efforts to safeguard and strengthen the rights and position of women in the Netherlands.

170. Various public-sector organizations, including the Immigration and Naturalisation Service, the police and the courts, provide training on human rights for their staff. Lawyers who are responsible for drafting legislation can take human rights courses at the Academy for Legislation. Public-sector lawyers can take courses at the Academy for Government Lawyers. The Academies provide a range of courses, including human rights training, which covers fundamental rights in the case law of the European Convention on Human Rights. Trainees at the Academies are obliged to take a course on human rights as part of their training. This ensures that public servants involved in developing policy and legislation have been educated about human rights standards.

171. Since 1 December 2012 a passage has been added to the attainment targets for primary, secondary and special education relating to respectful interaction with others, to the effect that pupils must show respect for sexuality and diversity in society, including sexual diversity. This gives schools a further incentive to focus on healthy sexual development and enhancing sexual resilience. The government has received signs that suggest teachers need to improve their expertise. To ensure teachers are better equipped to address these topics, the government intends 1) to establish how teacher training courses cover sexuality and sexual diversity and 2) to promote in-service training and professional development for qualified and prospective teachers. It will explore the possibilities for putting this into effect. The NIHR has called for human rights education in schools. The government believes

that the amended attainment targets are an adequate incentive for schools to provide human rights education.

B. Article 15: Equality before the law

Asylum applications and female asylum seekers

172. The Committee has expressed concerns about the opportunities for vulnerable groups (including women and unaccompanied minors) to apply for asylum and about the speed with which this occurs. The Netherlands does not have any accelerated procedures. The general asylum procedure stipulates a deadline of eight days, which in principle applies to everyone. If it is not possible to take a sensible decision within eight days, the applicant will qualify for the extended asylum procedure. The Dutch asylum procedure provides for a rest and preparation period of at least six days prior to commencement of the general asylum procedure. During this period, asylum applicants have the opportunity to calm their emotions and prepare for the procedure. They are not asked any questions about their reasons for applying for asylum. During this time, the Immigration and Naturalisation Service (IND) examines whether the applicant requires special procedural guarantees in view of his or her individual situation. This might mean that the application cannot be dealt with within the eight days stipulated in the general asylum procedure, and the applicant will then be referred to the extended asylum procedure. This might, for example, be the case if it is concluded that an applicant is unable to make a coherent statement, or if it is not possible to interview them in the short term for some other reason.

Adequate shelter throughout the asylum procedure

173. When an asylum application is denied, the applicant in principle no longer has the legal right to remain in the Netherlands. This means that they are required to leave the Netherlands within four weeks, and that after this deadline they are no longer entitled to facilities and services. If the application is denied under the extended asylum procedure, the applicant can submit an application for judicial review, and this will have the effect of suspending the implementation of the decision to deny the application. This is not the case if the application was denied under the general asylum procedure. In such cases, the applicant may apply to a court for interim relief which, if granted, will mean that the application for review does have the effect of suspending the implementation of the decision, and they will retain the right to facilities and services.

Domestic violence and gender-related persecution as grounds for asylum

174. The grounds of persecution in Dutch asylum policy comply with EU Directive 2011/95 (Qualification Directive). Dutch policy also stipulates that an asylum application must be assessed with particular attention to “gender”, in the sense of the social interpretation of masculinity and femininity. In Dutch asylum practice, a woman may be regarded as a refugee if, for example, persecution as defined in the Refugee Convention occurs in her country of origin:

- because the woman has violated discriminatory social customs, religious rules or cultural standards for women;
- because the woman has violated laws that are at odds with universal human rights.

A woman at risk of genital mutilation can also qualify for international protection. Domestic violence is a form of violence not perpetrated by the authorities. In such cases, an investigation will have to establish whether the woman is being persecuted by a third party or parties and whether she can turn to the authorities in her country of origin for protection. Persecution within the meaning of asylum law may apply if the violence is prompted by one of the grounds of persecution mentioned in the Refugee Convention and if the authorities are either unwilling or unable to offer the victim protection. Whenever the woman in question claims discrimination, consideration is given to whether the discrimination can be regarded as persecution as defined in the Refugee Convention. This will be judged to be the case if the discrimination imposes such restrictions on the victim's existence that it is impossible for her to function in society.

175. The Netherlands has taken concrete measures to promote the system for protecting and promoting human rights, including the fight against discrimination. The government's efforts are not only focused on improving the framework for equal treatment before the law — through streamlining, harmonization and by making legislation more accessible, for example — but they also emphasize the importance of diversity in society and the labour market. In this context, as mentioned above, the State Secretary for Social Affairs and Employment has asked the Social and Economic Council (SER) to make recommendations on, among other things, discrimination on grounds of sex in the labour market (pay gap) and actions that can help prevent and combat discrimination.

C. Article 9: Equal rights of obtaining, changing or retaining a nationality

176. In the Netherlands there is no difference between the rights of men and women when it comes to obtaining, changing or retaining nationality. Nor is any distinction drawn between women and men when it comes to granting nationality to their children, and equal rights are guaranteed in this matter.

D. Article 16: Equality in marriage and family relations

Income requirement for partners of migrant family members

177. In paragraph 42 of its concluding observations the Committee refers to the minimum income requirement for partners of migrant family members. The same income requirement (at least 100% of the statutory minimum wage) applies to all partners of migrant family members, irrespective of the nationality of either the partner or the migrant. The income requirement set by the Netherlands complies with article 7 of the EU Family Reunification Directive. The partner who is already resident in the Netherlands must be able to support the migrant family member and the family, and may not lay any claim to public resources. The requirement of 100% of the statutory minimum wage will guarantee that the family can support itself. All migrant family members requesting permission to join a partner who is a Dutch national or is resident in the Netherlands for a non-temporary purpose are obliged to attend an integration course, irrespective of their nationality. The purpose of this is to ensure that all newcomers can participate independently in Dutch society. In order to obtain a permanent residence permit, a migrant must pass an integration

test. Again, there is no distinction on the grounds of nationality. Migrant family members residing in the Netherlands with a partner who has a residence permit for a temporary purpose (e.g. students and knowledge migrants) are not obliged to take an integration course because they will not constitute part of Dutch society in the long term. A distinction is therefore not made on the basis of nationality, but on the basis of purpose of stay.

178. However, only migrant family members from countries subject to a visa requirement (all countries with the exception of the EU, the EEA, the US, Canada, Australia, New Zealand and South Korea) must pass a civic integration test before their arrival in the country to show that they have sufficient knowledge of the Netherlands and the Dutch language. In such cases, a visa for the Netherlands will be issued only if the applicant has passed the civic integration test. The pass rate for the test is high, including among female candidates.

*Admission requirements for family migration and family reunification
(Recommendation 43)*

179. As a consequence of a judgment by the Court of Justice of the European Union in the case of *Chakroun v. the Netherlands* (CJEU — C-578/08), the admission requirements for the purposes of family reunification and family formation have been made the same. As a result, no distinction is now drawn in terms of admission requirements. In both cases, the minimum age is 21 and an income of 100% of the statutory minimum wage is required in order to prevent any burden on the public purse. Both requirements comply with the EU Family Reunification Directive.

The law on surnames

180. The Committee repeated its recommendation (Recommendation 10) that the law on surnames be revised and brought in line with the principle of equality, and particularly article 16 (g) of the Convention. This recommendation seems to be based on the impression that the current Dutch law on surnames means that, if parents cannot agree on the name of the child, the father ultimately makes the decision. As was explained in the Netherlands' 5th report on the implementation of CEDAW, this does not accurately describe current Dutch legislation. It is in the interests of the child that, if the parents cannot reach consensus as to what surname it should have, a surname is not withheld. Under Dutch law there is a statutory provision on the basis of which the child's surname can be decided on if its legal parents are unable to agree on a name: if the parents are not married, the child takes the name of the mother, and if the parents are married the child takes the name of the father. Some 50% of first-born children are born outside marriage in the Netherlands.

Maintenance

181. Nowadays young women are more highly educated on average than young men. However, women often give up their economic independence (either fully or partially) when they start a family; men rarely do so. This *de facto* inequality raises questions about women's equality. Giving up one's economic independence when starting a family with a spouse or registered partner can mean that a woman remains financially dependent on her ex-partner if the relationship ends, often living in poverty and reliant on benefits. For the man in the relationship, it can lead to long-

term financial obligations in the form of maintenance, depending on his ability to pay. This can be an unintended consequence of the single breadwinner model. Both men and women are insufficiently aware of this fact when they opt for traditional roles. In view of this, the government has commissioned an academic position paper on *de facto* inequality between men and women in terms of work and care responsibilities, partially in relation to maintenance rights. The results will be shared with actors in the field, including knowledge institutions specialising in equal rights.

VI. LBT women

Introduction

182. Since the late 1990s, policy on women's equality and LGBT equality have converged, thanks to the introduction of the gender-neutral legal registered partnership in 1998, and the opening of civil marriage to same-sex couples in 2001. Women's equality and LGBT equality became part of a single policy portfolio in 2007. The Netherlands takes a comprehensive approach to improving the social acceptance and rights of LGBT people. This policy is designed to promote the acceptance of LBT women and improve their rights. This report does not look at the entire approach, but simply discusses several important developments that have improved the position and rights of LBT women in recent years.

Lesbian Co-Parents Act

183. The Lesbian Co-Parents Act (*Wet lesbisch ouderschap*) was passed by the Senate on 19 November 2013. The act provides for the female partner of the mother — the co-mother — to acquire the legal status of parent without recourse to the courts. It is estimated that 300 to 400 children are born to lesbian mothers each year. The aim is to regulate the family-law relationship in gay families as well as possible. It is in the interests of the child that, if possible, two parents should be responsible for its upbringing and maintenance, and that it can grow up in the same way and under the same conditions as the children of parents of different sexes. Legal parenthood is currently only possible for the co-mother with the intervention of the courts (adoption). This requires a lawyer, a court hearing and a procedure that cannot be completed until after the child is born. This is time-consuming and expensive, unlike the new scheme, which is much simpler and costs virtually nothing. The co-mother can automatically become the child's legal parent through marriage if the child is from an anonymous sperm donor. In all other cases, she may acknowledge the child. Acknowledgement is a simple procedure that can be completed with the Registrar of Births, Deaths, Marriages and Registered Partnerships even before the child's birth. The co-mother is the baby's legal parent as soon as it is born. If however the biological father is known, the mothers and the father may agree that the biological father rather than the co-mother will become the second legal parent of the child. The legislation entered into force on 1 April 2014.

Transgender people

184. Transgender people have been covered by policy on equality since 2009, and active efforts are being made to resolve the problems they experience at work, in

healthcare and in terms of safety and the law. Acceptance of transgenders in society is not as it should be and they remained invisible for many years. Efforts are now, therefore, focused on rigorous promotion of their interests and the gathering of data. At the same time, programmes have been launched to empower transgender people, provide them with employment counselling, disseminate information in the education sector and organize good and accessible psychological and medical care. The medical care available to transgender people is of a high standard, but there are long waiting lists, and mental health care is not generally sensitive to transgenders. Transgenders' situation will be assessed again in 2016.

Gender Identity Recognition Act

185. The Gender Identity Recognition Act (*Wet erkenning genderidentiteit*, 18 December 2013, Bulletin of Acts and Decrees 2014-1) has removed from law the sterilization requirement and the requirement of physical adaptation to the desired gender in connection with sex registration. Anyone aged 16 or over may request a Registrar of Births, Deaths, Marriages and Registered Partnerships to change the sex on their birth certificate, provided they can submit an expert statement in support of their request. The legislation entered into force on 1 July 2014.

Reimbursement of costs of breast implants

186. In Recommendation 47 the Committee refers to the reimbursement of the costs of breast implants for transsexual women. The NIHR (still known as the Equal Treatment Commission at the time) called for the costs of secondary sex characteristics (including breast implants) for transgenders to be reimbursed. Female-male transgenders are eligible for reimbursement of the costs of having their breasts removed, while male-female transgenders do not receive any reimbursement for breast implants. This is said to be a form of unequal treatment. The Dutch Healthcare Insurance Act (*Zorgverzekeringswet, ZVW*) provides for a basic package of coverage that is the same for every policyholder. All policyholders therefore qualify for the basic package which covers the same care provision. In this basic package, the costs of breast implants are reimbursed only to women who have undergone a full or partial mastectomy. This principle applies to all women insured under the legislation, not merely to transsexual women. Women who have no breasts, or very little breast tissue, also have no right to reimbursement of breast implants. Reimbursing the cost of breast implants exclusively for transgenders/transsexual women would favour this group over other policyholders who do not qualify for reimbursement of the costs of breast implants under the basic health insurance package. This would constitute an unjustifiable form of unequal treatment.

VII. The islands of Bonaire, St Eustatius and Saba

Introduction

187. Bonaire, St Eustatius and Saba have been parts of the country of the Netherlands since 10 October 2010, as public bodies designated collectively as “the Netherlands in the Caribbean”. These three islands already belonged to the Kingdom of the Netherlands before October 2010, but until then they were part of the Netherlands Antilles.

188. Although the Netherlands in the Caribbean is part of the Netherlands, conditions there are substantially different from those in the European part of the Netherlands. Given the small size of Bonaire (population 16,000) and especially of St Eustatius (population 3,600) and Saba (population 1,800), combined with their substantial distance from the Netherlands in Europe, their economic and social circumstances, their island character, their climate and other factors that distinguish them from the Netherlands in Europe, assumptions about the effects of policy, customarily made in the European part of the Netherlands, do not necessarily apply there. This chapter aims to describe the situation of women on the islands of Bonaire, St Eustatius and Saba and the local measures taken to improve their situation.

189. Before discussing the various specific themes, it is important to note that, within the socioeconomic context of the Netherlands in the Caribbean, the different policy areas are so interlaced that an integrated approach can provide the extra impulse that is needed to successfully tackle the islands' problems. The primary objectives of this integrated approach are to promote socioeconomic development, combat poverty and safeguard children's rights. The public bodies strongly favour this approach. A number of Dutch ministries have committed themselves to it and made budgets available to finance integrated projects. Women are an important target group, for instance in projects relating to support for job seekers, integrated community strategies, social work and childcare.

Views about women and men

190. The government programme "Green Light" for 2011-2015 contains the equal opportunities policy of the Public Body of Bonaire and seeks to promote the full participation, interaction and inclusion of sections of society deemed to merit special attention. Women, including single mothers, are defined as such a group. The Executive Council sets out to correct the formation of distorted images of women and to improve the position of women in Bonaire's society. Combating domestic violence and the dominant gender ideology is a priority here. Gender refers to the socially constructed differences between men and women in every age and in every culture. The Youth and Family Centre seeks to strengthen the role of fathers in the family and in society through parenting support programmes geared towards ending the segregation between the sexes. The aim is to produce direct results in terms of reducing the number of single mothers and reducing domestic violence.

191. Each year on International Women's Day, the Public Body of Saba organizes events at which inspiring women speakers hold discourses on a range of subjects relating to women's rights, followed by discussion. The last such event, on 8 March 2014, was attended by 125 women (out of a total population of 1,800).

Economic Independence

192. The Public Body of Bonaire pays for childcare for children from 0 to 4 years of age, to promote women's employment, specifically among single mothers. The target group consists of existing and new clients of the Social Support and Employment branch of the Society and Care Directorate, who are receiving, or have received, help in obtaining jobs and/or assistance from social workers to help them remain in employment. The Integrated Community project, which is combined with the restructuring of debt from rental arrears in families (mainly those with women as the head of the household), focuses on achieving an integrated approach to

vulnerable groups and organizes counselling and after-care at community level to find long-term solutions based on self-reliance and on encouraging people to take responsibility for their own lives. Where necessary, existing channels are used to find people jobs. This new strategy is also generating essential services and activities such as budget advice.

193. On St Eustatius, economic independence is promoted by allocating subsidized places in childcare facilities to mothers who have difficulty making ends meet or who are attending a course of education or training. The financial pressures afflicting single-parent families are often considerable, as a result of which some women work in several jobs. Teenage mothers can use “second chance” programmes to complete their education. The memorandum on sexual health includes measures designed to prevent teenage pregnancy. The food assistance programme that was recently introduced is used by many single mothers.

Violence against women

194. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) will also apply to the Netherlands in the Caribbean. To investigate the expected consequences of implementing the Convention for action to tackle domestic violence and violence against women on Bonaire, St Eustatius and Saba (the Netherlands in the Caribbean), an exploratory study was conducted. The results give cause for concern. The findings reveal that domestic violence can only be tackled as part of a wider-ranging plan to address social problems. Firm agreements on an integrated strategy are therefore needed in order to devise strong measures, together with the Executive Councils of the Netherlands in the Caribbean, to tackle domestic violence and sexual violence in this part of the Netherlands. These agreements will align with the children’s rights strategy.

195. The current efforts to combat violence against women in the Netherlands in the Caribbean are set out below. These efforts will be taken into account when drawing up the agreements on an integrated strategy to address wider-ranging social problems.

196. After the summer of 2014 the WE CAN Young campaign is to be launched in the Netherlands in the Caribbean (and implemented from 2014 to 2016). This campaign can help to raise awareness among young people and increase their ability to reject unacceptable sexual conduct and sexual violence. WE CAN Young is currently being conducted in 15 Dutch municipalities, with support of the Ministry of Education, Culture and Science.

197. Bonaire aims to prevent and combat violence against women through preventive measures, identifying and reporting incidents, and the dissemination of information, for instance in parenting courses, parenting support programmes and special theme-based activities organized by the Youth and Family Centre. “Second chance” education for teenage mothers, among others, and the youth development centre “Young Bonaire” focus on preventing women from ending up in positions of dependency, which increases the likelihood of violence. The existing agencies and institutions are exploring ways of working together more closely so as to improve the identification and reporting of incidents. A voluntary agreement on privacy was drawn up to this end. In addition, preparations were launched to create emergency shelters. The Public Body of Bonaire participated actively in a seminar organized by the

Cabinet of the Island Governor, the Public Prosecution Service and the police, and is aware of the areas requiring special attention, especially in the dissemination of information.

198. St Eustatius has a special government department to which women who are victims of violence can apply for help. Starting in 2014, the Public Body will be devising specific policy on domestic violence together with stakeholders. The subject will be given priority on the political agenda as another way of helping to dispel the taboo surrounding the issue of domestic violence. The approach will include measures to provide women's shelters, assistance and after-care. The memorandum on sexual health also includes measures against sexual coercion and sexual violence. The draft version of a study recently carried out among young people contains alarming data on this subject.

199. Prostitution will be an area for special attention in the efforts to improve the position of women in the Netherlands in the Caribbean. This does not only involve the position of — foreign-born — prostitutes, but also preventing violence against local women. Several ministries (Security and Justice, Interior and Kingdom Relations, Social Affairs and Employment) are involved in the policy area of prostitution. An interministerial working group has been established to set up a structural prostitution policy, in close collaboration with the authorities on the island. Maintaining security and public order, countering human trafficking and the protection of the rights of the prostitute are the pillars of this policy.

200. Where human trafficking is concerned, the relevant government agencies cooperate in a multidisciplinary Human Trafficking Working Group. This group organizes joint checks and investigates to see whether barriers can be put in place to prevent human trafficking using the "barrier model". It also works to improve the sharing of information and is currently investigating the merits of a reporting office for human trafficking. It marked the European Day against Human Trafficking (18 October 2013) by mounting a public information campaign and organising a seminar on the issue. Criminal investigations into human trafficking cases are ongoing.

Public sector, public life and health care

201. On Bonaire, women achieve senior positions in the public and private sectors, such as Island Governor, Island Secretary, Representative, Island Councillor, chief of police, director or head of department in the civil service, as well as bank managers, notaries, lawyers and doctors. Women account for over half of those employed in the health care, education and welfare sectors. This includes middle and senior management posts.

202. On St Eustatius, the public sector adopted a policy of equal pay for men and women a few years ago. Women are also active in politics and in public life in general. St Eustatius plans to start a campaign in the short term to invite women to take part in preventive screening for cervical and breast cancer.

203. On Saba too, women take an active role in public life, and there are enterprising women who own companies, while others rent out rooms and apartments to medical school students. In October, Saba will be organising an informative session on breast cancer, in partnership with the local hospital, in the context of Breast Cancer Awareness Month.

LBT Women

204. To improve the situation for gay and transgender people on the islands, LGBT organizations decided to pool their resources and signed what has been dubbed the “Pink Orange Agreement”. It serves as the basis for a multi-year project to be carried out together with the gay rights organization COC Netherlands and seeks to strengthen the local LGBT community by creating opportunities to meet, as well as by increasing expertise and disseminating information. The Equal Opportunities Minister is providing this project with financial support.

205. St Eustatius’s sexual health memorandum for 2014-2018 includes specific measures to combat intolerance and discrimination on the basis of sexual diversity and St Eustatius’s sexual health memorandum for 2014-2018 includes specific measures to combat intolerance and discrimination on the basis of sexual diversity and to lift the taboo on this subject.

Part 2 — Aruba

Introduction

206. This part on Aruba covers the period from September 2008 to December 2013 and should be read in conjunction with the previous reports submitted by Aruba.⁴¹ Subjects dealt with in previous reports which remained unchanged during the period under review are not commented on. The present report deals with new developments in Aruba which implement the provisions of the Convention. The present report also takes into consideration the recommendations made by the Committee on the Elimination of Discrimination against Women during the consideration of Aruba’s fifth periodic report in January 2010 (CEDAW/C/NLD/CO/5).

207. Aruba is one of the four constituent countries of the Kingdom of the Netherlands. Of Aruba’s 101,484 inhabitants (2010 Census), 53% (53,243) are female.

A. Articles 1-3: Legislative and policy matters

Centre for Women’s Development in Aruba

208. To implement the Convention effectively and efficiently, the Minister of Economic Affairs, Social Affairs and Culture decided to set up the Centro di Desaroyo di Hende Muhe (Centre for Women’s Development, CEDEHM). The Centre was established by Country Decree in 2010 and officially opened on 8 March 2011. It is an autonomous government agency which is directly accountable to the Minister. With the change of government in November 2013, the Centre was placed under the authority of the Minister of Education and Family Policy. CEDEHM serves as a contact point for national and international organizations, and as the representative of Aruban women in particular. It is strongly oriented towards the development and empowerment of women.

⁴¹ The fifth periodic report of Aruba was submitted on 3 September 2009 (CEDAW/C/NLD/5/Add.1). Additional information in response to the Concluding Observations of the Committee was provided in doc. CEDAW/C/NLD/CO/5/Add.1.

209. The basic principles of CEDEHM's work are equal opportunities for women, gender equality and gender mainstreaming as the most important pillars underpinning the sustainable development of Aruban society. CEDEHM endorses the universal principle of emancipation, which can be described as the promotion of equal rights, equal opportunities, freedoms and social responsibility in Aruban society for both men and women. Its aim is to improve the position of women, both in the public sector and the private domain. Its underlying goal is to make groups that are in a disadvantaged position, such as divorced women and single mothers, more self-reliant. It seeks to achieve this by making them aware of their rights, and offering them guidance and support.

The Committee expresses concern that throughout the Kingdom of the Netherlands, activities to raise awareness about the Convention and its Optional Protocol have been rather limited as reflected by the lack of concrete information in the reports. The Committee notes in particular that women in Aruba hardly access any information on their rights. The Committee urges the Government of the State Party to take further steps to raise awareness about the Convention (Recommendations 16 and 17).

210. CEDEHM has been providing information and guidance to women (and men) on a wide range of subjects. The Convention has been translated into Papiamentu, the native language of Aruba, and CEDEHM distributes the text to women on a bookmark. A legal advisor, who was taken on in 2012, provides free legal counselling, advice and aid. Clients can come to the Centre with or without an appointment. Many women have come to the Centre to acquire more information about their rights.

211. Conferences were held on International Women's Day in 2012 and 2013, with local and international guest speakers. In 2012, 510 women took part in Aruba's Women's Day Conference, *Connecting girls, inspiring futures*, and the following year, 780 women took part in the conference *Strong Leadership, Strong Women, Strong World*. Both these conferences took the empowerment of women as their central theme.

212. In January 2012, CEDEHM launched the pilot project "Big Sister Little Sister Mentorship program". This project collaborates with the children's helpline "Stichting Kindertelefoon" and the Catholic Educational Organisation "Stichting Katholiek Onderwijs Aruba". The aim is to provide guidance and support to girls between the ages of 10 and 14 who are exposed to risk factors in their immediate surroundings, and to encourage them to stay out of trouble. An evaluation of this pilot programme took place and a second group started in 2013.

213. In 2013 a series of activities was organized by the Foreign Affairs Department of Aruba to promote and commemorate the 65th anniversary of the Universal Declaration of Human Rights in Aruba. These activities included lectures provided for the Kiwanis Club of Aruba and Kiwanis Palm Beach, service organizations that carry out projects to promote the welfare of children in Aruba. The Department of Foreign Affairs of Aruba also hosted a debate on gender equality in Aruba in partnership with the University of Aruba's Debating Society. Students from various institutions of higher education were encouraged to get involved, with the aim of promoting critical discourse in the Aruban community, starting with college students, and of increasing participants' awareness of gender equality issues.

214. During the 2013 general election campaign, members of the business community organized a meeting at which a female audience could put questions to the women candidates on the various party lists. This gave female politicians an opportunity to express their opinions on issues of particular importance to women, such as ways of combining family life with a career, and improving women's political participation.

Situation assessment of children and women in Aruba

215. UNICEF carried out a situation assessment and analysis of women and children in Aruba in 2011. In conducting this study, it adopted a human rights-based approach, combining qualitative and quantitative methods. Its findings were presented to the government and stakeholders in 2012. The government will use UNICEF's final conclusions and recommendations to formulate and evaluate policies focusing on children, adolescents and women.

216. The findings of the research conducted by UNICEF on behalf of the Minister of Economic Affairs, Social Affairs and Culture indicate that Aruba has already demonstrated significant progress in meeting the rights and goals defined in the CEDAW. However, Aruba still needs to take action in certain areas in order to comply fully with the requirements of the CEDAW. A Centre for Women's Development was established in 2011 and it is a priority of this government to appoint a commission mandated to draft an integrated national gender policy. The government is also currently in the process of developing an integrated youth policy in response to UNICEF's assessment.

Domestic violence

217. Empowering women and making them more aware of their rights is a key government priority. In 2012, CEDEHM joined with the Women's Club of Aruba to launch a campaign on domestic violence at neighbourhood level. CEDEHM recently set up its first support group for female victims of domestic violence as part of the empowerment programme "Breaking Chains". This is a group run by volunteers that serves a variety of purposes: imparting information, sharing common experiences, helping people to solve problems, offering support, and providing assistance in creating support systems outside the group setting.

218. In September 2013, CEDEHM opened an art gallery where clients can exhibit and sell their work. The aim is to promote the participants' economic independence and self-reliance. Most of the women belonging to the first "Breaking Chains" support group (eight women) are also involved in the art gallery. The gallery is open during office hours.

219. In 2012 and 2013, major publicity campaigns on the issue of domestic violence were launched by the SWITCH Foundation. Films on this subject were shown on national television and on the Internet.

Foundation for Women in Distress

220. As noted in previous reports, the Foundation for Women in Distress provides ambulatory and residential care and plays an important role in educating the public and raising awareness regarding violence against women.

The Committee urges Aruba to promptly enact legislation providing for temporary restraining orders to be imposed on perpetrators of domestic violence (Recommendation 27).

221. A new Criminal Code for Aruba was approved by parliament on 18 April 2012 and adopted by the Government of Aruba on 27 April 2012. The provisions governing stalking, assault and orders barring persons from entering certain areas of the island (*gebiedsverbod*) in the new Criminal Code are virtually identical to the corresponding provisions in the new Criminal Code of Curaçao. Any person who commits common assault, serious assault, premeditated assault, assault intentionally inflicting serious bodily injury on another person, or assault with the use of weapons is liable to a term of imprisonment or fine under the terms of Articles 2:273 to 2:276. Article 2:277 provides for a one-third increase in the term of imprisonment if the assault was committed against (*inter alia*) the spouse or partner. Someone who has been convicted of stalking is liable to a term of imprisonment or a fine. A new addition to the Criminal Code is the court's power to impose an additional penalty on a person found guilty of stalking or assault, in the form of an order barring him from entering a particular area. The new Criminal Code entered into force as of February 2014.

222. No new developments can be reported in relation to the Temporary Domestic Exclusion Orders Bill mentioned in the fifth CEDAW report. The Bill is still awaiting debate in Parliament.

The Committee also calls upon Aruba to provide training focused on domestic violence for the police, law enforcement and health personnel, so that they may properly investigate and deal with domestic violence (Recommendation 27).

223. As mentioned in the additional information provided in the previous reporting cycle,⁴² since 2000 the police academy has included several modules on dealing with victims in its basic training programme and follow-up courses. Since 2012, specific attention has been devoted to domestic violence in the academy's "crime" and "public order and social care" modules. A committee is currently preparing a series of training sessions on domestic violence for the various professionals who encounter domestic violence or have to deal with its consequences in their work. This includes the police and other law enforcement officers, health personnel and social workers.

Strengthening the position of vulnerable groups

224. New legislation was introduced in 2010 to strengthen the position of the most vulnerable groups in our society. Changes included a 25% increase in monthly welfare benefits and the introduction of a school allowance for children whose families are benefit recipients. Disability benefit recipients were also allocated an additional monthly allowance.

Support for entrepreneurs

225. The Initiative for the Development of Aruban Enterprises (*Iniciativa pa Desaroyo di Empresa Arubano*; IDEA) has been operational since February 2012.

⁴² CEDAW/C/NLD/CO/5/Add.1.

IDEA was set up by the government to provide support for existing and aspiring entrepreneurs, for instance by providing essential information on ways of achieving a more successful enterprise. In its first twenty months in operation, IDEA registered 198 clients. Of these, 107 (54%) were female entrepreneurs who contacted IDEA for information and assistance.

226. Several projects were organized in 2012 and 2013. These included the creation of a curriculum for the business course *Empresario Prepara*, “The Well-Prepared Start-up Entrepreneur”, workshops, and organising and taking part in conferences and other activities. In 2012, 66.7% of participants in the business course were women; the corresponding figure for 2013 was 56.5%. The majority of those taking part in the workshops organized by IDEA were also women.

227. At the invitation of CEDEHM, IDEA gave presentations to groups of women in diverse districts, explaining its mission, vision and objectives and the services it provides. Those attending these presentations were invited to visit IDEA afterwards to receive more information about starting up a business. A growing number of IDEA’s clients came into contact with IDEA through CEDEHM.

The Committee is concerned at the lack of a unified strategy and policy for the implementation of the Convention among the different parts of the Kingdom. While noting the existence of national machineries in ... Aruba it expresses concern that they are anchored at too low a governmental level. The Committee calls for the development and enactment of a unified, comprehensive and overarching national strategy and implementation of the Convention throughout the Kingdom of the Netherlands (Recommendations 18 and 19).

228. The government has defined the drafting of a national gender policy as a priority and will install a committee to this end in due course.

The Committee expresses concern that NGOs were unable to present a shadow report and that no consultation with non-governmental partners took place during the preparation of the report of Aruba. The committee calls upon the State Party to ensure systematic consultation of NGOs in the elaboration and evaluation of policies aimed at achieving gender equality, including while drafting their next periodic report to the Committee. The Committee invites Aruba to also consider the funding of reports submitted by NGOs (Recommendations 20 and 21).

229. Some NGOs working in the field of women’s and children’s rights have received additional funding from the government to implement their programmes and projects. These NGOs include, for instance, the Foundation for Women in Distress, the Child Helpline, the Youth Parliament and Imeldahof residential facility for children, which is now open 24/7.

230. In the drafting of the current CEDAW report, several NGOs were contacted in November 2013 and asked to provide information on programmes and projects for women. A meeting was held with the co-financing organization CEDE Aruba, the Child and Youth Telephone Helpline, the Breastfeeding Foundation, the Platform for Persons with Disabilities, the Foundation for the Visually Impaired (FAVI), the Parenting Support Centre (*Opvoedwinkel*), the White Yellow Cross and the women’s support group *Fundacion pa Hende Muhe den Dificultad* (FHMD).

B. Article 4: Special measures

The Committee is concerned that no information was provided in the reports of the ... and Aruba on the use of temporary special measures and encourages all governments of the State party to sensitize relevant officials to the concept of temporary special measures as interpreted in the Committee's General Recommendation no. 25 (to eliminate stereotypical images and attitudes regarding the roles of women and men in family and society) and to apply temporary special measures in various forms in areas where women are underrepresented or disadvantaged and allocate additional resources where needed to accelerate the advancement of women (Recommendations 22 and 23).

231. The CEDEHM was installed in 2010. One of its primary goals is to make groups that are in a disadvantaged position, such as divorced women and single mothers, more self-reliant. The government has defined the drafting of a national gender policy as a priority and will address this recommendation in greater detail in the near future.

232. As mentioned above, new legislation was introduced in 2010 to strengthen the position of the most vulnerable groups in our society. Changes included a 25% increase in monthly welfare benefits and the introduction of a school allowance for children whose families are benefit recipients. More women than men received a monthly welfare allowance.

C. Article 5: Changing socio-cultural patterns of behaviour. Family education and the elimination of prejudices

233. Three PhD researchers are currently conducting a number of gender-related research projects. Their subjects are as follows: 1) Domestic violence; 2) Coping and resilience strategies for working mothers in Aruba; and 3) The role of fathers in Aruban families.

Child abuse

234. In 2008 a study was carried out on child abuse in Aruba. It was commissioned by CEDE Aruba, a fund that provides support for the development and financing of NGO-run programmes and projects in the welfare sector. In response to the recommendations arising from this study, two initiatives to prevent child abuse and child sex abuse were set up: the Parenting Support Centre (Opvoedwinkel) and the "Strong Parenting" project.

Parenting Support Centre (Tienda di Educacion/Opvoedwinkel; TDE)

235. The Parenting Support Centre (TDE) became operational on 10 October 2013. The TDE's services are based on Article 18 of the International Convention on the Rights of the Child. This article focuses on the child's development and the responsibility of parents/carers. The TDE proceeds on the assumption that every parent/carer has resources, skills and talents that he or she can use to arrive at responsible solutions.

236. The TDE ensures that the parents of children and young people from 0 to 18 years of age are advised in a positive and professional way on responsible courses of action in relation to children's upbringing. It seeks to help parents/carers in such a way as to improve their own problem-solving abilities in this context. In so doing, the TDE's wider aim is to prevent child abuse and child neglect. Parents and carers can contact the TDE by calling a helpline, on which they can discuss their problem with parenting support professionals. To date, most callers have been female. Parents/carers can also go to the TDE's website for general information on upbringing and children's development. They can use the link to e-mail their specific questions and will receive an answer within 48 hours. In addition, parents and carers can visit the TDE's Facebook page, where advice on children's upbringing are posted every week.

Project Strong Parenting

237. In October 2011 the pilot project on "Strong Parenting" was set up under the auspices of the White Yellow Cross in two neighbourhoods. The method was developed by the Organisation for Strong Parenting in the Netherlands and it provides markers to help identify families in which there is an increased risk of parenting problems and consequently child abuse, as well as a method of primary preventive intervention in the form of home visits after a child's birth. This method has existed in the Netherlands for over ten years and has been found to be highly effective. The leaflets and questionnaires that are distributed to families are available in Papiamentu, Spanish, Dutch and English.

238. It should also be noted here that Aruba's family supervision agency, the foundation *Guia Mi*, has provided a process of concentrated, home-based counselling for children, young people and their parents since 2012. The support focuses on introducing a clear structure into everyday life, coping with stress and conflict situations, introducing a routine and organising family life. The efforts are aimed at solving problematic situations in the home.

Platform for Persons with Disabilities

239. In 2007, several Aruban NGOs joined forces to set up a national platform for persons with disabilities. The Platform's objective is to promote the interests of persons with disabilities, on the basis of the core principles of the Convention on the Rights of Persons with Disabilities. The Social Affairs Department supports the Platform. In 2012 the Platform acquired formal status with the signing of a cooperation agreement.

240. Although the Platform does not confine its efforts to helping women with disabilities, it certainly focuses on this group, primarily because such persons occupy a vulnerable position in society. In the 2010 Census, 6,954 individuals (2,947 men and 4,007 women) indicated that they had one or more functional disability. The percentage of individuals with disabilities increases with age. This increase manifests itself most noticeably among elderly women, since women's life expectancy is longer than men's.

241. In 2010 a total of 1,577 people with disabilities had paid employment. This represents 42.5% of persons with disabilities aged between fifteen and sixty-four. This is an increase relative to the percentage for 2000, which was only 21.3%. The

proportion of men with a disability who are in paid employment (43.0%) is almost exactly the same as the corresponding percentage for women (42.5%).

D. Article 6: Trafficking in women and exploitation of prostitution

242. As mentioned in the previous report, Aruba introduced an article on human trafficking into its Criminal Code in 2006 in order to comply with international norms. In 2007, it also set up an inter-ministerial and interdisciplinary Task Force dedicated to the elimination of human trafficking. In 2008 the Task Force drew up a comprehensive Action Plan to Combat Human Trafficking for the years 2009-2013, besides which it launched several other initiatives, focusing on issues such as prevention, victim assistance and awareness. The Task Force is currently working on the Action Plan for the years 2014-2018.

243. Aruba appointed a National Coordinator to supervise and coordinate efforts in 2008, and in 2009 a Memorandum of Understanding (MoU) was signed with the other countries within the Kingdom of the Netherlands. The MoU has generated various forms of cooperation and support, such as the sharing of expertise, the facilitation of training courses and the protection of victims. This cooperation within the Kingdom has also helped Aruba to set goals and monitor efforts to combat human trafficking. In 2011, the Ministers of Justice of Aruba, Curaçao, St Maarten and the Netherlands signed a new MOU with regard to cooperation for the prevention and combating of human trafficking.

244. Aruba's efforts to combat human trafficking in the period 2009-2013 also included training government officials in victim identification and victim assistance, the establishment of a telephone helpline, awareness campaigns, activities around the National Day against Human Trafficking on 18 October, the establishment of a committee to review the information on possible cases of human trafficking, the appointment of a special investigative team and the assignment of a special prosecutor to handle cases of human trafficking.

245. In addition, a standard referral procedure for victims of human trafficking was established. The government has ensured that anyone who has been determined to be a victim of human trafficking will be given free legal and medical assistance. Those concerned can also apply for, and receive, a special temporary residence permit and assistance in finding accommodation and employment, as well as support in reintegration or voluntary return. The Task Force legislation committee is currently working to enshrine victims' rights to free legal aid and medical assistance and their rights in relation to immigration issues in legislation.

246. In 2012 the National Coordinator received the "2012 Hero Acting To End Modern-Day Slavery Award" from US Secretary of State Hillary Clinton for Aruba's extraordinary commitment to uncovering human trafficking cases, raising public awareness with a limited budget, and finding alternative methods of providing protection services to trafficking victims. In 2013 the National Coordinator was invited by former US President Bill Clinton to speak at the annual meeting of the Clinton Global Initiative University on the possibilities and strategies for small island states to effectively fight human trafficking.

247. In 2013 the Task Force and the International Organisation for Migration (IOM) conducted a joint study entitled "A Situational Analysis of Aruba's Response to

Human Trafficking” as part of the IOM’s regional capacity building project. The study analyses the strengths and weaknesses in the islands’ laws, policies, procedures, practices and partnerships in the area of human trafficking. The conclusions and recommendations arising from this study have been used as input for the Action Plan 2014-2018.

248. Also in 2013, the Department of Public Health started preparations for an exploratory survey entitled “Commercial sex workers in Aruba” to be conducted in 2014. The purpose of the survey is to collect information on the knowledge of — and attitudes towards — HIV/AIDS, to determine the risks of club-based and street sex workers, to assess the level of human trafficking among commercial sex workers, and to develop effective outreach programmes and policy recommendations.

E. Article 7: Political and public life

249. The new government of Aruba took office in November 2013. The current gender figures are: one female government minister (of a total of nine) and eight female members of parliament (of a total of twenty-one). The Secretary and Deputy Secretary of the Council of Ministers are female. The posts of Deputy Governor and Secretary to Parliament are currently held by women. During the previous government’s term of office (2009-September 2013) the figures were: one female government minister (of a total of seven) and eight female members of parliament (of a total of twenty-one).

250. According to Aruba’s 2010 Population Census, 43.8% (1,987) of public officials that year were women. Of these women, 26% occupied senior posts. Women occupied 51.6% of all senior posts as a whole.

251. The Aruba Police Force is unique in the Caribbean region for its number of high-ranking female police officers. Of the seven members of the Police Force’s Management Team, four are female. The Commissioner of Police (male) is directly supported by three Deputy Commissioners (female) and two Assistant Commissioners (one male, one female) in charge of the departments of General Police Services, Criminal Investigations, Special Police Services, Police Education & Development, and the Commissioner’s Office. Overall, the percentage of women in the Aruba Police Force is around 20%.

252. Aruba has 108 criminal lawyers in total, 44 of whom are women. Five out of Aruba’s nine judges are women. There are seven public prosecutors working at the public prosecutor’s office, three of whom are women. The examining magistrate is a woman. The Advocate General at the Public Prosecution Service is also a woman.

F. Article 10: Education

Compulsory education

253. The Compulsory Education Act entered into force in December 2012. The law guarantees access to the educational system for all children, irrespective of their legal status. Compulsory education applies to all children aged 4 to 17.

Multilingual School

254. Two kindergartens and two primary schools are running a pilot project entitled “Scol Multilingual” (“Multilingual School”), with the aim of familiarising pupils with the multilingual reality of Aruba. In the first few years of school, classes are taught in Papiamentu and Dutch. English and Spanish are offered as foreign languages. In the upper classes, the language of instruction is Dutch.

Adult Education

255. In adult education, policy focuses on making education more accessible, with the aim of raising the general level of education among the population, and introducing a culture of lifelong learning in Aruba. The underlying conviction is that investment in competences and education will enable Aruba to participate more successfully in the global economy.

Gender-specific data on education

256. According to the Census 2010, the sex ratio for children over 15 attending school decreases at each higher level of education. In lower vocational education (ISCED 2) the ratio is 130 boys for every 100 girls. At higher educational level (ISCED 6) the ratio falls to 40 boys for every 100 girls. Among the non-school-attending population, there are more women than men with an educational level below ISCED 3 in the older age groups. Among the younger generation, however, there are more women who have attended the higher ISCED levels.

Table 16
Nos. of pupils in the school year 2012-2013 by gender

(For abbreviations, see key below table)

	<i>Male</i>	<i>Female</i>	<i>Total</i>
Kindergarten	1 447	1 334	2 781
Primary education	4 521	4 413	8 934
Special education	348	183	531
EPB	1 122	751	1 873
MAVO	1 564	1 755	3 319
HAVO/VWO	896	1 225	2 121
EPI	716	892	1 608
IPA course (primary ed.)	14	136	150
IPA course (secondary ed.)	44	118	162
UA	200	377	577

Source: Education Directorate.

Key:

- EPB: Basic vocational education
- MAVO: Junior secondary general education (4 years)
- HAVO: Senior secondary general education (5 years)
- VWO: Pre-university education (6 years)
- EPI: Intermediate vocational education
- IPA: Teacher training college
- UA: University of Aruba

G. Article 11: Equal rights with respect to labour

257. Of all women in Aruba (total no. 53,243), 54% are employed. The female participation rate in the workforce was 57.7% as of the 2000 Census and increased to 60.5% as of the 2010 Census. The percentage of males in the workforce stood at 74.1% as of the 2000 Census and fell to 70.3% in 2010.

Labour law regulations

258. Aruban labour law regulations date back to the time before the “Status Aparte” was approved in 1986. Society has changed a great deal since then. The outdated labour laws were no longer adequate for today’s modern world. Modernized labour law legislation came into effect on 1 April 2013.

259. No substantial amendments were made to the provisions relating to the duration of maternity leave and pay, as detailed in the previous report. Likewise, the provisions prohibiting discrimination in the workplace in connection with marriage, pregnancy, childbirth or maternity leave in accordance with the Convention are still in force.

New provisions or amendments

260. The duration of paid paternity leave has been set at two days. The responsibility of employers to ensure that no employee is exposed to conduct or actions that undermine the employee’s dignity has now been expressly regulated. This applies *inter alia* to acts of sexual harassment in the workplace. The working hours, rest periods and overtime pay of domestic staff (live-in maids) are now regulated by law, as a result of which such personnel enjoy better protection than before. If such persons work more than the prescribed maximum number of hours, they must be paid a 50% bonus, and a 100% bonus if they work on a rest day or an official holiday. Most domestic services are provided by female workers. These workers are entitled to a wage, which may not be less than the statutory minimum wage.

H. Article 12: Right to health care and special measures during pregnancy

General health care and health insurance

261. Aruban health care was transformed in 2001 with the introduction of a statutory National Health Insurance (AZV), pursuant to which all registered residents of Aruba are insured. Health care providers such as all primary care physicians, specialists, dentists, physical therapists and midwives are contracted by the National Health Insurance. A filtering system is in place, whereby all insured persons have access to specialist health care only after referral by primary care physicians.

262. As regards health-care facilities, Aruba’s Dr Horacio Oduber Hospital is a 290-bed hospital offering emergency, secondary, and tertiary care. It is a private, non-profit institution, administered by a foundation.

263. On 31 December 2011 Aruba had a total of 32 general practices and a total of 39 practitioners providing general practice care for the population. In the second line of care, the more specialized and more expensive care is provided by the hospital or by medical specialists in private practice.

Life expectancy

264. In Aruba, life expectancy at birth for the general population was 76.9 years in 2010. Broken down by sex, life expectancy was 79.8 for females, 6.1 years longer than for males, whose life expectancy was 73.9. With increasing age, there was a gradual decrease in the difference in life expectancy between males and females.

Potential Years of Life Lost for women

265. For the female population, cancer of the digestive system claimed the highest number of PYLL in 2010 (PYLL=629.9) followed by cerebral vascular disease (PYLL=440.9), female breast cancer (PYLL=363.0) and chronic lower respiratory diseases (PYLL=361.2).

Causes of death

266. For the period from 2000 to 2010, the leading causes of death for the Aruban population were diseases of the circulatory system, which accounted for 33% of total deaths during the above-mentioned period. Diseases in this category include ischemic heart disease (IHD), cerebral vascular disease (CVD) and pulmonary heart diseases. The second leading cause of death was neoplasm, which accounted for 25% of the total number of registered deaths during the reporting period. Malignant neoplasm of the trachea, bronchus and lung was the main cause of death for men, and for women the second leading cause of death was malignant neoplasm of the breast.

Overweight and obesity rates

267. Overweight and obesity rates in Aruba are high. In 2006, the average BMI for men aged 25-64 was 30.0 and for women 28.8. In total, 36% of all men and women aged 25-64 were overweight, while 46.7% of men and 36.1% of women were classified as obese.

268. All school-age children undergo health screening by the youth health service (Department of Public Health) in the second year of pre-school and the fifth grade of primary school. In pre-school children, 13.9% of girls were found to be overweight in 2010; the corresponding figure for boys was 9.4%. The percentages recorded for fifth-grade pupils were higher: 26.6% of girls and 27.5% of boys were overweight.

269. Non-communicable diseases are the biggest health challenges worldwide, and this also applies to the island of Aruba. They constitute the greatest disease burden, have the highest mortality rates, and generate the highest health care costs. However, obesity and NCDs can often be prevented, and in 2009 the Aruban Parliament therefore asserted its commitment to prevention and social responsibility, unanimously approving the “National Plan for Aruba 2009-2018 to fight overweight, obesity and related health issues”.

270. In view of the government’s responsibility for a comprehensive and clear policy which aims to ensure both high-quality education and optimum health for adolescents, a “Healthy School” Steering Committee was set up in 2011 by ministerial order. The Steering Committee was composed of members of the Department of Public Health, the Department of Education, and the National Sports Council. The committee prepared the strategic plan “Healthy School 2011-2016”

with the aim of implementing policy strategies designed to fulfil the Healthy School objectives. Having taken logistical factors and feasibility into account, it was decided to start with a pilot project, for which five schools were chosen according to specific criteria. Following the evaluation of the pilot project, the plan will eventually be introduced in all primary schools. In the longer term, consideration will also be given to extending it to secondary schools.

271. In another bid to promote healthy and active lifestyles, the National Institute for Healthy and Active Living (Instituto Biba Saludabel y Activo; IBiSA) was established in June 2012. This is a government agency that seeks to encourage a healthy lifestyle including physical exercise, sport, healthy nutrition, and the promotion of mental health.

Breastfeeding

272. In 2002 the prevalence of breastfeeding was measured for the first time in Aruba. The percentage of babies being exclusively breastfed immediately following birth was less than 10% (a percentage that declined to zero during the first six months of life). 70% of new-borns received breastfeeding in combination with formula and 17% were not breastfed at all. A similar survey was conducted in 2010 and the results showed an increase in breastfeeding. The percentage of new-born babies exclusively breastfed rose from 10% in 2002 to 24% in 2010. The percentage of babies exclusively breastfed at the age of six months increased from 0% in 2002 to 9.1% in 2010.

273. Public information is provided by the non-profit organisation “Fundacion pro Lechi Mama Aruba” (Mother’s Milk Aruba), which has been active since 2002. It developed a special leaflet about breastfeeding at work for employers and employees. There is a telephone helpline for questions and support in this area. The organization has its offices on the premises of the Centre for Women’s Development (CEDEHM), and the government has placed a breastfeeding specialist at its disposal. Fundacion pro Lechi Mama Aruba joined with other organizations to set up a platform that drew up a National Breastfeeding Plan for the period 2011-2015.

AIDS/HIV

274. On average, 26 new cases of HIV are diagnosed each year, with a minimum of 12 new cases and a maximum of 28 new cases in a year. As this trend illustrates, the incidence of HIV is on the rise, as is the number of people living with HIV/AIDS (PLHIV). The number of AIDS cases has been stable over the past ten years. The figures for deaths related to HIV/AIDS have also remained stable over the past five years.

275. Over 30% of cases registered in the period between 2000 and 2010 related to persons born in Aruba; 70% were registered as male and 27% as female. This information indicates that the epidemic in Aruba primarily affects males. This contrasts with the situation in the rest of the Caribbean. Throughout the Caribbean region as a whole, HIV cases are most common among women. However, it is important to note that these numbers represent only the HIV cases that are registered. The most common mode of transmission of the HIV virus reported was heterosexual contact (59%) followed by men having sex with men (MSM; 29%). HIV affects mostly the young productive population between 25 and 44 years of age (Health Monitor Aruba 2013).

Coordination of the HIV Programme

276. In 2007, the European Commission approved the project Strengthening the Integration of British and Dutch Overseas Caribbean Territories (OCTs) in the Regional Response to HIV/AIDS through PANCAP. The funding for this project was released in 2009.

277. The overall goal of this project is to halt and reverse the spread of HIV/AIDS in the British (Anguilla, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos) and Dutch (Aruba, Bonaire, Curaçao, Saba, St Eustatius and St Maarten) OCTs, and to minimize its impact on the health, social and economic sectors, in the context of poverty reduction strategies. It will also support the participation of OCTs in the wider Pan-Caribbean HIV response and help them to achieve the Universal Access targets for HIV prevention, care and treatment.

278. In 2006, the HIV Secretariat was established within the Infectious Diseases Service in Aruba's Department of Public Health with funds from the EU OCTs Grant. HIV prevention programmes and activities are coordinated by the Infectious Diseases Service, with the HIV Secretariat overseeing day-to-day activities, and are outlined in the *National HIV/STI Strategic Plan 2012-2016*. The four Priority Areas include: the strengthening of structures and mechanisms for the effective coordination and implementation of a comprehensive multisectoral HIV/STI response in Aruba; the implementation of a targeted HIV/STI prevention services/programme, especially for vulnerable populations; the strengthening and expanding of HIV/STI testing, care, treatment and support; and the strengthening of HIV/STI information management, including registration, surveillance, monitoring and evaluation, research, and the dissemination and use of data.

279. All Aruban nationals and all registered and/or lawful foreign residents of Aruba living with HIV have access to free HIV care and treatment within the health care system under the AZV insurance scheme.

Teenage Pregnancy

280. The birth rate resulting from teenage pregnancy for the 15 to 19 age group is about 40 live births per 1,000. This rate has been steady for the past ten years.

281. As mentioned in the previous report, a number of NGOs joined forces in 2005 to set up CEMBRAH, a network organization that provides help for teenage parents. CEMBRAH represents a range of organizations that address the social, physical, preventive, educational and other aspects of teenage pregnancy. CEMBRAH provides teenage mothers with information, guidance and support. It also provides information to the Aruban community on the subject of teenage pregnancy and its consequences, and seeks to raise awareness of sexually transmitted diseases among the island's youth population.

282. In addition to regular public information campaigns conducted by the diverse foundations and other bodies that participate in CEMBRAH, in 2012 the government appointed a consultant on teenage pregnancy to the White Yellow Cross. Teenage mothers are given support on an individual basis. The ultimate goal is to prevent new teenage pregnancies. The consultant works in close cooperation with all organizations that encounter teenage pregnancies in some way in the course of their work, as well as providing support to the teenage mother's parents. The consultant also organizes informative sessions at companies and other organizations

on the subject of teenage pregnancy, in the hope that parents will share the information with their teenage children at home.

283. Since September 2013, sex education has been included in the school curriculum of Catholic primary schools (in the fifth and sixth years) and Catholic secondary schools. For a large proportion of teenagers, sex is a subject that is not discussed in the home. The negative consequences of unsafe sex are explained, and the lessons also dwell on values and standards of behaviour. The launch of this project was preceded by a training course for teachers. Parents are also involved in this sex education, with informative sessions being organised at each school to give parents an opportunity to put forward their questions.

284. In November 2012 the court heard a case in interim injunction proceedings that revolved around a school board that had expelled a pregnant schoolgirl. The court considered that a school in principle has the freedom to draw up rules regarding admission to the school and the attendance of classes. An important statutory restriction to this freedom is the ban on discrimination. Discrimination consists of unjustifiable distinctions being drawn between people. In this case, a distinction was drawn between pupils who are pregnant and those who are not, since it was being made impossible for the pregnant pupil to pursue her education. Since only women can become pregnant, the court ruled that an unjustified distinction had been drawn on the basis of sex. Given that the school board administers the only two schools for lower vocational education in Aruba and the pupil concerned was unable to pursue her studies at either of these two schools, she had been effectively excluded from education. The court ruled that this violated the right of the person concerned to education and was therefore unlawful.

I. Article 16: Equality in marriage and family relations

285. The following policy changes have been made since the previous report. First of all, persons of Dutch nationality who were born in Aruba and persons who were born outside Aruba, but obtained the Dutch nationality by naturalisation or by option in Aruba, are directly eligible for family reunification, if their spouse or children are foreign nationals. Furthermore, foreign nationals working in Aruba are no longer restricted to a period of three years' employment. If no Aruban nationals who are qualified to do the job concerned are available, the foreign national's permit can be extended. Foreign nationals who have been admitted to Aruba are eligible for family reunification after three years' residence, provided certain conditions are met.

Part 3 — Curaçao

Introduction

286. This periodic report on Curaçao covers the period from 2009-2013 and should be read in conjunction with the previous reports submitted by Curaçao as part of the Netherlands Antilles.⁴³

⁴³ The fifth periodic report of the Netherlands Antilles was submitted on 19 May 2009 (CEDAW/C/NLD/5/Add.2).

287. Additional information in response to the Concluding Observations of the Committee⁴⁴ was provided in doc. CEDAW/C/NLD/CO/5/Add.1. In particular, a response was given to recommendations 27 and 29.

288. In response to recommendation 19 (*The Committee also calls upon the Government of the Netherlands Antilles on the occasion of the change in its constitutional status to upgrade its national machinery for the advancement of women and to develop on its own a comprehensive gender-mainstreaming policy*), the government of Curaçao notes that the Ministry of Public Administration, Planning and Services has initiated the process to develop a gender mainstreaming policy.

289. In response to recommendation 21 (*The Committee strongly supports the intention expressed by the Netherlands Antilles during the interactive dialogue to fund reports submitted by NGOs ...*) the government of Curaçao notes that due to financial constraints it has so far not been possible to fund reports by NGOs.

A. Articles 1 and 2: Preventing and combating discrimination

290. Article 3 of the Constitution of Curaçao⁴⁵ prohibits discrimination on grounds of (among others) gender in Curaçao. Under article 2:61 of the Curaçao Criminal Code⁴⁶ inciting others to discrimination is an offence. Supporting discriminatory activities is an offence (article 2:63), including in the performance of official duties, practising a profession or running a company (2:64).

291. Every individual living in Curaçao has access to the courts to combat discrimination, if necessary. In doing so, they may invoke international agreements such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which is directly applicable and enforceable on Curaçao. Under article 14, states parties must secure on their territories the enjoyment of the rights and freedoms set forth in the Convention without discrimination on any ground, including sex.

B. Articles 3-5

292. An amendment to Book 1 of the Civil Code pursuant to the Country Ordinance revising the law on names entered into force in 2010.⁴⁷ The Country Ordinance made it possible for parents to choose the surname of either the mother or the father for their child. This brings to an end discrimination against mothers in respect of surnames. Prior to the amendment, a child's surname was primarily that of the father, and otherwise that of the mother. More information on the Country Ordinance can be found in IV, article 7.

⁴⁴ CEDAW/C/NLD/CO/5.

⁴⁵ Official Bulletin (Curaçao) (*Afkondigingsblad Curaçao*), 2010, no. 86.

⁴⁶ Official Bulletin, 2011, no. 48, which entered into force on 15 November 2011.

⁴⁷ Country Ordinance amending Book 1 of the Civil Code; Official Bulletin 2010, no. 29.

C. Article 6

293. Curaçao's revised Criminal Code (*Wetboek van Strafrecht, WvSr*)⁴⁸ contains special provisions concerning minors younger than 16 years old and human trafficking.

Domestic violence and child abuse

294. Under article 26 of the Constitution of Curaçao⁴⁹ the government is required to protect the family and to take measures to promote a healthy family life. Under article 27, it is the duty of the government to protect young people.

295. Under Curaçao's revised Criminal Code, where (serious) assault is committed with premeditation or serious bodily injury is intentionally caused to another person, the maximum sentence may be increased by a third if the victim of the offence belongs to certain categories of people such as the offender's mother, father, spouse or partner, a child for whom he bears parental responsibility or a child whom he is caring for and raising as a member of his family. As an additional sentence the court may impose a restraining order on him barring him from entering certain parts of the island (*gebiedsverbod*). A restraining order prohibiting contact (*contactverbod*) may also be imposed by the court for other forms of assault.

296. Book 1 of the Civil Code was amended pursuant to the Country Ordinance on the introduction of a Central Registration and Referral Centre for Child Abuse (*Centraal Meldpunt Kindermishandeling, CMK*).⁵⁰

297. On 28 and 29 May 2012, the NGO National Alliance working against child and domestic abuse held a national dialogue in which government officials, policy advisors and other stakeholders participated.

298. In October of the same year, the government issued a national decree⁵¹ establishing the National Committee for the Prevention of Domestic Violence and of Violence against Children and Young People to work on a policy paper and the development and implementation of legislation on combating child abuse and domestic violence. The committee consists of the Minister of Justice, the Minister of Education, Science, Culture and Sport, the Minister of Health and the Minister of Social Development, Labour and Welfare, as well as three representatives of the NGO Alliance.

D. Article 7

Politics and public life

299. Apart from the Conventions and national provisions of law referred to under paras. 290-292 above containing a general ban on discrimination, under article 5 of the Constitution of Curaçao all Dutch nationals may be appointed on an equal footing to positions in public service.

⁴⁸ Official Bulletin 2011, no. 48.

⁴⁹ Official Bulletin 2010, no. 86.

⁵⁰ Country Ordinance amending Book 1 of the Civil Code; Official Bulletin 2011, no. 58.

⁵¹ Country Ordinance of 16 October 2012, no. 12/4501, issued by the Ministry of Justice on the recommendation of the Minister of Social Development, Labour and Welfare.

300. In 1948 universal suffrage, i.e. women's right to vote and stand for election, was introduced. Women were thus empowered to participate in the political decision-making process.

301. Nonetheless, despite all the above-mentioned agreements and provisions of national law guaranteeing equality between men and women, women are underrepresented in political, social and administrative decision-making processes, in particular in high-level positions. Inadequate legislation is therefore not the underlying reason for women's underrepresentation. Annex III contains an overview of men and women in high-level positions. Though 60% of managers and legislators (top-level positions) are men, the reverse is the case for professionals. Tables 17 and 18 below contain overviews of women in public office and politics.

Table 17
Women in public office, 2008-2013⁵²

Women in public office

	2008	2009	2010	2011	2012	2013
Governor (Gouverneur)			M	M	M	F
Deputy Governor (waarnemend gouverneur)			F	F	F	F
Governor (Gezaghebber)	F	F	XXXX	XXXX	XXXX	
Deputy Governor (waarnemend gezaghebber)	F	F	XXXXX	XXXX	XXXX	

Table 18
Number of women in politics, 2010-2013⁵³

	2010		2011		2012		2013	
	F	M	F	M	F	M	F	M
Members of Parliament	6	15	6	15	6	15	6	15
Ministers (incl. Minister Plenipotentiary)	1	9	1	9			3	7

302. According to the 2011 census, Curaçao has 150,563 inhabitants of whom 54% per cent are women. Of the total number of inhabitants counted in the census, 63,879 (78%) had reached the age of majority.

Prime Minister

303. From October 2010 to May 2013 Curaçao had three male Prime Ministers. The fourth male Prime Minister took office in June 2013.

⁵² Source: *Human Resource and Organisational Development Department (HROO), Ministry of Public Administration, Planning and Services*. Please note: the offices of Governor (Gezaghebber) and deputy Governor (waarnemend gezaghebber) were disbanded as of 10 October 2010 (indicated with X).

⁵³ Source: HROO, Ministry of Public Administration, Planning and Services.

Political participation of women

304. A total of three elections were held between 2010 and 2013, two parliamentary elections (on 23 January 2010 for the Netherlands Antilles and on 19 October 2012 for Curaçao) and the Island Council elections (27 August 2010). The number of women candidates was 64, 35 and 54 (i.e. 35.8%, 24% and 33.75%) respectively. One of the eight political parties participating in these elections is led by a woman.⁵⁴ (See tables 19-22).

Table 19

Number of women candidates standing for election, 2010-2013⁵⁵

	2010	2010	2012
Women candidates	54	35	64
Top 3 candidates	8	6	5
Leader	1	1	1

305. Table 20 shows that of the total number of votes cast during the Island Council elections in 2010, 33.75% were for a woman candidate.

Table 20

Women in politics, 2010 Island Council elections⁵⁶

Party	Total no. of votes	Women (share of votes)	Female candidates	Male candidates	Total	Party leader (M/F)	Women in top 3
PNP	4 588	533	6	23	29	M	1
Laboral	509	80	5	13	15	M	1
MFK	15 953	1 960	6	15	21	M	1
FOL	4 813	194	4	25	29	M	0
NPA	336	80	7	9	16	M	1
PAIS	2 202	114	4	8	12	M	1
PAR	22 474	19 617	11	18	29	F	2
PS	13 886	88	4	18	22	M	0
DP	3 048	217	7	22	29	M	1
Total	67 809	22 883	54	151	202	XXX	8

306. Table 21 shows that of the total number of votes cast in the parliamentary elections in 2010, 35.83% were for women candidates.

⁵⁴ Ministry of Public Administration, Planning and Services; Policy Organisation Department.

⁵⁵ Source: Ministry of Public Administration, Planning and Services, 'Konseho Supremo Electoral' (Supreme Electoral Council of Curaçao, www.KSE.cw).

⁵⁶ Ibid.

Table 21
Women in politics, 2010 parliamentary elections⁵⁷

<i>Party</i>	<i>Total no. of votes</i>	<i>Women (share of votes)</i>	<i>Female candidates</i>	<i>Male candidates</i>	<i>Total no. of candidates</i>	<i>Leader (M/F)</i>	<i>Women in top 3</i>
PNP	6 506	605	5	17	22	M	1
PPE	309	36	2	8	10	M	1
MAN/MFK/NPA	23 569	1 484	4	18	22	M	0
MSI	195	12	1	6	7	M	1
FOL	4 354	231	5	17	22	M	0
DP	1 823	226	4	17	21	M	1
PAR	26 662	23 833	9	13	22	F	2
PS	10 785	158	5	16	21	M	0
Total	74 203	26 585	35	112	147	XXX	6

307. Table 22 shows that in 2012 24% of the total number of votes cast were for women candidates.

Table 22
Women in politics, 2012 parliamentary elections⁵⁸

<i>Party</i>	<i>Total no. of votes</i>	<i>Women (share of votes)</i>	<i>Female candidates</i>	<i>Male candidates</i>	<i>Total no. of candidates</i>	<i>Leader M/F</i>	<i>Women in top 3</i>
MFK	18 450	1 794	8	19	27	M	1
FOL	1 790	89	4	25	29	M	0
PS	19 715	488	7	22	29	M	0
MAN	8 294	284	6	23	29	M	0
PAR	17 179	14 436	7	22	29	F	3
Dem/Lab	1 127	121	8	21	29	M	0
PAIS	15 286	1 537	11	18	29	M	0
PNP	5 130	2 116	13	16	29	M	1
Total	86 971	20 865	64	166	230	XXXX	5

Number of women in parliament

308. In 2010 and 2011, 29% of members of parliament were women (see table 8). International figures show a percentage of 21.6% women members of parliament in the Central America region as a whole (21 seats) and 35.2% in the European Parliament.

⁵⁷ Ibid.

⁵⁸ Ibid.

Table 23
Number of women in politics, 2010-2013

Women in parliament

	2010		2011		2012		2013	
	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>
Members of Parliament	6	15	6	15	6	15	6	15
Ministers (incl. Minister Plenipotentiary)	1	9	1	9			3	7

Female ministers

309. Curaçao has nine government ministers and one Minister Plenipotentiary in the Netherlands. Prior to the 2010-2011 period, 10% of ministers were women. In 2012 that figure was 20% and in June 2013 30%.

Senior civil servants

310. There are 47 senior positions in the new government structure (Nieuwe Bestuurlijke Organisatie, NBO). In 2011, of the 45 senior civil servants, 25 were men and 20 women; in 2012 of the 48 senior civil servants, 28 were men and 20 women; in June 2013, of a total of 50 senior civil servants, 28 were men and 22 women.

Female civil servants

311. According to the Personnel Information Management System (PIMS), a total of 3,617 civil servants were employed by the Curaçao government in June 2013, 1,601 or 44% of whom were women. Information from the Human Resources and Organisational Development Department shows that the proportion of male to female civil servants has remained more or less the same in the period from 2011 to 2013. (See tables 24-27).

312. Table 24 below shows both the total number of people and the proportion of women and men working for the government in 2011 by salary scale. The figures were calculated by dividing the number of women/men in each salary scale by the total number of women/men working for the government in 2011. They show that 33% of the women work in salary scales 9 to 12, 27% in scales 3 to 6 and 23% in scales 7 and 8.

Table 24
Distribution of men and women in 2011, by salary scale

<i>Salary scale</i>	<i>Women (%)</i>	<i>Men (%)</i>
1 and 2	84	16
3 to 6	38	62
7 and 8	41	59
9 to 12	50	50
13 to 16	49	51

<i>Salary scale</i>	<i>Women (%)</i>	<i>Men (%)</i>
17 and higher	41	59
Unknown	23	77
Overall	45	55

Table 25
Distribution of men and women in 2012, by salary scale

<i>Salary scale</i>	<i>Women (%)</i>	<i>Men (%)</i>
1 and 2	70	30
3 to 6	38	62
7 and 8	41	59
9 to 12	50	50
13 to 16	49	51
17 and higher	42	58
Unknown	22	78
Overall	44	56

313. As table 25 shows, in 2012 70% of employees in salary scales 1 and 2 were women. There are more men in scales 3 to 6 (62%). There were no remarkable differences in the distribution of men and women over the rest of the salary scales in 2012.

314. Table 26 below is based on the same numbers, calculated by dividing the number of women/men in each salary scale by the total number of women/men working for the government in 2012. They show that 33% of the women worked in salary scales 9 to 12, 27% in scales 3 to 6 and 23% in scales 7 and 8.

Table 26
Distribution of men and women in 2012, calculated by totals per salary scale

<i>Salary scale</i>	<i>Women (%)</i>	<i>Men (%)</i>	<i>Total (%)</i>
1 and 2	7	3	5
3 to 6	27	35	31
7 and 8	23	26	25
9 to 12	33	26	29
13 to 16	8	7	7
17 and higher	1	1	1
Unknown	1	3	2

Table 27
Distribution of men and women in 2012, calculated by totals per salary scale

<i>Salary scale</i>	<i>Women (%)</i>	<i>Men (%)</i>	<i>Total (%)</i>
1 and 2	7	3	5
3 to 6	28	35	32
7 and 8	22	26	24
9 to 12	32	25	29
13 to 16	8	6	7
17 and higher	1	1	1
Unknown	1	3	2

315. The figures in table 27 were calculated by dividing the number of women/men in each scale by the total number of women/men working for the government in 2013. They show that 32% of the women worked in salary scales 9 to 12, followed by 28% in scales 3 to 6 and 22% in scales 7 and 8.

316. To summarise, there are clear differences in the distribution of women and men across the salary scales. Women are overrepresented in scales 1 and 2, while there are slightly more men working in scales 3 to 6. The jobs in these salary scales belong to what have traditionally been regarded as male or female occupations. Cleaning staff — usually women — belong in salary scales 1 and 2, for example. Typically male occupations include police and prison officers and inspectors.

E. Article 10: Educational reforms

317. Since the education system in Curaçao was changed in 1979, girls and women have had equal access to primary and secondary education. Participation of girls and women in higher forms of education (Senior General Secondary Education (HAVO) and Pre-University Education (VWO)) has grown so substantially that they are now in the majority.⁵⁹

318. The objectives of Curaçao's national education policy are to ensure that all inhabitants receive a general education that allows them to participate in society, the region and the wider world, without compromising their cultural identity and that there are different forms and levels of education for adults in Curaçao. (See table 13 for full time education, schools and pupils.)

319. No new education laws have been enacted since 2010 and all laws existing before the Constitution of Curaçao entered into force have remained in force in accordance with the Country Ordinance on transitional legislation and governance arrangements (*Landsverordening algemene overgangsregeling wetgeving en bestuur*).⁶⁰

⁵⁹ Ministry of Education, Science, Culture and Sport, Curaçao.

⁶⁰ Official Bulletin (Curaçao) 2010, no. 87.

The following legislation is thus in place:

- Country Ordinance on primary education (Official Bulletin 2008, no. 84);
- Country Ordinance on secondary education (Official Bulletin 1979, no. 29, last amendment in Official Bulletin 2008, no. 33);
- Country Ordinance on secondary vocational and adult education (Official Bulletin. 2008, no. 37);
- Country Ordinance on the University of the Netherlands Antilles (Official Bulletin 1985, no. 43, as most recently amended).

320. Besides the abovementioned legislation the following changes have been made to policy:

Amendment to the Country Ordinance on Compulsory Education

321. In 1991 the Country Ordinance on Compulsory Education, which then applied to 6 to 15 year-olds, came into force. In response to the changes that have since taken place the Country Ordinance has been amended to apply to children aged 4 to 18. More is being done to ensure that school-aged children attend school. This means monitoring young people's progress, and offering them help if they are likely to drop out of school without basic qualifications. The amended Country Ordinance on Compulsory Education, enacted on 22 June 2007, entered into force on 1 August 2007. By lowering the compulsory school age, the government hopes to ensure that all Antillean children receive a minimum basic education, which will lay a solid foundation for future learning. Early encouragement gives children a better start, improving their chances and maximising their development potential. This is particularly true for children from deprived environments, whose parents are unlikely to sufficiently understand the importance of encouraging education at an early age. The aim of increasing the upper limit to 18 is to reduce the number of dropouts to a minimum by ensuring that all young people are trained and educated and reach at least Secondary Vocational Education (SBO) level one. This will make it easier for them to find a job. Eighteen-year-olds who fail to reach this level will then fall under the Country Ordinance on Compulsory Youth Training.

Country Ordinance on Compulsory Youth Training (Sociale Vormings Plicht (SVP)

322. This Ordinance applies to young people aged 16 to 24, a large proportion of whom drop out of secondary education before gaining a qualification. The Ordinance addresses this problem by laying down regulations on schooling and training, giving this target group a second chance to attain a level of education that will allow them to succeed in the labour market.

323. Integrated, results-based policy has kept in motion an innovative, focused effort to give young people a better start in life. The policy encompasses a number of programmes that approach the issue from various angles, including compulsory schooling (4-18 years), the Youth Training Programme and efforts to maximise participation of young Antilleans in the labour market.

324. This policy has raised the standard of educational provision for young people to a higher level, reformed the entire system and reduced school dropout. The

percentage of early school leavers — i.e. young people who leave school with no single qualification — has fallen from 23% in the 1990s to around 5% now.⁶¹

325. Recent figures show that youth unemployment persists at around 2,000 young people.⁶² This figure has not increased despite the global financial and economic crisis, because due to debt restructuring the crisis has had little impact on Curaçao.

326. The Compulsory Youth Training (SVP) project, for which the Ministry of Education, Science, Culture and Sport (OWCS) is responsible, targets young people in the 16-24 age group who have no basic qualification and/or work. As of 1 October 2014 the project should be fully financed from regular government funds, and its implementation should be embedded within ministerial agencies, the aim being to ensure sustainability. In order to get this process on the right track, sustainability objectives have been identified for implementation, ensuring optimisation and guaranteeing results in the long term.

327. The SVP, with its unique approach, was launched as a pilot project in August 2013, so that this ‘blueprint’ could be continued using regular funds from August 2014. The working method comprises counselling and assistance throughout the three pathways in which young people undergo training, gain a qualification and find work.

328. In the preliminary pathway, counselling is provided in seven neighbourhoods. Young people are prepared for the main pathway; personal development forms the central component. In the main pathway, training is provided at Secondary Vocational Education level one, leading to a basic or industrial qualification. In the third and final pathway, young people who have obtained a qualification receive assistance in finding a job. The entire programme is implemented within ministry agencies, and receives government funding.

329. All mainstream (education) institutions are involved in efforts to ensure sustainability, since this is the only way to achieve genuine results. The following sustainability objectives have been identified for 2013:

- Objective 1: strengthening provision for training to assistant level and Employment-Driven Education (AGO);
- Objective 2: strengthening the enforcement and care structure for potential early school leavers;
- Objective 3: strengthening the link between education and the labour market for young people seeking jobs at assistant level;
- Objective 4: improving the image of vocational training in general, and of training to assistant level in particular;
- Objective 5: training activities at local level.

⁶¹ The Ministry of Education, Science, Culture and Sport points out that it does not use the same definition as Statistics Netherlands (CBS). The CBS defines early school leavers as individuals who dropped out of their last course without being awarded a diploma. This definition also includes students in higher education, who already have a HAVO, VWO or Secondary Vocational leaving certificate. Using this definition, the CBS arrives at a percentage of 42%.

⁶² Source: Ministry of Education, Science, Culture and Sport.

330. To give the right idea of the context in which the project is being implemented and results assessed, it should be noted that efforts to achieve sustainability are currently being made at three levels:

- Macro: amendment and revision of policy and legislation;
- Meso: national organisations with the same target groups as the partner;
- Micro: use of the Compulsory Youth Training products.

331. The following activities are currently under way:

a) Objective 1: a pilot project at Secondary Vocational Education level 1, the second and main SVP pathway. A team comprising teachers, careers counsellors and care workers ensure an integrated approach, giving young people optimum support in obtaining a qualification.

b) Objective 2: The new SVP care structure has now been incorporated into the main pathway of the project. In cooperation with the school attendance office, a plan of approach is being drawn up on working together to enforce compulsory school attendance.

c) Objective 3: the Curaçao centre of expertise on vocational education, training and the labour market has been commissioned to carry out a labour market study of jobs at assistant level in the various sectors. Employers are now undergoing training in working with apprentices, and counselling services are available for these young people for three months after they have found a job.

332. In the period between January 2010 and June 2013 a total of 192 young people successfully completed an SVP programme. Between 70% and 80% of the young people enrolling were girls.⁶³

333. There is a preliminary pathway within the SVP in which personal development and occupational training are the central components. This is followed by the main pathway, with training or work leading a qualification at assistant level. The SVP project office is currently being converted into a counselling organisation operating from the Ministry of Education, Science, Culture and Sport and playing a role as monitor or supplier of support services to agencies working directly with young people in the 16-24 age group in the field of work, care and training.

Primary education; Foundation-Based Education (FO)

334. Introduced in Curaçao in 2002/2003, the FO system had been up and running for 10 years by 2012/2013.

⁶³ Source: Ministry of Education, Science, Culture and Sport.

Table 28
Full-time, General, Vocational and Special Education, Curaçao, 2011-2012

<i>Curaçao</i>	<i>Schools</i>	<i>Pupils</i>
Foundation-Based Education	50	17 361
Special Primary Education	14	1 122
Basic Secondary Education (VSBO 1, 2)	10	3 667
Basic Secondary Education (HAVO 1, 2)	4	1 044
Senior High School (HAVO/VWO 3, 4, 5, 6)	4	2 308
Pre-vocational Secondary Education (VSBO, 3, 4)	10	3 612
Secondary Vocational Education (SBO)	6	3 510
Special Secondary Education (AGO, VSO)	6	1 151

335. Implementing FO was a major, complex operation since it brought together nursery education and primary education, which were separate types of education housed in different schools. The language of instruction in nursery schools was mainly Papiamentu, but Dutch was the only language used in primary schools. From the start, both Papiamentu and Dutch were the languages of instruction in FO, either separately or in combination. Traditional, whole class teaching was replaced by a child-centred system, stressing the development not only of cognitive skills, but also of emotional, motor, social and spiritual skills. Parallel to the introduction of FO, major developments were also taking place in relation to IT in the classroom.

336. To enable introduction of the above changes, the infrastructure was adapted and school buildings newly equipped, new text books and teaching aids were developed and teachers received further training.

337. Now school boards can determine the language of instruction. They can choose between the local language Papiamentu or Dutch, or opt for a bilingual system. Most have chosen to use Dutch in their schools, with the exception of the public schools. Teachers received special training to adjust to the new two-cycle system, new teaching materials were developed and text books were produced in Papiamentu to promote the language and help improve children's reading skills.

Secondary education; Pre-vocational secondary education (VSBO)

338. VSBO was introduced in 2004/2005. It offers training in three sectors: 1. technology; 2. care and welfare; 3. economics. VSBO strives for equal opportunities by allowing pupils to choose their vocation at a later stage and by integrating general and vocational subjects.

Higher education; University of the Netherlands Antilles (UNA)

339. The UNA now has the following five faculties: Law, Engineering, Social Sciences and Economics, Social and Behavioural Sciences and a General Faculty. In the past few years, practically every course provided by the UNA has been accredited by the Netherlands-Flanders Accreditation Organisation (NVAO). Most of the courses that have not yet been accredited are new, and will undergo the accreditation procedure in 2013-2014.

Table 29
University of the Netherlands Antilles Graduates

<i>Faculty</i>	<i>2007*</i>	<i>2008*</i>	<i>2009*</i>	<i>2010*</i>	<i>2011*</i>	<i>2012*</i>
Law	26	24	37	41	39	27
Male	9	6	13	14	11	17
Female	17	18	24	27	28	10
Social Sciences and Economics	27	45	88	115	101	90
Male	4	16	20	27	20	21
Female	23	29	68	88	81	69
Engineering	27	28	37	40	35	32
Male	20	22	28	34	27	24
Female	7	6	9	6	8	8
Social and Behavioural Sciences						25
Male						1
Female						24
Total	116	130	179	232	237	231
Male	35	45	64	75	61	65
Female	81	85	115	157	176	166

* Period: 1 January-31 December; Source: Ministry of Education, Science, Culture and Sport.

340. The General Faculty is new and offers Bachelor and Master of Education degree courses in English, Papiamentu, Dutch and Spanish. The faculty also trains teachers for Foundation-Based Education. In 2012, it launched a Master's degree course in Special Educational Needs.

341. The UNA now teaches the courses that used to be taught at the Academia Pedagógiko Kòrsou (APK). Now, the UNA is the only institution to provide teacher training for Foundation-Based Education. It also offers grade two teacher training in Dutch, Papiamentu and English. The Engineering faculty has offered Techno MBA courses since 2010.

342. The Social Sciences and Economic Faculty has offered Bachelor's degree courses in Fiscal Law and Economics since 2008. It also offers Master's degree courses in Accounting and Business Management, with four different majors, i.e. Marketing, Finance, Strategy and Human Resource Management.

343. From 2008, the Social and Behavioural Sciences faculty has offered Bachelor's degree courses in Social Work, with three options: Social Work, Educational Support and Human Resources. The Master's degree course in Social Work was launched in June 2010. The Bachelor's degree course has been accredited by the NVAO. The accreditation procedure will be started for the Master's degree course in 2014. (For number of graduates from the UNA see table 14.)

344. A number of other institutions also offer higher professional education courses, many of which are recognised by the Curaçao government. These institutions often have a close working relationship with institutions in the Netherlands.

345. There are also a number of medical schools operating on a charter basis in Curaçao: St. Martinus University Faculty of Medicine and the Caribbean Medical University are among them. The medical schools will soon be launching an accreditation procedure for their courses. Preparations are well underway.

Financial assistance for students; Curaçao Student Finance Foundation (SSC)

346. Education in the Netherlands Antilles is accessible to all. Primary education has always been free-of-charge. With the Enseñansa Liber (Free Education) project that began in the 2012-2013 school year, the same now applies to secondary education and secondary vocational education.

347. With the launch of the Free Education project, student finance from the SSC is now available to students who pursue their further education at a university or an institution for higher professional education, either at home or abroad. If the finance provided through the Free Education project is insufficient, students may apply for an additional amount which will be supplied as a loan.

348. Students enrolled in secondary vocational education can also apply for a supplementary student loan if the school charges a tuition fee that is more than the maximum amount set by the government for coverage by the Free Education project.

F. Articles 11 and 12: Equal rights with respect to labour and health care

Labour rights

349. On 6 April 2012 the maternity leave ordinance⁶⁴ was amended to conform with international standards, particularly the revised version of the Maternity Protection Convention number 103 and ILO Convention number 183. The government wants to ensure equal opportunities for and treatment of the entire working population, women and men alike, and to promote the health and safety of mother and child. These changes entail:

- *Non-Discrimination*

The employer may not discriminate in employment contracts, as regards the provision of instructions, benefits, and continuation or termination of the contract. Departure from this provision is only permissible if sex is a determinant, and to protect women in relation to pregnancy or maternity. Termination/cancellation of the contract contrary to these provisions is invalid.

⁶⁴ Country Ordinance of 3 April 2012 amending Book 7A of the Civil Code of the Netherlands Antilles (Official Bulletin (*Publicatieblad*) 2012, no. 24).

- *Ban on requesting job applicants to undergo pregnancy test*

Employers are not allowed to require a pregnancy test from candidates applying for a job. This is only permitted if the job could pose a substantial risk to the health and safety of mother and her unborn child.

- *Increased maternity leave*

Pregnancy and maternity leave was increased from 12 to 14 weeks. If the actual delivery date is earlier than the estimated delivery date, maternity leave is extended accordingly.

In the event of illness, hospitalization or death of the mother before her maternity leave expires, employees bearing parental responsibility are entitled to parental leave.

- *Prohibition on night work and standing work during pregnancy and breastfeeding*

The employer cannot require an employee to perform night work or to carry out unlimited standing work if she is pregnant, has recently given birth or is breastfeeding. Arrangements should be made for the employee to breastfeed her child and express milk in peace and seclusion.

- *The right to paid breaks to breastfeed and express milk for the child*

Mothers are allowed to nurse their child for a maximum of 25% of their working time per shift without loss of payment.

- *Ban on dismissal of pregnant workers*

Employers are prohibited from terminating employment during pregnancy for reasons related to the pregnancy or during maternity leave. In the event of dismissal during pregnancy, the employer must give good reasons to prove that the dismissal is based on objective grounds and is not related to the pregnancy.

Health care

350. Curaçao does not have a gender-specific health policy, though the following has been established:

(a) The government is responsible for prevention of Sexually Transmitted Infections (STIs). The Ministry of Health, Environment and Nature provides for and is responsible for an STI clinic at which people can be tested and treated both anonymously and free-of-charge. It is a well-known fact that each year people fall victim to STIs and teenage girls often become pregnant. The costs of treating a patient with an STI, in particular HIV, can amount to as much as ANG 3,500 to ANG 5,000 a month.

(b) Apart from prevention services, pregnant teenagers will receive more intensive help. At this moment, there is a certain discrepancy between the treatment accorded to teenage mothers in relation to their return to school⁶⁵ and compulsory school attendance. (See table 30 for the figures.)

⁶⁵ Valk A. and M. Boot, *Verslag van inventarisatie naar de opvang en doorverwijzing van tienermoeders op scholen voor voortgezet onderwijs* (Fact-finding study of care and referral of teenage mothers in secondary schools).

Table 30
Births per thousand Antillean girls below the age of twenty

<i>First generation in the Netherlands</i>	<i>Second generation in the Netherlands</i>	<i>In the Caribbean Netherlands</i>
39	22	38

Source: CBS.

351. The government aims to discourage high-risk behaviour and encourage people to take more personal responsibility for healthy sexual relations. Studies are under way into prostitution and semi-prostitution (i.e. sexual favours in exchange for gifts/help) as risk factors. It is essential to record all activities, results and impact measurements before policy can be tightened up. Policy is aimed at:

- implementing the National Strategic Plan 2010-2015 for the prevention of STIs including HIV/AIDS, focusing on implementation of the priorities set during the stakeholder meeting of March 2010;
- increasing the number of preventive activities in the field of reproductive health, targeting the entire population and every age-group;
- encouraging those factors that foster healthy sexual development and target the entire population and every age-group;
- setting up structures enabling early identification, recognition and treatment of sexual disorders, targeting the entire population and every age-group;
- improving the structures enabling early and adequate referral of people with sexual disorders;
- widening the scope of activities geared to increasing people's sense of responsibility for and understanding of high-risk behaviour;
- stepping up activities to reduce the incidence of sexually transmitted infections;
- stepping up activities promoting safe sex;
- stepping up activities that aim to reduce unwanted teenage pregnancies;
- developing activities that provide teenage mothers with care and assistance;
- increasing the number of activities aiming to reduce high-risk behaviour;
- increasing access to agencies and disciplines active in reproductive health care;
- actively encouraging the relevant target group to make use of agencies and disciplines active in reproductive health care;
- structuring, formalising and promoting cooperation between the various agencies and disciplines active in reproductive health care;
- providing targeted care for socioeconomic groups in deprived areas (Seru Fortuna etc.), illegal migrants, illegal sex workers and gays;
- strengthening the Ministry of Health, Environment and Nature's Infectious Diseases Department;
- encouraging NGOs to work closely together in this area;
- recording every activity geared towards the above, and the results achieved.

Sexual and reproductive rights

352. In 2013, 97% of adults had health insurance, of whom 83.5% carry state insurance and 16.5% private insurance. More women than men carry state insurance.⁶⁶ Contraceptives are not covered by health insurance, but they can be purchased inexpensively from the government-sponsored NGO Famia Plania.

353. In 2013, 39% of women in the 18 to 50 age group said that they use at least one type of contraceptive. The percentage of women using contraceptives rises with level of education. Oral contraceptives are the most widely used, sometimes in combination with other methods. Apart from the pill, the methods of contraceptive most frequently used by women in the 18 to 34 age group are the condom and coitus interruptus (withdrawal method). For women in the 35 to 50 age group, the most frequently used contraceptive after the pill is an IUD or condom.⁶⁷

Individually targeted prevention and assistance; Participation in preventive activities

354. In the past year, 63.9% of people of 45 and older had their blood sugar levels tested, 87.3% of over-sixties had their blood pressure measured, and 9.6% took part in the influenza vaccination programme. In the past two years, 62.5% of women in the 50 to 75 age group were screened for breast cancer. In the past three years, 65.1% of women in the 30 to 60 age group were screened for cervical cancer. In the past two years, 75.9% of diabetics had a clinical eye examination, and 36.1% had a foot examination.⁶⁸

Teenage pregnancy

355. Teenage pregnancy is one of the issues to which the Ministry of Health, Environment and Nature devotes considerable attention. On 20 October 2010, the Antillean Youth Federation (FAJ) presented a report on the relationship between teenage pregnancy and school to the then Curaçao Minister of Social Development and Welfare, Hensley Koeiman. It mainly contained recommendations relating to sex education, for which, according to the federation, there is a serious need among large numbers of young girls.

356. To spark discussion on the sexual and reproductive health of Curaçao's women, Adriana Boersma, a general practitioner in Otrobanda, presented her PhD dissertation at the University of Groningen on 18 April 2011.

Specific groups: Women from ethnic-minority groups and health care

357. There used to be an obstetric clinic (Consperanza) for illegal immigrant women in Curaçao, but this was closed in 2011. Famia Plania provides information on sexual health for illegal immigrants working as prostitutes.

HIV/AIDS

358. Every year, some 4,500 people migrate or remigrate from the Netherlands to the Netherlands Antilles. They include people with chronic conditions, such as HIV. Chronic conditions require continuity of care. HIV care services differ within the

⁶⁶ National health survey 2013.

⁶⁷ Ibid.

⁶⁸ Ibid.

Kingdom of the Netherlands. Few care providers and people living with HIV in the Netherlands are aware of the HIV care services in the Caribbean part of the Kingdom.

HIV care services on Curaçao

359. Curaçao currently has a single internist and outpatient clinic providing HIV-specific care. Up to 2005, more internists were involved in providing HIV care, but several have now retired. Unfortunately there is no HIV consultant working on Curaçao. An effort is being made to increase the number of care providers for people living with HIV. Around 450 people are receiving treatment, 70% of whom use antiretroviral therapy. On average, four people start antiretroviral therapy each month.

Monitoring and evaluation

360. In 2005, the Red Cross Curaçao Blood Bank entered into a partnership with Stichting HIV Monitoring (SHM). Clinical, immunological and virological data are collected on a daily basis at the clinic in Curaçao and entered into and stored on SHM's online database. Viral load and CD4-T cell count tests are carried out on the island. HIV genotypes are sent to the Netherlands for analysis each month.

361. Monitoring and evaluation of HIV care through a central database are of benefit both to the individual patient, in terms of managing their illness, and to the entire population. At the level of the patient, the database enables continuity of care, since the medical data of people who have been treated in the Netherlands are available from the moment they seek help in Curaçao. At population level, the data are used to adjust policy on the development of HIV care services.

Antiretroviral therapy

362. Combined antiretroviral therapy has been available on Curaçao since 1996. The pharmacy in the St. Elisabeth Hospital in Willemstad is responsible for dispensing the medication. In principle, all antiretroviral medicines (ARVs) are available on the island. However, it can be difficult to get hold of complicated third-line products, which have to be ordered. This is one reason why people coming from the Netherlands are advised to bring a sufficient supply of ARVs with them and, once in Curaçao, not to wait to collect their prescriptions until they are down to their last tablets. As far as pricing and availability of ARVs in the Netherlands Antilles are concerned, Doctors of the World commissioned an extensive report on this subject in 2008. The report shows that the prices of ARVs on Curaçao were 17 times higher than the international recommended prices. Poor access to ARVs makes treatment much less effective, allowing the epidemic to spread.⁶⁹

Insurance and funding of HIV care

363. In Curaçao, people's salary and whether they have a job or not determine the type of insurance for which they are eligible. People cannot be refused social insurance, which also covers chronic conditions. However, private insurance may exclude chronic conditions — not only back problems, for example, but also HIV. As a result, any care related to these conditions, including medication, has to be paid by the patients themselves. A study is currently under way of factors impeding access to care services.

⁶⁹ Source: Ministry of Health, Environment and Nature.

Patient associations and lack of understanding

364. In the Caribbean and in Curaçao too, several attempts have been made to set up support groups and patient associations for people with HIV. There is a small network, and a social network is active online.

365. Sexuality is not a common subject of discussion in the Antillean/Curaçao education, and many people grow up with no proper sex education. There is a great lack of understanding when it comes to STIs. Curaçao is a small island (444 km²), with a small population (around 150,000 inhabitants in 2011), comparable to a small municipality in the Netherlands. News spreads fast, and what the community thinks matters.

HIV prevention

366. Given the differences between both the nature of the HIV epidemic and the culture in Curaçao and the Netherlands, successful prevention campaigns cannot be exported from the Netherlands to Curaçao without some adjustments. The majority of prevention campaigns on the island are organised by NGOs. They target young people (*AIDS Stichting Nederlandse Antillen*, Red Cross Curaçao), uninsured people, undocumented women (*Conseranza* or *Famia Plania*), and gays or bisexuals (*Fundashon Orguyo Korsou*). From 2013, the government plans to launch an awareness-raising campaign every four years, along the same lines as the RED campaign launched on Sint Maarten in 2007.

Developments in HIV care in Curaçao

367. Privatisation and the limited capacity of the healthcare services, the vulnerability of HIV care — dependent on a single person — and the lack of data all pose challenges to more sustainable HIV care services on Curaçao. The Curaçao cohort study was set up three years ago by the Red Cross Blood Bank in Willemstad, with the aim of collecting data on HIV in Curaçao and making a direct contribution to the development of HIV care services on the island.

368. Reluctance to undergo an HIV test, delays in seeking help and starting with ARV therapy and poor treatment adherence are the main areas of focus when it comes to adjusting policy on HIV care services. Measures currently under consideration include integration of these services by involving general practitioners in their delivery, and training of professionals to support specialist care. Research will need to be encouraged to generate knowledge of the spread of HIV so that effective prevention strategies can be designed and applied.

Overweight and obesity

369. Two out of every three men (62.6%) and women (67.2%) are too heavy (BMI ≥ 25 kg/m²). Men are relatively more frequently overweight (BMI ≥ 25.0 - <30.0 kg/m²), while more women are obese (BMI ≥ 30 kg/m²) (see annexe 16). The results of the questionnaire were confirmed by medical tests. The prevalence of overweight (BMI ≥ 25.0 - <30.0 kg/m²) is average compared to other countries with a western epidemiological profile. At 28.3% the prevalence of obesity (BMI ≥ 30 kg/m²) in Curaçao is second only to the United States.⁷⁰

⁷⁰ National health survey 2013.

370. Practically half (47%) of the adult respondents had had no more than 10 minutes' physical exercise on any single day in the seven days prior to the interview. Women and people with little education in particular tend to avoid physical exertion. Lack of time or energy was the reason most commonly given for taking no exercise.

371. In West European countries, people with a low level of education run a higher risk of contracting diabetes. In Curaçao, this relationship was found to apply only to women. Diabetes is significantly more prevalent among women with a low level of education (21.8%) than among those with a secondary (8.9%) or higher education (4.0%). There are no significant difference between men in these categories.

372. Average self-reported BMI is 27.8 kg/m². This figure is classified as indicating excess weight. The average is higher among women (28.4 kg/m²) than men (27.2 kg/m²). See table 31.

Table 31
BMI classification and percentage by BMI category measured during medical tests, by gender

<i>BMI category</i>	<i>BMI values</i>	<i>Men (%)</i>	<i>Women (%)</i>	<i>Total (%)</i>
Underweight	<18.5 kg/m ²	1.7	4.0	2.6
Normal	≥18.5 - <25.0 kg/m ²	28.4	29.4	29.7
Overweight	≥25.0 - <30.0 kg/m ²	44.5	29.0	35.7
Obese	<30.0 kg/m ²	25.4	37.5	32.0

Source: Table 20 of the National Health Survey, Curaçao 2013 (Volksgezondheid Instituut Curaçao (Curaçao Health Institute)).

373. The self-reported values indicate that men (39.3%) are more frequently overweight than women (34.7%). The reverse applies to obesity: more women (32.6%) than men (23.3%) are obese. Altogether, 62.6% of men and 67.3% of women are either overweight or obese, i.e. 32,148 men and 43,941 women aged 18 and older. More men (35.6%) than women (30.8%) have a normal BMI, i.e. 18,282 men and 20,140 women aged 18 and older. The percentage of men and women who are underweight is more or less the same, at 1.7% and 2.0% respectively.

374. Table 32 shows prevalence of excess weight and obesity by gender and age. The prevalence of obesity is lowest among men and women in the 18 to 24 age group. Unlike the Netherlands, where people with a low level of education are more often obese than people with a higher education, (78) in Curaçao no significant relationship can be found between BMI and level of education.

Table 32
Percentage of people with excess weight and obesity, by gender and age

Age category (years)	Men (%)		Women (%)		Total (%)	
	Overweight ≥25.0-<30.0 kg/m ²	Obesity ≥30.0 kg/m ²	Overweight ≥25.0-<30.0 kg/m ²	Obesity ≥30.0 kg/m ²	Overweight ≥25.0-<30.0 kg m ²	Obesity ≥30.0 kg m ²
18-24	16.2	10.8	21.4	34.0	18.7	22.0
25-34	40.7	27.2	34.2	25.7	37.0	26.3
35-44	41.5	28.3	35.0	36.3	38.1	32.5
45-54	37.4	28.5	36.7	35.4	37.0	32.3
55-64	45.2	21.6	38.5	33.1	41.6	27.7
65-74	47.2	20.0	35.9	32.4	41.2	26.6
75+	41.2	11.7	30.7	25.0	35.1	19.6
All ages	39.3	23.3	34.7	32.6	36.8	28.3

Source: Table 19 of the National Health Survey, Curaçao 2013 (Volksgezondheid Instituut Curaçao).

375. The results of medical tests show, in line with the self-reported BMI values, that more men (44.5%) than women (29.0%) are overweight. The reverse is true for obesity: more women (37.5%) than men (25.4%) are obese. The same pattern can also be seen in the Curaçao Health Study 1993/1994 and the Netherlands. (81; 82)

376. In 1993/1994 the prevalence of excess weight, based on height and weight measurements, was 37.3% for men and 31.8% for women. 18.7% of men and 36.2% of women were obese. (82) This shows that the number of overweight or obese men has risen, but that the prevalence of excess weight and obesity among women has remained fairly constant.

377. Abdominal obesity affects 53.1% of the adult population, though this is the case for significantly more women (65.3%) than men (37.7%). Table 33 below gives an overview of the percentages for the various categories of sagittal abdominal diameter (SAD).

Table 33
Classification of sagittal abdominal diameter (SAD) and percentage per category measured during medical tests, by gender

Category	Middle waist value		Men (%)	Women (%)	Total (%)
	Men	Women			
Normal	<80 cm	<94 cm	38.9	14.5	25.3
Pre-obese	80-87 cm	94-101 cm	23.4	20.3	21.6
Abdominal obese	≥88 cm	≥102 cm	37.7	65.3	53.1

Source: Table 22 of the National Health Survey, Curaçao 2013 (Volksgezondheid Instituut Curaçao).

High-risk behaviour

378. Women smokers (current and past smokers) who had at some time in their lives been pregnant (n=117) were asked whether they had smoked during pregnancy. 81.7% said that they had not smoked at all, 10.8% said that they had smoked occasionally and 7.5% said that they had smoked regularly.⁷¹

G. Article 13: Equal rights in economic and social life

379. The government of Curaçao has a long history of subsidising projects and women's NGOs that work in the long term to achieve aims that are in line with government policy on women. These NGOs include SEDA (centre for the development of women and their families); the *Care and Recovery* organisation (*Zorg en Herstel*), which runs the women's crisis centre and a crisis centre for young women, the Curaçao (women's) steering committee, the women's drugs rehabilitation centre and several homes for vulnerable young girls, teens and pregnant teenage girls. Most of the ANG 16 million provided in grants goes to women's and girls' organisations.⁷²

380. Between 2009 and 2013, SEDA focused on the themes prioritised in the Beijing Platform for Action: women and poverty/economics, women and education, violence against women, institutional mechanisms, human rights and women, women and agriculture and girls.⁷³

School lunch project

381. The school meal project provides warm lunches and transport for around 630 underprivileged schoolchildren. The project also has a development component and enables 35 women between the ages of 20 and 60, who are unemployed and/or on benefit, to gain work experience. It also gives 13 older women (45 to 70 years) the opportunity to do volunteer work, for which they receive compensation.

The Social and Economic Initiatives project (SEI) (2008)

382. The aim of the SEI projects, launched with Dutch cooperation funds, is to tackle social and economic problems, with a special focus on social and economic development for vulnerable groups. Several focused specifically on young girls and women and all the initiatives included women and/or girls. Examples include a vocational school for teenage mothers (2008-2010) preparing them for the labour market, and intramural guidance and assistance for young women within a home setting.

⁷¹ National Health Survey 2013.

⁷² Source: Ministry of Social Development, Labour and Welfare.

⁷³ SEDA Report for the CEDAW report and www.seda.an.

Part 4 — St Maarten

A. Article 1: Preventing and combating discrimination against women

383. Under Article 3 of the Constitution of the Netherlands Antilles every individual enjoyed equal protection of his or her person and property. This was further codified in Article 95c of the Penal Code, which laid down a prohibition on impairing or nullifying another person's right to exercise fundamental political, economic, social and cultural freedoms. Since the dissolution of the Netherlands Antilles in 2010, the islands of Curaçao and St Maarten have both reaffirmed their commitment to anti-discrimination principles. Chapter 2, § 2, Article 16 of the Constitution of St Maarten states: 'Everyone in St Maarten shall be treated equally in equivalent circumstances. Discrimination on the grounds of religion, belief, political persuasion, race, skin colour, sex, language, national or social origins, membership of a national minority, wealth, birth or any other ground whatsoever is prohibited.'

B. Article 2: Policy

384. At national level St Maarten has drafted a gender-neutral constitution and complied with the recommendation in the Midterm Report to enact legislation providing for temporary restraining orders to be imposed on perpetrators of domestic violence. Under article 317, paragraph 1 of the current Penal Code, if the victim of domestic abuse falls within the definition of the abuser's 'spouse', the law treats this as an aggravating factor. *Ipsa facto*, the Penal Code allows a temporary restraining order to be imposed on suspects and defendants in domestic violence cases, even if the public prosecutor decides not to proceed any further with prosecution. Under the new Penal Code, adopted on 13 December 2012 but not yet in force, the definition of a 'victim of domestic abuse' has been extended to include persons living in a variety of domestic circumstances, for instance the perpetrator's partner or companion. In addition, whereas in the past domestic abuse of a child could only legally occur between a child and its parent, the legal definition of child abuse has now been extended to include abuse perpetrated by a guardian against a child for whom he/she is legally responsible. This extends a blanket of legal protection, thereby mitigating any ambiguity in the application of Article 19 of the Convention on the Rights of the Child.

385. Prior to the dissolution of the Netherlands Antilles, the concept of gender policy networks was taking root on the islands. These networks, consisting of women's organisations (NGOs), government bodies and Women's Desk, were tasked with formulating policy. Each island was responsible for setting up its own network to tackle its own unique problems. What has proven most successful on St Maarten is the work of NGOs and other grassroots initiatives. Government policy has also had greater success when implemented in conjunction with NGOs, which are better equipped to reach the relevant target groups.

Peridot Foundation

386. In 2011, the Peridot Foundation and the Public Prosecutor's Office together organised a domestic violence seminar for government agencies. The aim was to pick up where the government of the former Netherlands Antilles had left off. The

seminar highlighted best practices in governmental action to tackle domestic violence, based on the experiences of the Public Prosecutor's office on Curaçao. It also provided a platform for planning and organising initiatives to combat domestic violence on St Maarten. It is hoped that the seminar will lay the foundations for an integrated governmental system of victim services and protection.

Women's Desk

387. Presently, Women's Desk operates out of the Department of Social Development, Family and Humanitarian Affairs, which is formally part of the Ministry of Health Care, Social Development and Labour. Through its 'Girl Power' programme, Women's Desk facilitates sessions aimed at building teenage girls' self-esteem and empowering them to think carefully about their life choices. This programme is a collaborative effort between the aforementioned Department and the Department of Collective Prevention and has been one of the most successful initiatives undertaken in terms of reach and longevity. In addition the AIDS Foundation coordinates the organisation of Girl Power sessions in schools. Women's Desk also runs several initiatives related to human trafficking, focusing on raising awareness and providing victim support, as well as counselling initiatives for both the victims and perpetrators of domestic violence.

Setbacks

388. Despite the number of local initiatives, domestic violence remains a major social concern on St Maarten. One of the challenges is maintaining interest and enthusiasm in initiatives to combat this problem and preserving their continuity. That continuity is threatened by funding issues. St Maarten has been informed that it will no longer receive direct aid from the Dutch government, effective from January 2014. This aid was critical in the development and implementation of many of the aforementioned projects, including Women's Desk and the Girl Power programme, as well as Real Talk. Another project affected is Safe Haven, a shelter at an anonymous location for abused women and their children, which also provides assistance (although not accommodation) to men. Upon the withdrawal of Dutch funding, which had been provided through AMFO, Safe Haven was forced to reduce its services and restructure its organisation.

C. Article 3: Guarantee

389. Prior to the dissolution of the Netherlands Antilles a working relationship had been established between the Directorate of Social Development (in Willemstad) and Women's Desk, from which aforementioned gender policy networks emerged. On St Maarten the network initiated training on CEDAW, covering how best to address issues related to violence against women, promote gender consciousness and gender mainstreaming, and deal with the reporting process. The intention was for this to be adopted as an inter-ministerial programme after the change in constitutional status. However, this aspect of the programme has not yet been successfully implemented at all ministries.

D. Article 4: Special Measures

390. These are deemed not necessary because the level of relative discrimination for women on Sint Maarten, particularly with regards to roles in government, is low.

E. Article 5: Gender role stereotyping and prejudice

391. The mission of Women's Desk at the Department of Social Development, Family and Humanitarian Affairs is to enhance the well-being of women on St Maarten and thereby also of their families and the community as a whole. Women's Desk continues to play an exceptionally versatile role. Not only is it concerned with afflicted women and their rights but it has also become a champion in de-stigmatising gender roles. In recent years, Women's Desk has changed its policies on the issues surrounding domestic violence, breakdown of family life etc., in the awareness that these issues must be tackled from a position of gender-neutrality. Women's Desk has opened its doors to men and begun facilitating couples' therapy and mediation, as this allows for dialogue and the collective sharing of responsibility in civil conflicts. Its education programmes for schools, such as Girl Power for girls and Real Talk for boys, focus on boys' and girls' sexuality and their sexual and reproductive health. Real Talk, organised at the joint initiative of NGOs and government agencies, acts as a counterpart to Girl Power and focuses on issues such as self-esteem, relationships, skills for everyday life, morals and values, communication, anger management and gender. This programme was developed following research carried out both by the AIDS Foundation (the pioneering NGO), the Department of Collective Prevention, Women's Desk, the HIV/AIDS Programme Management Team and other affiliated organisations during the previous review period. Moreover, under the Youth Health Care Programme Baby Clinic, education is provided to parents and caregivers, regardless of their gender, on how to take care of children. Since the 1980s, as a result of increasing efforts by organisations and the government, St Maarten has observed International Day for the Elimination of Violence against Women.

F. Article 6: Prostitution and human trafficking and smuggling

392. Under Article 260 of the current Penal Code the trafficking of women is a criminal offence. In 2004 the International Organisation for Migration (IOM) recommended that the country intensify its efforts to combat trafficking. St Maarten handed down its first penalty for the smuggling of illegal immigrants in 2004, and intensified its efforts in 2007 with the establishment of the Anti-Trafficking in Persons (ATIP) work group. Comprised of representatives from various organisations on St Maarten, including the Public Prosecutor's Office and the Security Service, ATIP has already made its mark. A hotline has been established and a number of projects have been implemented with the cooperation of IOM. These projects have included campaigns involving posters, brochures and public service announcements in different languages. At government level, conferences and sessions have been initiated to raise awareness and offer training. The CEDAW Committee has recommended that St Maarten broaden the legal definition of trafficking. The Ministry of Justice 2013-2014 Action Programme embraced all the recommendations of the US State Department's 'TIP report'. Combating human

trafficking is a priority for the country. Article 4, paragraph 3 of the current constitution prohibits human trafficking, and the scope for criminal prosecution has been broadened. In addition a work group, comprised of civil servants from across the Kingdom and the Ministers of Justice of each constituent country, has been established to monitor and ensure the implementation of agreements to combat human trafficking. A number of workshops have been held on St Maarten to raise awareness of human trafficking and smuggling. In July 2012 ATIP, IOM and UNHCR organised a joint a workshop entitled 'Protecting Vulnerable Migrants'. The aim was to share international best practices and to equip participants (Red Cross, medical and senior law enforcement officials) with specialist knowledge, skills and tools. A similar follow-up workshop was organised in October 2012.

393. These initiatives are particularly important for St Maarten given that prostitution, although illegal, is tolerated within a specific framework. Young women travel to St Maarten from throughout the region and from Europe to work as barmaids, waitresses and exotic dancers at established bars. They are given six-month work permits and rent individual rooms in these bars at which they ply their trade. The authorities enforce mandatory periodic medical checks (for HIV and other STIs). This industry is popular with both tourists and locals alike, and its popularity is growing. Under the new penal code, prostitution will be decriminalised and the steps now being taken will ensure a transparent and regulated system. Taking this into consideration the Ministry of Justice has decided for the first time to observe EU Anti-Trafficking Day (18 October). In addition, the Ministry of Justice will take this opportunity to launch its Reporting Bureau, which will receive tips and handle all cases of human trafficking, smuggling and other abuses.

G. Article 7: Political and public life

394. Women have been able to both vote and run for office on St Maarten since securing this right in 1948 (in the former Netherlands Antilles). The Parliament of St Maarten is comprised of 15 seats, three of which have been occupied by women since 2010. A woman has held the position of President of the Parliament of St Maarten twice since it was created. Moreover, the Council of Ministers and thus the government of St Maarten has been led by a woman since the new constitutional status was established in 2010. Women also currently hold two key positions in the high Councils of State: Ombudsman and Vice-President of the Council of Advice.

H. Article 8: Representation

395. When the need arises to represent St Maarten or the Kingdom at international level, the government sends the person or persons who are best qualified or best able to represent the interests of the state. The best representative is selected on the basis of a non-discriminatory policy. In 2011, the Honourable Sarah Wescot-Williams, Prime Minister of St Maarten, represented the Kingdom of the Netherlands at the United Nations General Assembly. She also addressed the Assembly during the comprehensive review of the progress achieved in realising the Declaration of Commitment on HIV/AIDS and the Political Declaration on HIV/AIDS, an issue more aptly dealt with by the Caribbean countries within the Kingdom.

I. Article 9: Nationality

396. Under constitutional law, nationality is the responsibility of the Kingdom of the Netherlands. The Netherlands Nationality Act (Bulletin of Acts and Decrees 1984, 628) does not contain any provisions that discriminate against women with respect to the acquisition or loss of Dutch nationality. Additionally, woman and men have equal rights in regard to passing their nationality on to their children.

J. Article 10: Education

397. Education is a priority for the government of St Maarten. When the previous report was drafted, the strategy to implement compulsory education was being finalised. In 2009, compulsory education was introduced on St Maarten. However, since there was too little capacity to enforce the legislation, the decision was taken to phase it in over a five-year period, starting with children in the 4-8 age group.

398. Implementation is now in its final phase. There have been a number of initiatives to adapt to the new legislation, including the introduction of Foundation-Based Education, as outlined in previous reports. More recently, the government has increased the number of primary schools on the island, as well as the size of the classrooms. With the implementation of compulsory education, all students will now be able to benefit from the Community School concept, the aim of which is to provide a safe learning environment for children in the 4 to 12 age group after regular school hours. As a result of this project, a large number of children from single-parent and low-income households now receive the help with their homework which they would be unlikely to receive at home. Implemented by the government in 2007, the Community School concept was initially funded by USONA. In 2007, the Department of Youth Affairs was appointed to guarantee continuity of the programme in five primary schools on the island. The aim is to extend the programme to two other schools by the 2014-2015 school year, and eventually to all primary schools.

399. Access to secondary education has also improved. To date, the vocational school has been opened as planned to cater for both young people and adults. The National Institute of Professional Advancement, or NIPA, able to accommodate 200-500 students, currently caters for young people in the over-16 age group. The institution provides courses developed in tandem with the needs of the local labour market. To ensure efficacy, the school is managed by a board comprising representatives of various sectors including the Chamber of Commerce, the Ministry of Education, the Ministry of Labour, and the trade unions. A facility for youth needing special education and pupils with behavioural problems has also been opened to fill the void felt by children whose needs previously surpassed the capacity of the educational system. In addition, a school for general education has been opened in close proximity to NIPA. The increased capacity has given St Maarten a national teacher to student ratio of 1:15. This not only means that the government is able to meet demand but that an improved and accommodating academic environment is available. This allows each child to be given adequate attention and, consequently, a better chance to achieve his or her full potential. The aim is that with more opportunities to obtain a decent education the number of students attending undocumented schools will decrease and the number of children receiving an adequate, properly regulated education will increase. Complementary

to these initiatives is the Department of Youth Affairs' Business Outreach Placement Programme (BOPP). Carried out annually since 1998, the programme offers students in the 16 to 24 age group structured, mentored summer jobs in the public and private sector. The main goal of the BOPP is to offer pre-exam and exam students the opportunity to gain valuable work experience and consequently increase their chances of future employment. In 2013, 174 students registered for the programme, 111 of whom were selected.

400. In an effort to diversify and facilitate the constructive use of afterschool hours, particularly among girls, the Department of Sports has developed a plan of inclusion and engagement. This plan aims to raise standards and nurture a sports culture that automatically entails the full involvement of women and girls in every aspect, level, and role of sport. Additionally, it encourages associations, federations, and affiliates to provide more opportunities for women to be trained in all technical aspects of the sport, and to enable them to perform administrative tasks. The plan also calls for enhancing the voice of women in the development of plans and programmes which affect them.

401. Following the dissolution of the Netherlands Antilles, the University of the Netherlands Antilles (UNA) was officially renamed the University of Curaçao Mr. dr. Moises Frumencio da Costa Gomez. Eligibility and the application process remain the same for students from within the Kingdom of the Netherlands so that students from St Maarten are still able to attain advanced tertiary education at relatively low cost. The University of St Martin has undergone a number of internal transformations since the last report. Given that accreditation takes both time and money, in a bid to continue providing education, the university is again reaching out to regional partners in an effort to procure bilateral agreements and offer accredited programmes and courses through partners such as the University of Curaçao, University of the Virgin Islands and Mount St. Vincent University. Most recently, the university partnered with the University of the Dutch Caribbean, a private institution on the island of Curaçao. Together, the two are running a fully accredited course on St Maarten leading to a Bachelor of Applied Science degree in Electronic and Electrical Engineering (BAEEE). The programme commenced in August 2013 and it is just one of the ways in which educational vacuums are being filled through innovation.

402. Due to the economic downturn, the government has temporarily suspended the funding of scholarships for post-graduate studies (Masters and Doctorates) and streamlined the number of scholarships awarded to those pursuing a Bachelor's degree. This makes it harder for a number of children to attain post-secondary education.

403. With regard to teenage pregnancy, it was noted in the previous report that each school's management or board was responsible for their own policy regarding the attendance of pregnant teenage girls. Data was sourced from six schools. Of these six, five applied the unwritten rule that pregnant girls could attend school until the physical signs of pregnancy, usually after four to five months, became apparent. Of the five that allowed the return of teenage mothers, three pursued the policy that the girl would be expelled if she became pregnant a second time. These initiatives will ensure that all young people, and the most vulnerable, particularly young girls, are afforded opportunities to advance themselves.

K. Article 11: Employment

404. The policy of the government of St Maarten on development of the labour market is one of inclusiveness. Effective, efficient labour policies and legislation ensure that every individual has the opportunity to practise a freely chosen occupation, in a safe, healthy, and productive work environment. Labour legislation on St Maarten makes no distinction between male and female workers, all of whom enjoy the same privileges. This is further guaranteed by a supervisory body, whose role is to promote accessible social, legal and economic benefits for all.

405. During the previous reporting period, St Maarten had established a mediating committee comprising members representing unions, employers' organisations, and the government. The committee was charged with improving the dialogue between the social partners and, by extension, social and economic conditions on St Maarten. The committee agreed to increase the minimum wage to ANG 7.79 (USD 4.28) per hour and introduce greater labour market flexibility. It also promised to address issues arising from seasonal employment and short-term contracts and to set up a committee that would carry out periodic reviews touching on areas such as training, migrant workers, youth unemployment, and cost-of-living adjustments. Protection will thus be extended to include those employed as domestics, in hotels, in care and guidance capacities, and as vendors, many of whom are women. The committee has taken vigorous action and since the last report, the minimum wage has again increased and is now ANG 8.33 per hour. This came into effect on 1 January, 2013 and will be indexed annually based on increases in the cost of living. In 2011 the overall unemployment rate was 12.2%. This was further aggravated by the youth unemployment rate of 29.4%. Since then, the level of unemployment has steadily decreased due to efforts to match educational skills and training with labour market needs.

L. Article 12: Health

406. All policies, ordinances, and regulations regarding health are gender neutral, theoretically guaranteeing equal access to care. Currently, arrangements with regional hospitals on French St Martin, Puerto Rico, Curaçao, Guadeloupe, Venezuela and Colombia have made it possible to provide more advanced health care. Negotiations are underway on the future expansion of space, facilities and services at the Medical Centre.

407. Since the last report, a number of benchmarks have been achieved. Firstly, the merger of the Social Insurance Bank (SVB) and the Medical Expenses Office (BZV) has taken place. The achievement of this new structure, Social and Health Insurance (SZV), is the first step towards a National Health Insurance system. SZV aims to provide social and health insurance that is sustainable, high-quality, cost-conscious and development-oriented. Introduction of national health insurance will mean that all residents and people liable to pay income tax will be protected and provided for regardless of their ability to pay. The programme will be maintained through an income-dependent premium, an employer's contribution and an annual government contribution for specific groups of insured persons. A guarantee fund has been established to cover the medical assistance required by uninsured persons. This will ensure access to adequate and affordable health care for society's most vulnerable, particularly immigrant and low-income women.

408. In July 2010, the Ministry of Public Health granted the St Maarten Medical Centre a licence to commence the first phase of its expansion project. The overall expansion will lead to a reduction in the country's healthcare expenditure, as services and treatment will be available locally. More advanced services such as cardiology, urology and neurology will also be available at the Medical Centre once it is completed.

409. Most importantly, more attention is being devoted to raising awareness of diseases that used to be stigmatised, i.e. cancer and HIV/AIDS. Since the last report it has been decided to create a regional platform where resources — both money and expertise (best practices etc.) — can be shared.

410. Under the current Penal Code (Book 3, Title 6: Article 473), a person who displays publically materials or services, either solicited or unsolicited, which can be used to disrupt pregnancy, will be punished with imprisonment not exceeding three months or a fine not exceeding three hundred guilders. In addition, under Article 262, any person, who intentionally treats a pregnant woman with the expectation of disturbing or disrupting her pregnancy, will be punished with imprisonment not exceeding three years or a fine not exceeding three thousand guilders. If motivated by profit or as a criminal act this penalty may be increased by a third. Furthermore if the crime is committed in the capacity of the offender's profession he/she may be barred from future practice. This legislation is currently being reviewed.

M. Article 13: Economic and social benefits

411. The Department of Culture works with the Integrated Cultural Policy Framework. This is a highly interactive framework, promoting and encouraging growth and dialogue within society to empower all districts and communities to contribute to shared ethical standards and an inclusive vision of the future. The Department has policies in place that support these actions, for example recognition of cultural citizens. Cultural citizens were born on and can trace their heritage back to St Maarten and have adopted and immersed themselves in the way of life of the island. No cultural citizen should be discriminated against but should be able to live according to St Maarten's own culture. The Cultural Policy Framework highlights gender equality and the importance of young people. People are encouraged to pay special attention to gender issues in all areas of development.

412. The policy also encourages recognition of the contribution that the relationship between men and women makes to the process of passing on culture. Everyone has the right to enjoy the benefits of this integrated cultural policy. It encourages the development, education and recognition of individuals regardless of gender. With regards to the old age benefits programme (AOV), the allowance has risen to ANG 1000. This came into effect on 1 January 2013 and is particularly beneficial to people in the higher age bracket, the majority of whom are women.

N. Article 14: Rural women

413. Non-applicable.

O. Article 15: Equality before the law

414. This article deals with the legal equality between men and women. Legislation to that effect was outlined in Articles 1 and 2.

P. Article 16: Marriage and family life

415. In October 2010, by means of national ordinance, St Maarten adopted the Civil Code of the former Netherlands Antilles, subject to the amendments outlined below.

Divorce Law

416. In the previous period of review it was noted that the grounds for divorce had changed. In the past, adultery was the most commonly cited ground. As adultery is often a sensitive subject and difficult to prove, divorce proceedings were lengthy and cumbersome and a spouse accused of adultery could object at any point. Consequently, under Article 150 of the new Civil Code it is now possible for couples who have not separated to obtain a divorce at the application of either spouse or both. Furthermore, Article 151 introduced the concept of ‘irretrievable breakdown of marriage’, which either spouse can invoke as a ground for divorce (Article 154 contains further provisions regarding this concept in the case of a joint request by both spouses).

The Law of Parentage

417. Under the Civil Code of the Netherlands Antilles the man designated as the father of an illegitimate child was liable only for the child’s maintenance. Since the previous review period the law of parentage has been completely revised. The terms legitimate, illegitimate and natural child have been scrapped, and distinctions between children born in and out of wedlock have been eliminated to the maximum extent possible. Moreover, a married man who has a bond with a child may acknowledge it as his own. It was decided to amend the law that governed the ‘right to paternity’ with a time delay before its entry into force because of the controversy surrounding the issue. In May 2013 St Maarten incorporated the right to paternity into law in response to a ruling by the Dutch Supreme Court. As in the European part of the Kingdom, a child with no father as far as the law is concerned can now seek a judicial declaration of paternity. If the court rules that the man claimed to be the father is indeed the child’s father, the child acquires the right to inherit from the father and a note to this effect is entered in the Register of Births, Deaths and Marriages.

418. In addition, with effect from May 2013, the law regarding joint responsibility for minor children following divorce has been amended in response to a ruling by the Supreme Court. Article 251 now states that after the dissolution of a marriage other than through death, or following a judicial separation, a parent can apply to the court to establish an arrangement for the exercise of joint responsibility. Article 253c states that in the event of conflict between parents regarding joint responsibility an application can be made by each of them to the court of first instance, which will be decided upon in the best interests of the child.

Family name

419. Under the law as it previously stood, when a child was born in wedlock or acknowledged by its father, he/she automatically took the father's name. In 1988, the Supreme Court ruled this arrangement, which was based on the Civil Code, to be discriminatory against mothers as well as in conflict with Article 26 of the International Covenant on Civil and Political Rights (ICCPR). However, given the many conceivable systems from which it would be possible to choose, the Court felt that it was beyond its power to determine the law on this point and that it was the task of the legislature to decide how best to implement the principle enshrined in Article 26 ICCPR. As of May 2010, the provisions of Book 1 of the Civil Code concerning the law of persons and family have been amended to the following effect. If a child has a family law relationship with its mother, it takes her surname. If through an act of acknowledgment of paternity the child acquires a family law relationship with its father, it keeps the mother's name unless both mother and the father acknowledging paternity declare jointly, at the time of acknowledgment, that the child will adopt the father's name. If a child acquires a family law relationship with both parents through birth, both mother and father, at the time of registration, must jointly declare the choice of name or names that the child will have.
