

Netherlands Institute for Human Rights
Written Contribution

To the Pre-Sessional Working Group of the 65th session of the
UN Committee on the Elimination of Discrimination against
Women (CEDAW) on behalf of the consideration of the sixth
periodic report of the Netherlands

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Introduction

By presenting this report, the Netherlands Institute for Human Rights (hereinafter: the “Institute”) provides the UN Committee on the Elimination of Discrimination against Women (hereinafter: the “CEDAW Committee” or “Committee”) with information for its consideration of the sixth periodic report of the Netherlands. The State party’s report covers the period from 2008 through 2013. The Institute in its report also considers a selection of more recent developments, up to the date of publication of this report (January 2016).

The Institute constitutes the National Human Rights Institution of the Netherlands and has been accredited with A Status since May 2014. The Institute protects, monitors, explains and promotes human rights in the Netherlands through research, advice, and awareness raising. Its mandate also covers urging the government to ratify, implement and observe human rights treaties. One instrument used by the Institute to carry out this mandate is reporting to human rights treaty bodies, including the CEDAW Committee.

The Institute in this contribution will not address all topics covered by the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter: “CEDAW” or “the Convention”). This does not necessarily imply that the Institute believes those topics not addressed are sufficiently observed or that the CEDAW Committee need not consider them.

Article 2: Effective protection against discrimination: compliance with decisions under the Optional Protocol

The CEDAW Committee in February 2014 in its decision in the *De Blok et al. v. the Netherlands* case found that the Netherlands had violated Article 11(2)(b) of the Convention by not introducing financial compensation or social security benefits in connection with the maternity leave of self-employed women who gave birth between August 2004 and June 2008. The CEDAW Committee [recommended](#) that these women were retroactively paid benefits. The Dutch government [decided](#) not to follow up on this recommendation. It holds that Article 11(2) only applies to persons in paid employment. It also contests that this Article has direct effect in the Dutch legal order. The Netherlands was a strong proponent of and committed to the Optional Protocol. It is in that regard worrying that the Dutch government has not followed up on the recommendations of the CEDAW Committee and does not acknowledge that self-employed women have a right to benefits under the Convention.

Article 1 and 2: Violence against women

Prevalence of violence against women and police response

Despite the government's efforts, the prevalence of violence against women in the Netherlands is high. A 2014 survey by the [European Union Agency for Fundamental Rights](#) (FRA) showed that 45% of women over 15 in the Netherlands have at one point been the victim of physical and/or sexual violence. Statistics Netherlands ([CBS](#)) in 2014 reported that 31 women had been the victim of murder or manslaughter. Well over half the number of women murdered in the past five years were killed by their partners or ex-partners. Poignantly, various victims had reported being threatened to the police. Professional training of police officers is necessary for them to be able to intervene in case of immediate danger and to properly assess the level of the threat reported by women.

Suggestion for a question:

What does the government intend to do to ensure that the police is able to come to a proper assessment of the risks for *each* report of violence against women?

Gender-sensitive approach

The CEDAW Committee requested that the Netherlands report about progress made in drawing up a gender-sensitive action plan on domestic violence. The study "[Genderscan aanpak huiselijk geweld](#)" (2014, Genderscan on approach to domestic violence), commissioned by the government, showed that current policy and practice are insufficiently gender-sensitive. The policy on and approach to combat intimate partner violence should pay more explicit attention to the role played by stereotyping and unequal power dynamics between men and women, both as regards the relation between partners and otherwise within family relations. A project was started up by four organisations, commissioned by three ministries, to follow up on its findings. Implementation in practice is now crucial.

The Netherlands at present do not possess sufficient data to monitor whether its approach to prevent and combat gender-related violence is effective. The survey by the FRA could serve as a baseline for a follow-up study to measure the effectiveness of the approach.

Suggestions for questions:

What does the government intend to do to ensure that systemic attention is paid to gender in policy and practice on violence against women?

What does the government intend to do to monitor the effectiveness of its policy on violence against women and, where necessary, to adjust it?

Supporting and protecting victims of domestic violence

As from 1 January 2015, the responsibility for preventing domestic violence and providing support and protection, rehabilitation and care to victims has been vested in the municipalities. This allows for individualised approaches, which is a positive development. However, in practice, specialist care provided to victims is often lacking. Nor is the quality and capacity of the support and protection services offered properly supervised on the national level. The Association of Netherlands Municipalities reports in "[Wachlijsten en Veilig Thuis](#)" (2015, Waiting lists and safety at home) that a waiting period is applied to reports of domestic violence classified as being less urgent. The risk exists that this waiting period will become longer and that, in time, urgent reports, too, cannot be processed directly.

Suggestion for a question:

What does the government intend to do to ensure that all victims of violence have access to high-quality protection and support services and specialist aid at the local level without delay?

Women with a dependent residence permit more vulnerable to violence

The findings of the "[Huwelijksmigratie in Nederland](#)" (Immigration for the purpose of marriage in the Netherlands, 2014) study show that women holding a dependent residence permit are especially vulnerable when becoming a victim of domestic violence. These women are eligible for an independent residence permit only after having resided in the Netherlands for five years. It is very difficult for them to obtain an independent residence permit prior to this time. Such is possible only if they are able to prove that they cannot remove themselves from the violence committed by their partner, not even by leaving the Netherlands and returning to their countries of origin. Victims of honour-related violence additionally have to prove that the threat of such violence is present in their countries of origin as well. The perpetrators of the violence use the fear their victims have of being deported and/or losing their right of residence as a weapon to prevent them from seeking out help or applying for a divorce. For marriage migrants holding a dependent residence permit, a lack of awareness of their rights or fear of honour-related violence or reprisals by the perpetrator can prevent them from seeking assistance. The Dutch agencies and services do not always take the situation the marriage migrants find themselves in into account, resulting in them not being able to offer suitable assistance. Making it easier for victims of domestic or honour-related violence to obtain an independent residence permit and improving access to assistance allows for improved protection of this vulnerable group of women.

Suggestion for a question:

What does the government intend to do to ensure the adequate protection of victims of domestic violence who depend on their partner for their residency status and the availability of high-quality assistance?

Victims of domestic violence not holding valid residence permits

Women without a valid residence permit are more vulnerable to domestic violence. They fear that reporting to the police will have negative consequences for their stay in the Netherlands. Protection and support services for this group of victims are insufficiently provided for in law and practice. The Institute has received multiple signals that victims of domestic violence without a valid residence permit have difficulty accessing protection

and support services. This renders it even more difficult for this group of women to remove themselves from a situation of violence. Access to protection and support services is necessary to effect this.

Suggestion for a question:

What does the government intend to do to ensure that both victims of domestic violence without a valid residence permit and professionals are aware of these victims' rights and to ensure that such victims have access to protection and support services?

Violence against women in the Caribbean Netherlands

The scope and severity of domestic violence against women and girls in the Caribbean Netherlands are both significant. Poverty is rampant under the inhabitants of the Caribbean Netherlands and women often work various jobs to generate sufficient income for their family. They often depend on the income of their partner and/or maintenance money paid by their ex-partner. This financial dependency prevents them from removing themselves from the situation of violence.

In its follow-up report, the Netherlands refers to Bonaire, St. Eustatius and Saba's intention to introduce the Temporary Domestic Exclusion Order Act when implementing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It is important that the introduction of this Act is coupled to a programme providing for assistance and support to victims and treatment of offenders. The Istanbul Convention will for the time being apply exclusively to the European part of the Netherlands. However, CEDAW is applicable to the Caribbean Netherlands. Solid initial steps have been taken to tackle violence against women in the Caribbean Netherlands. Safeguarding the reporting structure, safe shelters and a permanent public information campaign on all three islands is essential. This requires the availability of professionals.

Suggestion for a question:

What does the government intend to do to ensure that structural measures in observance of the obligations to combat violence against women arising from CEDAW are implemented on all three islands? And within what time frame will these measures be implemented?

Forced marriage, marital captivity and abandonment

Scope

2014 saw publication of the "[Zo zijn we niet getrouwd](#)" (That was not what we agreed on) study on the scope of forced marriage, marital captivity and abandonment. No exact figures are available. 181 cases of forced marriage have been registered over the 2011-2012 period, but experts believe that the actual figure is between 674 and 1914 cases. 178 cases of abandonment have been registered; the estimated actual scope is between 364 and 1631 cases. 140 cases of marital captivity have been registered; the estimated actual scope is between 447 and 1687 cases. Forced marriage, marital captivity and abandonment are criminal offences.

Forced marriage

The Forced Marriage (Prevention) Act entered into force on 5 December 2015. This Act regulates the civil-law consequences of a marriage concluded under coercion. The Dutch Public Prosecution Service may prevent a marriage if coercion is involved. Should a marriage be concluded under coercion, either of the parties or the Public Prosecution

Service may initiate proceedings seeking annulment. In addition, various initiatives to raise public awareness and train assistance workers have been launched by the government and other bodies. These may result in an increased call for legal and other assistance and for protection and support services.

Marital captivity

A closely related problem is that of marital captivity, or the impossibility of one of the spouses - generally the wife - to terminate the marriage. She remains married by law and/or religious regulations against her will. The Dutch courts are not competent to dissolve religious marriages. However, the wife may request the court to order the husband to cooperate in the dissolution of the marriage under threat of a fine. The legal basis for such an order is that failure to cooperate in divorce proceedings is a wrongful act. The court may impose a fine to a party failing to observe the court order. The courts have ruled on a number of cases. Some of these resulted in the dissolution of the marriage, but some have not. Courts decide on a case-by-case basis and do not consider all situations of marital captivity to constitute a wrongful act.

Legal obstacles

It is difficult to establish and prove forced marriage and marital captivity. They occur in the private sphere. As a result, it is difficult for victims and relatives to report these situations and to provide evidence. In addition, reporting carries a risk of reprisals by the other spouse or other relatives.

The threshold to establish ‘coercion’ in criminal-law terms is high. This is especially problematic in the case of marital captivity: often, the stringent requirements for the situation to constitute coercion have not been met. And even if the other spouse is prosecuted, this does not guarantee that the marriage is dissolved under civil law and that the situation of marital captivity is terminated.

Suggestion for questions:

What measures will the government implement to encourage victims and those near to them to report forced marriage and marital captivity?

What measures will the government implement to ensure the safety of the parties involved in case of a risk of reprisal by the other spouse or other family members?

What measures will the government implement to promote governmental bodies being able to identify cases of forced marriage and marital captivity themselves?

Article 5: Eliminating stereotypes

Article 5 and Article 16: Informal care influencing the division of labour and care

A combination of new regulations and policies aimed at having the elderly reside at their homes for longer and having persons requiring care become less dependent on municipal facilities has resulted in more pressure being put on those near to them to provide informal care. This is cause for concern, as the burden of providing such informal care threatens to be predominantly placed on women. Prior to the changes, 61% of all informal care providers were women, two thirds of such care being provided by daughters or daughters-in-law. The 2015 study by the Netherlands Institute for Social Research, [“Vrouwen, Mannen en de hulp aan \(schoon\)Ouders”](#) (2015, Women, men and helping parents and in-laws), shows that women more quickly feel they should provide care if a parent or parent-in-law requires such. In addition, the report of the expert meeting [“Gendersensitief beleid bij gemeenten”](#) (2015, Gender-sensitive policies in municipalities)

shows that professionals often assume that the informal care required can often be provided by a woman near to the person requiring it. Professionals discussing the matter with their client, often talk about a daughter or the 'woman next door' helping out, and less often mention a son or the 'man next door'. The further increase in the demand for informal care may hamper the drive to increase the economic independence of women. It is therefore essential that research is conducted into the expected effects of the new regulations on the relationship between providing informal care and economic independence. The proposed measures to de-burden informal care providers are insufficient to counter this threat, even if they will predominantly come to benefit women, given that they form the majority of such care providers. It is essential that gender effects, too, are taken into account when assessing the changes in the legislation and that professionals are aware of these effects as well.

Suggestion for a question:

What measures will the government implement to prevent the increased demand for informal care to disproportionately encumber women?

Article 6: Trafficking in women and exploitation

Trafficking in women and exploitation

Combating human trafficking and protecting its victims have been given high priority status and many positive measures have been implemented. Yet, some groups of victims, including victims without a residence permit, minor victims, and victims of domestic human trafficking, still encounter problems.

Victims of human trafficking without a valid residence permit have a protected status when criminal proceedings are instituted against the trafficker. They are eligible for a special residence permit (the residence permit on non-temporary humanitarian grounds) pursuant to the Regulations on residency for victims of human trafficking. Reports of the National Rapporteur on Trafficking in Human Beings show that problems arise when the investigative proceedings into the human trafficker do not result in prosecution. Whenever this happens, the Immigration and Naturalisation Service (IND) in many cases rejects applications for a residence permit. In assessing the application, the IND is to take account of all relevant information present. However, in practice, the IND in coming to a decision predominantly focuses on the results of the investigative proceedings. The decision not to prosecute does not mean, however, that there are no victims. The IND should, therefore, not only take other relevant information into account in coming to its decision, but should also give such information greater weight so as to come to a more informed decision. Examples of such information are statements by psychiatrists, psychologists and cultural anthropologists.

Suggestion for a question:

What does the government intend to do to ensure that the IND considers all relevant information so as to come to a more informed decision on applications for a residence permit?

Domestic trafficking

As from 2015, the municipal authorities have become responsible for procuring youth care services, including for girls and young women who have become victim of domestic trafficking. A number of victims has a mild mental impairment. Specific steps need to be taken to prevent girls from (again) falling victim to domestic trafficking, and specific support and protection services and treatment of victims is necessary. [Fier Fryslân](#) (a

centre for expertise and treatment of victims) earlier this year stated that support and protection services for the victims of domestic trafficking are not sufficiently available.

Suggestion for a question:

What does the government intend to do to ensure that sufficient support and protection facilities and specialist assistance are available to victims of domestic human traffickers?

Article 7: Political participation

Political and social participation on the local level

In its 2010 Concluding Observations, the CEDAW Committee in Paragraph 32 expressed its concern over the under-representation of women on the local and provincial levels and requested the Netherlands to implement temporary measures to promote political participation of women on these levels. The programme mentioned by the government in its report ran from 2008 through 2010 and had little effect. The percentage of female mayors increased from 18% in 2008 to 19% in 2010. The number had risen to 22% in [2014](#). It is striking that only one of the larger municipalities of more than 150,000 inhabitants has a female mayor. Also striking is that the number of female members of the day-to-day management on the local and provincial levels is significantly lower than the number of female Municipal and Provincial Council members. The political participation of women on the local and provincial levels clearly has hardly increased, especially the participation of women on executive levels.

Suggestion for a question:

How does the government analyse this stagnation? What specific measures will the government implement within its approach to promote women obtaining high-level positions to improve the political participation of women at these administrative levels?

Article 10: Education

Mothers pursuing studies

In combining their studies with caring for their children, mothers pursuing studies experience many practical impediments, such as study schedules conflicting with the availability of child care and no right to maternity leave. The [Steunpunt Studerende Moeders](#) (Support for studying mothers) states that educational institutions are not always willing to make special arrangements for mothers pursuing their studies. The [percentage](#) of single mothers pursuing studies dropping out is 51% at the secondary vocational education level and 74% at the tertiary education level. It is not just the drop-out rate that is high: The Steunpunt also states that this group of students is at greater risk of incurring a delay in their studies and accruing debt.

The Institute in 2014 [concluded](#) in an opinion at the police academy discriminated against a woman on the ground of gender when it did not allow her to finish her education because she exceeded the maximum duration of the study due to going on maternity leave.

The web tool www.studiemetkind.nl (studying with a child) is a sound government initiative, providing a clear overview of all arrangements mothers pursuing studies can invoke and rely on. However, no national policy on dealing with the issue of mothers pursuing studies exists. The [Education Executive Agency](#), the government body responsible for granting financial support to students, does not recognise pregnancy as a special circumstance entitling students to additional support to cushion the financial consequences of a delay in studies, either. Mothers pursuing studies are, then, dependent on the

willingness of the educational institutions to make arrangements allowing them to be better able to combine maternity and education. The government thus puts the responsibility of solving the problem on the mothers themselves.

Suggestion for a question:

What specific measures will the government implement to ensure that educational institutions remove the impediments relating to pregnancy and parenthood?

Article 11: Work

Economic independence

The number of economically independent women has hardly increased since 2008. Just over half of all women, 53%, is economically independent. The economic independence figure for men stands at 74%. Factors contributing to the lower economic independence figure of women include wage disparity and the number of women in part-time work. The Statistics Netherlands study "[Vrouwen al op jonge leeftijd minder economisch zelfstandig](#)" (2014, Women less economically independent already at a younger age) shows that, in particular, women living in a multi-person household are less often economically independent. Women living on their own, on the other hand, are more often economically independent than men are.

Some financially vulnerable groups require additional attention. The 2014 Netherlands Institute for Social Research [Emancipation Monitor](#) shows that many people were made redundant in sectors employing a relatively high percentage of women, including domestic care and childcare facilities. 50% of lowly educated women are not active on the labour market. While lowly educated women have been identified as constituting a financially vulnerable group, the [Dutch gender and LGBT-equality policy 2013-2016](#) does not include measures to increase the economic independence and labour market participation of these specific groups.

Suggestion for a question:

What does the government intend to do to ensure that the position of financially vulnerable women and their economic independence improves?

Discrimination in the labour market: Concurrence of gender and religion

The Institute receives many reports on companies and institutions refusing to accept girls wearing a hijab for internships. The Institute in 2014 [found](#) that municipal authorities had committed discrimination by refusing a girl an internship position because they believed she was wearing too tight-fitting a hijab that hampered communications. The government mainly focuses on increasing the assertiveness and willingness to report discrimination of the possible victims. It as yet insufficiently addresses prevention by raising awareness at companies and institutions hiring interns, however.

Suggestion for a question:

What measures will the government implement to prevent discrimination of girls wearing a hijab by companies and institutions hiring interns?

Pregnancy discrimination

Discrimination on the ground of pregnancy is still often an impediment to the labour market participation of women. The "[Study on discrimination because of pregnancy and motherhood at work](#)" (2012) by the Institute showed that 45% of pregnant women were faced with some form of pregnancy discrimination. A call to report pregnancy discrimination to the Institute in November 2015 resulted in a record number of reports.

The Institute received 500 reports of possible pregnancy discrimination cases within a span of 10 days. Many of the cases involved the pregnancy resulting in the non-renewal of temporary employment contracts, or a renewal under altered conditions. Both the women concerned and employers often lack the awareness to recognise pregnancy discrimination. The government has for some years now been implementing measures to raise the awareness of both employers and employees. Those measures constitute a step in the right direction. However, at present, active enforcement of the prohibition is lacking. No company has been prosecuted thus far, nor have sanctions been imposed, even though legislation does provide for doing so.

Suggestion for a question:

What measures will the government implement to actively counter pregnancy discrimination and actively enforce the prohibition of pregnancy discrimination?

Unequal pay

Women on the Dutch labour market still receive less pay than men for the same work. This wage gap is partly the result of the application of remuneration criteria not directly related to the employee's performance on the work floor. These are often disadvantageous to women. Such criteria include remuneration on the basis of the valuation of the employee's work experience, of wage negotiations and of seeking to attune to most recently earned pay. The application of such criteria constitutes a risk for wage discrimination. The "[Study on Equal Pay for Men and Women in General Hospitals](#)" (2012) and a similar study into [equal pay at universities for applied sciences](#) (2015) by the Institute into determination of wages showed that if employers, when applying such criteria, award too little pay, the effects are twice as disadvantageous to women. The studies provide insights into the traps lying in wait when determining wages. It is of the essence that employers become aware of those traps and work to prevent offering unequal pay. Such is currently lacking. The Inspectorate SZW insufficiently monitors the efforts made by companies.

Suggestion for a question:

What does the government intend to do to ensure that companies become aware of the causes of unequal pay?

What does the government intend to do to ensure that companies implement specific measures to prevent unequal pay and how will it monitor such implementation?

Combining employment and care

Fixed working hours and fixed workplaces impede the efficient combining of work and care duties. The [modernisation of regulations](#) on leave and working hours removes some of these obstacles. However, the report "[De discussie voorbij](#)" (2010, Beyond the discussion) shows that practice refuses to conform to theory, as company culture, too, proves to be an obstacle to a balanced combination of work and care duties. This results in a continuation of the stereotypical division of duties between men and women which has the woman be responsible for the lion's share of care duties. Statistics Netherlands [figures](#) show that only some 25% of fathers entitled to parental leave actually take it. The study "[Betaalde arbeid en zorg voor kinderen; concurrerend of complementair](#)" (2010, Paid work and care for children, competing or complementary) showed that women more often tailor their working hours to complement those of their partner. The longer the work week of the partner, the fewer the hours worked by the women, who instead care for the children or provide informal care.

Suggestion for a question:

What measures will the government implement to encourage employers to allow both men and women to combine their work with their care duties?

Social security benefits for domestic workers

The CEDAW Committee's recommendation that measures be implemented to guarantee that female domestic workers would be fully entitled to social security benefits and associated facilities was not followed up on. Nor has the Netherlands ratified the ILO Convention concerning decent work for domestic workers (No. 189). The Commission on domestic work concluded that the existing Regulation on domestic work is not compatible with the provisions of the ILO Convention. According to the Commission, abolishment of the Regulation would not improve the position of domestic workers without an investment of the government. The government chose to uphold the current Regulation and to increase its observance by launching a media campaign and making model contracts available on all relevant government websites. The campaign hardly reached its target group. Still, domestic workers working less than four days a week for a single employer are to take out social insurance themselves and are not entitled to social security benefits. In the public sector the [government](#) proposed in December 2015 to prohibit the improper use of the Regulation by municipal authorities as per 1 January 2016.

Suggestion for a question:

What measures will the government implement to ensure that the legal position of domestic workers in both the private and the public sector will improve in practice?

Women in top positions in the business and academic sectors

Establishing a target figure of women taking up 30% of the seats of the Boards of Directors and Boards of Supervisory Directors of large legal entities has hardly had any concrete effect. The 2012-2015 Company Monitor shows that the percentage of women having a seat in Boards of Directors went up from 7.4% in 2012 to 9.6% in 2014. Over the same period, the percentage in the Boards of Supervisory Directors went up from 9.8% to 11.2%. This growth is attributable to a small number of enterprises only. In 2014, 76% of all Boards of Directors and 63% of all Boards of Supervisory Directors had no female members. No sanctions are imposed to an entity not meeting the target figure. There is little interest in effecting a culture shift. Initiatives aimed at improving the number of women in top positions, like the creation of a database listing suitable female candidates for vacant seats in Boards of Directors and Boards of Supervisory Directors, met with resistance from the business sector.

In academia, too, women have difficulty rising to the top. While the number of female professors is slowly increasing, the distribution is as yet still unbalanced. The percentage went up from 13.3% in 2013 to 17.2% in 2014. No target figure for the number of women to hold a chair exists. The Minister of Education, Culture and Science announced she would discuss the matter with universities and that she is in favour of a target figure of 30%.

Existing views on the suitability and stereotypical views on the care duties, ambition and competence of women result in women being passed over as suitable candidates. Such appears from the [2012-2015 Company Monitor](#). The government is insufficiently implementing measures to encourage companies and universities to actively work on promoting women to top positions.

Suggestion for a question:

What specific measures will the government implement so businesses and universities will judge women on their skills and the effect of stereotypes will be counteracted?

Article 12: Health

Gender-specific healthcare

As the government acknowledges in its report, the healthcare system is insufficiently geared to treating women. [ZonMw](#), the Dutch institute for health research and development found in its report "[Vrouwen zijn anders](#)" (2012, Women are different) that doctors, due to a lack of knowledge, not always arrive at the right diagnosis when a patient displays gender-specific symptoms. Medication, too, affects women differently than it does men. The founding of the Gender & Health Alliance, an initiative of the Ministry of Education, Culture and Science and women's network WOMEN Inc., and the announcement of the 2016 national programme constitute a step in the right direction with respect to improving gender-specific healthcare. It is as yet unclear how this national programme will be funded.

Suggestion for a question:

What does the government intend to do to ensure that systemic attention is provided to those differences between men and women that have an impact on the provision of good healthcare?

Health care for women without a valid residence permit

The CEDAW Committee in its previous concluding observations urged the government to make women without a valid residence permit aware of their rights to healthcare, access to care and the type of care they are entitled to. Provision of information is currently lacking, resulting in both women without a valid residence permit and healthcare professionals being unaware of the care these women are entitled to. The report "[Medische zorg aan ongedocumenteerden: aanbevelingen](#)" (2015, Medical care for migrants without a valid residence permit) shows that this in practice results in some healthcare professionals refusing to provide care to aliens without a valid residence permit. For this reason, aliens without a valid residence permit often require the intervention of an intermediary to obtain access to healthcare. In addition, aliens without a valid residence permit who have exhausted all rights of appeal or are set to be deported receive medication for a period of no more than two weeks and do not always obtain the necessary medical information to guarantee continuity of care.

Suggestion for a question:

What specific steps will the government take to improve the provision of information on the right to medical care for women without a valid residence permit, both to those women and to healthcare professionals, and to ensure that these women have access to the healthcare they are entitled to under Dutch law?

Article 16: Marriage and family

Family reunification

The Netherlands in the context of family reunification requires that the person involved pass the civic integration examination. This has proven to obstruct the very purpose of reuniting the family. In its 2010 concluding observations, the CEDAW Committee in Paragraph 42 pointed out that this requirement, and the income requirement, disproportionately affected migrant women. The income requirement has by now been lowered. So as to facilitate integration following a person's arrival in the Netherlands, the

civic integration requirements have been made stricter. The report "[Evaluatie van de Wet Inburgering Buitenland](#)" (2014, Evaluation of the Civic Integration (Preparation Abroad) Act,) shows that persons failing the civic integration examination are more often female and more often lowly educated. A study "[Gezinnen gezien?](#)" (2014, Seen families?) by the Institute showed that no exceptions are made for women failing the examination due to their level of education or illiteracy. As the government is set to review its policy, it is crucial that this group of women is taken into account.

Suggestion for a question:

What does the government intend to do to ensure that the requirement to pass a civic integration examination to be eligible for family reunification does not disproportionately prejudice illiterate or lowly educated women?

Annexe

Table 1 provides an overview of the number of requests for information received by the Front Office of the Netherlands Institute for Human Rights. Tables 2-8 provide an overview of the requests for an opinion dealt with by the Institute under the Equal Treatment Act and the number of opinions issued by it in the past few years. In 2014, for example, the Institute dealt with 446 requests for an opinion. In general, most of the requests concerned requesting the Institute for an opinion on the ground of gender. In 2014 the Institute dealt with 102 requests for an opinion on the ground of gender; 23% of the total amount of requests dealt with. This resulted in 49 opinions issued on the ground of gender; in 38 of those cases the applicant was female.

Table 1: Questions on the ground of gender

| | 2011 | | 2012 | | 2013 | | 2014 | |
|--|---------------|-----------|---------------|-----------|---------------|-----------|---------------|-----------|
| | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> |
| Total amount of questions on equal treatment | 1317 | 100 | 1147 | 100 | 2006 | 100 | 1657 | 100 |
| Questions on one ground of equal treatment; namely gender | 141 | 11 | 132 | 12 | 436 | 22 | 273 | 16 |

Requests for an opinion

Table 2: Requests for an opinion: on the ground of gender * female applicant

| | 2011 | | 2012 | | 2013 | | 2014 | |
|---|---------------|------------|---------------|------------|---------------|------------|---------------|------------|
| | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> |
| Number of requests on the ground of gender | 112 | 16 | 124 | 17 | 99 | 20 | 102 | 23 |
| Gender of applicant: female | 74 | | 85 | | 71 | | 75 | |
| Number of requests on grounds other than gender | 609 | 84 | 592 | 83 | 387 | 80 | 344 | 77 |
| <i>Total</i> | <i>721</i> | <i>100</i> | <i>716</i> | <i>100</i> | <i>486</i> | <i>100</i> | <i>446</i> | <i>100</i> |

Table 3: Requests for an opinion: on the ground of gender * pregnancy

| | 2011 | | 2012 | | 2013 | | 2014 | |
|--|---------------|----------|---------------|----------|---------------|----------|---------------|----------|
| | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> |
| Number of requests on the ground of gender | 112 | 16 | 124 | 17 | 99 | 20 | 102 | 23 |
| Of which on pregnancy | 45 | | 49 | | 44 | | 41 | |

Opinions

Table 4: Opinions: on the ground of gender * female applicant

| | 2011 | | 2012 | | 2013 | | 2014 | |
|---|---------------|------------|---------------|------------|---------------|------------|---------------|------------|
| | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> | <i>Number</i> | <i>%</i> |
| Opinions on the ground of gender | 45 | 20 | 47 | 22 | 42 | 23 | 49 | 27 |
| Gender of applicant: female | 30 | | 40 | | 31 | | 38 | |
| Number of opinions on grounds other than gender | 176 | 80 | 165 | 78 | 141 | 77 | 130 | 73 |
| <i>Total</i> | <i>221</i> | <i>100</i> | <i>212</i> | <i>100</i> | <i>183</i> | <i>100</i> | <i>179</i> | <i>100</i> |

Table 5: Opinions on the ground of gender:¹ discrimination / violation of the law on the ground of gender

| | 2011 | | 2012 | | 2013 | | 2014 | |
|--|---------------|-----------|---------------|-----------|---------------|-----------|---------------|-----------|
| | <i>Aantal</i> | <i>%</i> | <i>Aantal</i> | <i>%</i> | <i>Aantal</i> | <i>%</i> | <i>Aantal</i> | <i>%</i> |
| Opinions on the ground of gender | 45 | 100 | 47 | 100 | 42 | 100 | 49 | 100 |
| Discrimination/contrary to the law | 29 | 64 | 34 | 72 | 31 | 74 | 30 | 61 |
| No discrimination | 16 | 36 | 13 | 28 | 11 | 26 | 19 | 39 |
| Opinions on 1 ground: gender | 38 | | 44 | | 40 | | 43 | |
| Discrimination/contrary to the law | 24 | | 32 | | 30 | | 27 | |
| No discrimination | 14 | | 12 | | 10 | | 16 | |
| Opinions on > 1 grounds*: including gender | 7 | | 3 | | 2 | | 6 | |
| Discrimination/contrary to the law | 5 | | 2 | | 1 | | 3 | |
| No discrimination | 2 | | 1 | | 1 | | 3 | |

¹ The operative part of each opinion contains separate conclusions for each ground. This means that, while (prohibited) discrimination was found to exist on the ground of gender, such does not have to be the case on another ground.

Table 6: Opinions on the ground of gender² and applicant is female: discrimination / contrary to the law on the ground of gender?

| | 2011 | | 2012 | | 2013 | | 2014 | |
|---|---------------|---|---------------|---|---------------|---|---------------|---|
| | <i>Number</i> | % | <i>Number</i> | % | <i>Number</i> | % | <i>Number</i> | % |
| <i>Applicant is female:</i> | 30 | | 40 | | 31 | | 38 | |
| Discrimination/contrary to the law | 19 | | 28 | | 21 | | 23 | |
| No discrimination | 11 | | 12 | | 10 | | 15 | |

Table 7: Opinions on the ground of gender³ - pregnancy: discrimination / contrary to the law on the ground of gender

| | 2011 | 2012 | 2013 | 2014 |
|--|---------------|---------------|---------------|---------------|
| | <i>Number</i> | <i>Number</i> | <i>Number</i> | <i>Number</i> |
| Opinions on the ground of gender: on the sub-ground of pregnancy | 21 | 27 | 20 | 23 |
| Discrimination/contrary to the law | 11 | 18 | 15 | 15 |
| No discrimination | 10 | 9 | 5 | 8 |

Table 8: Opinions on the ground of gender and applicant is female: per situation⁴

| | 2011 | 2012 | 2013 | 2014 |
|--|---------------|---------------|---------------|---------------|
| | <i>Number</i> | <i>Number</i> | <i>Number</i> | <i>Number</i> |
| <i>Applicant is female</i> | 30 | 40 | 31 | 38 |
| Employment- Recruitment and selection | 14 | 14 | 13 | 15 |
| Employment- Appointment | 4 | 2 | 4 | 8 |
| Employment- Termination of employment relationship | 3 | 7 | 7 | 7 |
| Employment- Employment conditions | 9 | 10 | 4 | 5 |
| Employment- other | 7 | 3 | 4 | 3 |
| Goods and services (education included) | 0 | 3 | 2 | 3 |
| No situation | 0 | 2 | 0 | 0 |

² The operative part of each opinion contains separate conclusions for each ground; this means that, while (prohibited) discrimination was found to exist on the ground of gender, such does not have to be the case on another ground.

³ Ibidem.

⁴ A request for an opinion can be based on multiple situations: the total number of opinions on different situations therefore does not equal the total number of opinions in which the applicant was female.