

Presentation to the UN Committee on the Elimination of Discrimination against Women (CEDAW), during its 65th session, on behalf of the consideration of the 6th periodic report of the Netherlands
7 November 2016
Netherlands Institute for Human Rights
Kathalijne Buitenweg, Commissioner

Distinguished members of the Committee,

Thank you very much for the opportunity to present to you the highlights of our report on the situation of women in the Netherlands.

Let me start with a positive observation. The Dutch government is well aware of the need for full and equal participation of women in society. And while a few years ago a minister claimed that emancipation was fully accomplished, the current minister is open about the fact that discrimination on the basis of gender still takes place, that more women ought to be economically independent and that caring tasks are responsibilities of men as well. There is also acknowledgment that many of the problems mentioned are linked to stereotypes about typical male and female roles and the motherhood culture in the Netherlands.

The real matter at stake today is *how* we can address these problems, and to what extent this requires interventions and actions by the government. In the view of the Netherlands Institute for Human Rights the government has more power, more leverage and more tools at its disposal than it realises or is willing to use. In our written contribution we have pointed out certain areas where more effort is needed to contribute to changing the existing culture, and to battle the discriminatory effect of stereotypes.

Changing stereotype views

A first area is the *public and political arena*. According to the government, it is the political parties that should ensure equal participation for political offices. However, that is not what is written in article 7, in conjunction with article 4 of the Convention. The government can undertake action such as analysing the current obstacles, which may be the time slots that city councils meet, or the manner in which selection takes place. The fact that a previous program failed, leaving the number of female mayors at 22% (and then mainly from smaller communities) is no reason to refuse responsibility now.

The second area concerns *the labour market*. Discrimination there is ongoing. * The Netherlands Institute for Human Rights has established that in particular girls and women wearing a hijab are rejected for jobs and internships because the hijab is by many not regarded as representative dressing. * We have also conducted

research that shows that pregnancy discrimination is widespread: 43% of women who were active on the labour market in the year they gave birth had an experience that indicates discrimination. And more worryingly: in Dutch society it is regarded as rather logical - and justifiable - that employers do not hire pregnant women when they have the choice. * There is still a wage gap between what men and women earn on average. * And in 76% of all Boards of Directors and 63% of Boards of Supervisory Directors there was no female member at all.

The root for all these problems can be traced to a large extent to existing stereotypes about men and women. The wage gap is partly due to the fact that previous work experience of male employers - without objective reasons - is valued more highly; pregnancy discrimination is linked to the widespread idea that women, once they have children, lose their ambitions and loyalty to the company; and regarding leading positions, the Company Monitor shows that stereotypical views about competences of women and images about the “ideal leader” stand in the way of equal chances for men and women.

Changing a culture is of course incredibly difficult and takes a long time. The Dutch government could certainly need a push to step up its efforts. It currently focusses on increasing the assertiveness and willingness of potential victims to report discrimination. However, it also needs to take more action to prevent discrimination and to monitor the efforts made by companies. To make pacts, or even legislation, to *enforce* change and to ensure equal rights in practice.

Indirect discrimination

In our contribution, we have also pointed out that the government itself seems sometimes insufficiently sensitive to the fact that a seemingly neutral law may have a different effect on the average woman than on the average man. We see this for example regarding *informal care*. Nowadays it is expected that family members (both male and female) assist more actively than before in caring for the sick and the elderly. According to the government, the burden is rather evenly divided between men and women. However, when studying the facts better, it shows first of all that *intensive* care is provided substantially more by women, and secondly that the type of care that daughters and daughters-in-law undertake, such as bringing their mother(-in law) to the doctor, interferes more with their own labour market duties than the average tasks that men undertake, such as regulating their parents' financial administration.

A second example of the need for more awareness of the different starting-positions of men and women is the law on *family reunification*. In order to come to the Netherlands in the framework of family reunification, people have to pass a civic integration exam. Research shows that those who are failing this test are more often female and more often lowly educated. Though we all know that in

many countries of origin women have a substantial lower level of education and literacy, this has not led the government to make exceptions.

A third example are the domestic workers. The government refuses to change the current legislation that exempts domestic workers who work less than four days a week from being entitled to social security benefits. The legally enshrined disadvantaged position of domestic workers affects substantially more women than men, and is also in violation with the ILO Convention No. 189, which the Netherlands, unfortunately, will not ratify.

Bodily integrity - a crucial human right

A final point I want to make is regarding a better protection of women.

When women face violence at home, they must be given the chance to escape this and find safety in a shelter. However, in practice this safety is not available for all. Firstly, due to budget cuts the shelters have insufficient capacity. Secondly, the shelters are not accessible for *all* women. Persons without a valid residence permit are formally not entitled to access them. This should be remedied as soon as possible.

Also the police should undertake an extra effort to put the safety of all women first. An investigation, by the police itself, revealed that police officers are sometimes so focused on the perpetrator, that they fail to pay sufficient attention to the victims needs and interests, including their safety.

Conclusion

Overall, the Netherlands Institute for Human Rights urges the Dutch government to ensure that structural inequalities are tackled by structural measures. We may all dream of a world in which men and women have equal changes. But this has not arrived yet. Therefore neglecting the gender dimension in the Netherlands today does not diminish, but in fact contributes to current inequalities.