

**Netherlands Institute for Human Rights**  
**Written Contribution**

To the 65<sup>th</sup> 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 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 and the replies of the Netherlands to the list of issues. The Institute provides its comments to the replies submitted by the government to the List of Issues, and draws attention to a number of issues it addressed in its report to the Committee’s presessional working group. The report to the Committee’s presessional working group is attached as an annex.

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.

## Legal and policy framework

### Awareness raising among legal practitioners (replies, par. 18-20)

The government submits information on trainings on human rights which it offers to civil servants, the judiciary and lawyers. As transpires from the general nature of the reply, no specific training is offered on CEDAW, the Committee’s general recommendations and the views adopted under the Optional Protocol.

Suggestion for a question:

Which measures will the government take to raise awareness of the Convention, as well as the general recommendations and case-law of the CEDAW Committee, among public officials, the judiciary and legal practitioners?

### Compliance with decisions under the Optional Protocol (replies, par. 22-23)

In its decision in the *De Blok et al. v. the Netherlands* case, the CEDAW Committee 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 Committee recommended that these women were paid benefits retroactively.<sup>1</sup> The Dutch government informed the Committee that it would not follow up on this recommendation.<sup>2</sup> In paras. 22-23 of its replies to the List of issues, the government reaffirms its position that Article 11(2) only applies to persons in paid employment.

There is news on this matter. Subsequent to CEDAW’s decision, one of the authors of the communication took her case again to court. On 26 September 2016 the District Court Midden-Nederland ruled that article 11(2) has direct effect and that the Netherlands has violated the Convention. It stated that financial compensation as a form of redress for the violation of a treaty provision prohibiting discrimination would be appropriate. UWV, the Employee Insurance Agency, must now take a new decision in this case, taking into account the court judgement.<sup>3</sup> Given that more women are in a similar position, the Institute would like to see that the government takes measures to guarantee a remedy for all women concerned without delay.

<sup>1</sup> CEDAW, 17 February 2014, *De Blok et al. v. the Netherlands*, [Comm. No. 36/2012](#), par. 9.

<sup>2</sup> [Letter of the Ministry of Foreign Affairs](#), 19 September 2014.

<sup>33</sup> District Court Midden Nederland, 23 September 2016, [Plaintiff] v. UWV, case no. UTR 15/5247, [ECLI:NL:RBMNE:2016:5113](#).

Suggestion for a question:

In light of this very recent development, which measures will the government take to follow-up the judgement of the District Court with respect to the plaintiff and to take measures to guarantee a remedy for all women in a similar position?

## **Stereotypes and harmful practices**

### **Marital captivity (replies, par. 62-63)**

With respect to the question of marital captivity, the government informs the Committee on various steps it has taken. The Institute acknowledges the relevance of the awareness raising campaigns and the measures to empower girls and women. However, more measures are necessary. The reply lacks information on measures taken to raise awareness among the judiciary, to take away the legal obstacles that exist to dissolve the marriage and to guarantee women safety in case of reprisals.

Marital captivity concerns 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. In the past years, the courts have ruled on a number of cases. Some of these resulted in the dissolution of the marriage, but some have not. Courts do not consider all situations of marital captivity to constitute a wrongful act.

Moreover, the threshold to establish 'coercion' in criminal-law terms is high. In the case of marital captivity and forced marriage, these stringent requirements are often not met. It is difficult to present evidence as marital captivity occurs in the private sphere. In addition, reporting carries a risk of reprisals by the other spouse or other relatives. 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 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?

## **Violence against women**

### **Prevalence of violence against women (replies, par. 66)**

Despite the government's efforts, the prevalence of violence against women in the Netherlands is high. The government reply in paragraph 66 deserves further attention. It outlines that the police deal only with a limited number of incidents of domestic violence, resulting in a very low number of arrests and prosecutions. It is an important fact that can have multiple causes. Unfortunately the government does not explain the low reporting.

Next, the government submits that 'Over onethird of the victims declare also to be a perpetrator.' This phrase lacks information about, for example, the gravity of the violence committed by both parties. Figures show that women are more often victim of serious physical violence and sexual violence.

A third point that is not addressed in the section on the prevalence of violence concerns the number of women killed by their partner or ex-partner. Statistics Netherlands reported in July 2016 that 2015 saw the lowest number of murders and manslaughter in twenty years (a total of 120 persons). However, the number of women who have been the victim of murder or manslaughter increased in 2015 to 43: 12 more than in 2014. Well over half the number of women murdered between 2011-2015 were killed by their partners or ex-partners.<sup>4</sup> It must be noted that various victims had turned to the police to report that they were threatened. One such case, where a woman was murdered by her ex-partner, has been thoroughly examined by a commission that was established by the police force concerned. The report of this investigation showed, among others, that the police did not respond firmly enough to the victim's reports and paid insufficient attention to the interests and needs of the victim. Instead, the police focused on preparing a file for the public prosecutor to be used in a criminal trial. Recommendations concerned procedural aspects of handling reports and to ensure that the victim's perspective receives due attention. It was noted that the imbalance in attention for the victims' needs and the efforts made to prepare for prosecution required attention at the national level.<sup>5</sup>

Suggestion for questions:

How does the government explain the low number of cases investigated and prosecuted by the police and is it aware of any obstacles for women who want to report a case of violence?

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

### **Supporting and protecting victims of domestic violence (replies, paras. 82, 95 and 101)**

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. The Institute elaborates on two pressing issues: timely access to 'Safety at home' services, and the availability of shelter and specialist care to victims.

The Association of Netherlands Municipalities reports in 'Waiting lists and safety at home' that a waiting period is applied to reports of domestic violence classified as being less urgent.<sup>6</sup> The problem was recognised by policy makers at the national and local level and steps have been taken, such as the availability of extra means and the appointment of an expert to improve quality of the 'Safety at home' services.<sup>7</sup> Cases in which victims face the highest risk are accorded priority, but in other cases victims remain on waiting lists. In making an assessment of the risk victims face, a gendersensitive approach must be applied. It is not clear whether this is always the case. As a follow-up to the genderscan (see also reply in par. 101), expert bodies published practical tools for municipalities and professionals in July 2016.<sup>8</sup> Application of these tools will contribute to ensuring that the gender dimension of domestic violence becomes an integral part of policy making by municipalities and the implementation thereof at the local level.

On safety, the government responds in paragraph 82 that 'Safety should be understood to mean, here, 'freedom from the risk of violence in the domestic setting'; there must be a

<sup>4</sup> CBS, [Laagste aantal moorden in 20 jaar](#) [Lowest number of murders in 20 years], 29 July 2016.

<sup>5</sup> Commissie Eenhoorn, [Conclusies en aanbevelingen onderzoeksrapport Twee Steden](#), [Conclusions and recommendations research report Two Cities] 17 mei 2016.

<sup>6</sup> VNG, [Wachlijsten en Veilig Thuis](#), [Waiting lists and safety at home] 2015.

<sup>7</sup> News release: [Jan-Dirk Spokkereef aan de slag voor Veilig Thuis en aanpak kindermishandeling](#), [Jan-Dirk Spokkereef set to work for Safety at home and to combat violence against children] 8 February 2016 and [text of an interview](#) 9 July 2016.

<sup>8</sup> A set of four instruments is available at [www.atria.nl](http://www.atria.nl)

safe space for everyone - at home, or if that is not possible, somewhere else.’ In paragraph 95 the government refers to the nationwide network of women’s shelters, without, however, paying attention to the fact that these shelters face serious capacity problems which are well-documented. It does not explain which measures the government takes to guarantee that everyone indeed has access to a safe place. A recent manifest on domestic violence confirms that budget cuts have had serious consequences for the access to women’s shelter for victims of domestic violence. Some shelters have had to cut back their budget by 50%. Women not admitted to the shelter are offered ambulatory care, which means that some of them have no alternative but to remain with their abusive partner.<sup>9</sup>

Suggestion for a question:

What steps does the government take to ensure that municipalities integrate a gender perspective in the fulfilment of their responsibilities on domestic violence?

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

#### **Victims of domestic violence not holding valid residence permits (replies, par. 82)**

In par. 82 of the replies the government emphasises that there must be a safe space for *everyone*. However, individuals without a valid residence permit are not entitled to tailored services under the Social Support Act. Article 1.2.2, paragraph 3, of the Act stipulates that an administrative decree can provide for an exception to this rule for victims of domestic violence. So far, such a decree has not been adopted. As a consequence, women without a valid residence permit are not entitled to access to shelter and support services. In practice, some victims are admitted, but the Institute has received signals that others 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. An established right to access to protection and support services is necessary to effect this.

Suggestion for a question:

Does the government intend to strengthen the position of victims of domestic violence without a valid residence permit by regulating their right to access to a shelter and support services?

#### **Violence against women in the Caribbean Netherlands (replies, par. 84)**

As the government acknowledges, the scope and severity of domestic violence against women and girls in the Caribbean Netherlands are 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.

The preparation for implementation of the Istanbul Convention has given an impetus to the development of a policy to tackle domestic violence in the Caribbean Netherlands. The government submits (par. 84) that it takes an integrated approach to tackling domestic violence and that it is a priority for the coming years. However, it does not elaborate on the nature of the individual measures taken, the integrated approach and the time frame.

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<sup>9</sup> [Manifest Kring van veiligheid, Huiselijk geweld te lijf](#), [Manifest Circle of safety. Tackling domestic violence], April 2016, p. 15.

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?

## Trafficking in women

### Trafficking in women: recent trends (replies, par. 108)

Combating human trafficking and protecting its victims have been given high priority status and many positive measures have been implemented. Yet, the number of registered potential victims has dropped, the amount of minors amongst possible victims of exploitation has grown, and privacy laws seem to hinder proper reporting.

In her most recent report, the National Rapporteur on Trafficking in Human Beings shows that the number of registered potential victims has dropped from 1.561 in 2014 to 1.321 in 2015.<sup>10</sup> The percentage of potential victims of sexual exploitation with Dutch nationality has increased from 35% in 2014 to 46% in 2015. The number of minors amongst the whole group of potentially exploited persons has risen from approximately 16% (2011-2014) to 25% in 2015. The number of registered potential minor victims with a foreign nationality in 2015 has more or less remained the same as in 2014. This raises the question whether this may be due to underreporting, since the number of requests for a residence permit for unaccompanied minors has grown with 300% compared to 2014. The National police reported 14% less possible victims in 2015 than in 2014, whereas the KMar (the Royal Military Police) reported 46% less possible victims than in 2014. The National Rapporteur recommends that resources and priorities at both organisations reflect an ability to effectively fight trafficking.

In 2015 Syrian, Afghan and Eritrean potential victims were registered. These nationalities are known to represent a large amount of migrating and refugee groups. The police and KMar currently only have limited resources to combat human trafficking. Governmental institutions that deal with smuggling need to be (made) aware of signals of trafficking, report possible victims and offer them appropriate assistance and protection. Attention is required to prevent smuggled persons falling prey to traffickers.

The National Rapporteur is concerned that possibly less minors are reported and registered amongst potential victims of trafficking. Due to privacy laws, social workers require parents or caretakers to sign a consent form for the minor's registration. The law does not provide for the possibility of registration without prior consent. The National Rapporteur believes that this contributes to the underreporting of this group of potential victims.

Suggestion for questions:

How does the government ensure proper identification of all potential victims of human trafficking, including possible victims of trafficking among the migration and refugee groups entering the Netherlands?

How does the government ensure that there are no barriers for proper reporting and registration of all possible victims of trafficking?

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<sup>10</sup> National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children in the Netherlands, [Monitor Mensenhandel. Cijfers mogelijke slachtoffers 2011-2015](#) [Monitor Human Trafficking. Data and possible victims 2011-2015], August 2016.

## Participation in political and public life

### Political participation on the local level (replies, par. 52 & 138)

In its reply to the Committee's question on temporary special measures to promote women's participation in political life, the government merely responds that political parties are responsible for selecting candidates for political office (par. 52). It is surprising that the government denies its responsibility to promote participation in political life, not only because of obligations under the Convention, but also because the government earlier ran a programme to promote political representation of women on the local and provincial level. Moreover, it should be noted that in the Dutch system it is not necessary for a mayor to be member of a political party. The programme mentioned ran from 2008 through 2010. It 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.<sup>11</sup> Only one of the larger municipalities of more than 150,000 inhabitants has a female mayor. It is striking that the number of women holding a *governing* position on the local and provincial levels is significantly lower than the number of elected female municipal and provincial council members. But also in these elected municipal councils, the percentage of female members is low - only 28% - and has hardly increased.<sup>12</sup>

Suggestion for questions:

Does the government accept its responsibility under article 7, in conjunction with article 4 of the Convention to take temporary special measures to promote participation of women in political life?

What specific measures will the government implement to improve the political participation of women at these administrative levels?

## Education and employment

### Discrimination against women and girls wearing a hijab (replies, par. 177)

In its reply in par. 177 the government informs the Committee that there are no specific policies aimed at the participation of migrant women in the labour market. There is, however, a pressing need to do so. Equal access to the labour market often begins at equal opportunities at school. The Institute receives many reports on companies and institutions refusing to accept girls for internships because they wear a hijab. A report on technical and vocational training and internships and the role of discrimination showed that employers apply criteria which they consider to be neutral, but which in practice lead to the rejection of applicants for internships wearing a hijab. They for example state that a hijab is not fit for the company's reputation or profile, or that a hijab does not constitute representative dressing. The research also showed that many teachers do not consider a company's request for a girl without a hijab to constitute a discriminatory request.<sup>13</sup> The fact that this practice frequently occurs in this educational sector is particularly worrying, because the completion of an internship is a prerequisite for graduation. The government mainly focuses on increasing the assertiveness and willingness to report discrimination of the potential victims. It as yet insufficiently addresses prevention by raising awareness at companies and institutions hiring interns, however.

Suggestion for a question:

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<sup>11</sup> Ministry of the Interior and Kingdom Relations, [Staat van het Bestuur](#) [Trends in governance], 2014.

<sup>12</sup> Atria, [Vrouwenstemmen in de raad. Ambities, belemmeringen en successen van vrouwen in de lokale politiek](#) [Women's voices in the council. Ambitions, obstacles and achievements of women in local politics], 2016.

<sup>13</sup> Kennisplatform Integratie en Samenleving, [Mbo en de stagemarkt, wat is de rol van discriminatie?](#) [Intermediate vocational education and internships, what is the role of discrimination?], Utrecht: Verwey-Jonker Instituut, 2016.

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

## Employment

### Unequal pay (replies, par. 171)

In its report, as well as in its replies to the Committee, the government acknowledges that women continue to receive less pay than men for the same work. The replies contain no details as to the specific measures the government will take to address the existing situation. Research by, among others, the Institute, shows that the wage gap is partly the result of the application of remuneration criteria not directly related to the employee's job performance. 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 are often disadvantageous to women and constitutes a risk for wage discrimination. The Institute's studies on equal pay for men and women in general hospitals<sup>14</sup> and on equal pay at universities for applied sciences<sup>15</sup> showed that if employers, when applying such criteria, award too little salary, 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 unequal pay. Such awareness is currently lacking. The Inspectorate Ministry of Social Affairs and Employment (Inspectorate SZW) insufficiently monitors the efforts made by companies.

Suggestion for questions:

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 guarantee equal pay and how will it monitor the implementation?

### Economic independence and labour market participation (replies, par. 173)

The percentage of economically independent women has hardly increased since 2008. Just over half of all women, 53%, is economically independent. Factors contributing to the lower economic independence figure of women include wage disparity and the number of women in part-time work, as well as stereotypical views on women's role as carers and the lack of a consistent policy on child care facilities. The government reply in par. 173 does not address the underlying causes contributing to this situation.

Some financially vulnerable groups require additional attention. The government lists in par. 173 a number of measures to encourage women to participate in the labour market, also addressing the position of women with low education. The 2015 evaluation of the *Eigen kracht* project referred to by the government showed that it is difficult to reach the originally defined target group of women with a low level education who neither have a job, nor receive benefits. These women are not in municipalities' records and are therefore largely invisible. The evaluation contains a useful overview of factors contributing to positive results as well as recommendations to overcome obstacles. Among the factors hindering participation in the project, and to enter the labour market or education, is the lack of affordable childcare. The report makes clear that many women in the target group need long-term support and an individual approach.<sup>16</sup> The project has

<sup>14</sup> Netherlands Institute for Human Rights, [Study on Equal Pay for Men and Women in General Hospitals](#), 2012.

<sup>15</sup> Netherlands Institute for Human Rights, [Equal pay at universities for applied sciences](#), 2015.

<sup>16</sup> DSP Groep, [Eindmeting project Eigen Kracht, Resultaten 2014](#), [Final measurement project Own Strength, Results 2014] Amsterdam: 2015.

been continued on a different basis and placing responsibility for this initiative at the local level. A selection of municipalities may apply for funds from the government. Municipalities must themselves monitor the implementation and evaluate the results. The government announced that it will possibly also make its own evaluation to compare different approaches and share best practices among municipalities.<sup>17</sup>

Suggestion for questions:

What does the government intend to do to address the underlying causes of the low number of women who are economically independent?

What does the government intend to do to continue to advance the position of financially vulnerable women, also in municipalities that cannot apply for funding?

### **Women in top positions in the business and academic sectors (replies, par. 173)**

The Committee asked for information about women's career progression. The reply in par. 173 does not address career progression at all. Career progression requires attention, for instance the position of women in companies and women in universities.

The established target that women should take up at least 30% of the seats of the Boards of Directors and Boards of Supervisory Directors of large legal entities has only a minimal 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. The Female Board Index 2016 also shows that the target figure of 30% of women in the executive and supervisory board of 83 Dutch listed companies has not been met. Only two companies comply with the target figure and the number of female board members decreased from 7.8% to 7.1%.<sup>18</sup>

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 17.1% in 2016. 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%. Recent research shows that women are less represented in higher functions and receive less pay and allowances than their male colleagues.<sup>19</sup>

The 2012-2015 Company Monitor shows that 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.<sup>20</sup> The government seems insufficiently

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<sup>17</sup> Ministry of Education, Culture and Science, [Decentralisatie-uitkering Programma Economische Zelfstandigheid](#) [Decentralisation benefit Programme Economic Independence].

<sup>18</sup> Mijntje Lückerath-Rovers, [The Dutch Female Board Index](#), Tilburg: TIAS School for business and society, 2016.

<sup>19</sup> LNVH, [Financiële beloning van mannen en vrouwen in de wetenschap](#) [Financial remuneration of female and male academic staff at universities], 2016.

<sup>20</sup> Commissie Monitoring Talent naar de Top, [Topvrouwen in de wachtkamer, Bedrijvenmonitor 2012-2015](#) [Top women in the waiting room. Company monitor 2012-2015], 2015.

active to implement 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?

### **Combining employment and care (replies, par. 181 & 183)**

Labour participation of women with child caring responsibilities is limited and many fathers could play a larger role in caring than they currently do. Various factors contribute to this situation. The Institute addresses two issues about which the government seems not to have been providing all relevant information.

The first concerns company cultures. The modernisation of regulations on leave and working hours has removed some obstacles to flexibility in work, thus facilitating, in theory, combining of work and care duties. However, it is important that employees, both women and men, are invited to use these facilities, and that this is not interpreted as a lack of career ambition. The current culture in many companies prevents a balanced combination of work and care duties and contributes to 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.<sup>21</sup> Statistics Netherlands figures show that only some 25% of fathers entitled to parental leave actually take it.<sup>22</sup> One positive step is that as of recently, basic paternity leave was expanded to five days (para. 183).

Second, combining care and work is served by a consistent government policy fostering the availability and accessibility of affordable childcare of high quality. This childcare must be beneficial for the development of children to ensure that in particular mothers are confident that their work will not hamper their children's development. Over the years the Dutch government has pursued a 'jo-jo-policy' instead.

Suggestion for questions:

What measures will the government implement to see to it that employers contribute to a culture at the workplace which encourages both men and women to combine their work with their care duties?

What measures will the government take to ensure that childcare services of high quality are easily available and that participation of children in these facilities is actively encouraged?

### **Pregnancy discrimination and the right to work (replies, par. 189)**

In its replies on pregnancy discrimination the government submits that it has improved public information on this matter. However, the information on the government's website is very difficult to find and the content is rather limited. Pregnancy discrimination has not decreased in the past four years. Research by the Institute in 2016 shows that 43% of the women who were active on the labour market in the year they gave birth, had an experience that indicates pregnancy discrimination in the enjoyment of the right to work. Pregnancy discrimination can affect the job security of women. It appears that in the case of women whose contract expired during pregnancy, in 44% the contract probably was not

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<sup>21</sup> Taskforce DeeltijdPlus, [De discussie voorbij](#), eindrapport [Beyond the discussion, final report], 2010.

<sup>22</sup> CBS, [Ruim drie kwart vaders neemt geen ouderschapsverlof op](#) [More than 75% of fathers does not take parental leave], 19 June 2015.

renewed because of the pregnancy. The research shows that pregnancy decreases the chance of finding a new job. 11% of the women who were pregnant when they were interviewed was explicitly rejected because of their pregnancy. So it is difficult to combine pregnancy with an uncertain labour market position. These findings are similar to the results of the study on discrimination on the ground of pregnancy and motherhood at work the Institute published in 2012<sup>23</sup> and show that there has been no significant improvement. Pregnancy discrimination is often not recognized as discrimination, also not by women who experience it themselves. They tend to find their disadvantaged position understandable. Their readiness to complain about (possible) discrimination has halved in four years' time. In response to the findings, the government has announced that a plan of action will be developed.

Suggestion for questions:

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

What measures will the government undertake to ensure that women and employers are better informed about the prohibition of pregnancy discrimination?

### **Social security benefits for domestic workers (replies, par. 196 & 198)**

In its replies (par. 196), the government reaffirms that it will not ratify the ILO Convention concerning decent work for domestic workers (No. 189). The special Commission on domestic work concluded that the existing Regulation on domestic work is not compatible with the provisions of the ILO Convention. According to this Commission, abolishment of the Regulation in itself would not improve the position of domestic workers. It is necessary that the government invests in a system guaranteeing all social security benefits. However, the government does not want to introduce such a system because of the costs and the risk of fraud (par. 198) and upholds the current Regulation. To increase the observance of the Regulation, which includes certain social rights for domestic workers, the government launched a media campaign and made model contracts available on all relevant government websites. The campaign hardly reached its target group. And domestic workers working less than four days a week for a single employer are still to take out social insurance themselves and are not entitled to social security benefits. Currently, a large group of domestic workers who provide home care is employed through improper practices by homecare institutions. Rulings from the Court of Appeal and the Central Appeals Court have criticized this. The government plans to amend relevant legislation to ensure that homecare institutions provide full workers' rights to publicly funded domestic workers (par. 194). The government should ratify ILO Convention No. 189 and end the legally enshrined disadvantaged position of all domestic workers, including in the private sector.

Suggestion for a question:

What steps will the government take to ratify ILO Convention No. 189 and which steps will it take to ensure that the position of domestic workers in both the private and the public sector will improve in law and in practice?

### **Disadvantaged groups of women**

#### **Informal carers (replies, par. 220)**

In its replies, the government quoted from available data on informal carers. According to the government, only 58% of informal carers in the Netherlands are women while 42% are

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<sup>23</sup> Netherlands Institute for Human Rights, [Study on discrimination because of pregnancy and motherhood at work](#), 2012.

men (para. 220). This hints that the burden for caring tasks is rather well divided between men and women. However, the figures actually only refer to informal carers who have a job for 12 hours or more. And 65% of this group of informal carers are women providing *intensive* informal care. Moreover, the 2015 study by the Netherlands Institute for Social Research ‘Women, men and helping parents and in-laws’ shows that roughly 70% of all informal care is provided by daughters and daughters-in-law. Women more quickly feel they should provide care if a parent or parent-in-law requires such. The kind of help women provide, for example supervision and accompanying on out-of-home visits, is interfering with their participation on the labour market in comparison with the kind of care men provide.<sup>24</sup>

In addition, the report of the expert meeting ‘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’.<sup>25</sup> 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. The government informs the Committee (para. 220) that an expert meeting explored how municipalities can encourage a more equal distribution of care tasks. It remains unclear what the results of this exploration are in practice.

Suggestion for a question:

What measures will the government implement to guarantee that the increased need for informal care does not disproportionately encumber women?

#### **Family reunification (replies, par. 228)**

In its replies to the question on requirements for family reunification, the government announces an evaluation of legislation on civic integration. The 2013 law made the civic integration requirements stricter, in order to facilitate integration following a person’s arrival in the Netherlands. The evaluation of the previous act showed that persons failing the civic integration examination are more often female and more often lowly educated.<sup>26</sup> Further, a study ‘Seen families?’ by the Institute showed that no exceptions are made for women failing the examination due to their level of education or illiteracy.<sup>27</sup> The forthcoming evaluation should take the situation of women into account, in particular women who are lowly educated.

Suggestion for a question:

How will the government ensure that the evaluation of the act examines whether the requirement to pass a civic integration examination to be eligible for family reunification does not disproportionately affect illiterate or lowly educated women?

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<sup>24</sup> SCP, [Vrouwen, Mannen en de hulp aan \(schoon\)Ouders](#), [Women, men and helping parents and in-laws] 2015.

<sup>25</sup> [Gendersensitief beleid bij gemeenten](#), [Gender-sensitive policies in municipalities] 2015.

<sup>26</sup> [Evaluatie van de Wet Inburgering Buitenland](#), [Evaluation of the Civic Integration (Preparation Abroad) Act], 2014.

<sup>27</sup> Netherlands Institute for Human Rights, [Gezinnen gezien?](#) [Study of Dutch regulations and practices in the light of the European Family Reunification Directive], 2014.