



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

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**Committee on the Elimination of Discrimination  
against Women**  
Twenty-fifth session

**Summary record of the 512th meeting**

Held at Headquarters, New York, on Friday, 6 July 2001, at 10 a.m.

*Chairperson:* Ms. Abaka

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women**

*(continued)*

*Second and third periodic reports of the Netherlands (CEDAW/C/NET/2 and Add.1 and 2; CEDAW/C/NET/3 and Add.1 and 2; CEDAW/PSWG/2001/II/CRP.1/Add.2 and CRP.2/Add.2)*

1. *At the invitation of the Chairperson, the members of the delegation of the Netherlands took places at the Committee table.*

2. **Ms. Verstand-Bogaert** (Netherlands), in introducing the second and third periodic reports of the Netherlands, said that progress in women's emancipation had been achieved in many areas. Most notably, the participation of women in the labour market in the Netherlands had soared from about 30 per cent to 52 per cent. In the past, there had been a strict division between men's and women's roles of work and care, and evidence of that "breadwinner" model of society still remained. Although her Government was proud of its efforts to catch up in many areas, it acknowledged that not all its goals had been achieved.

3. Since the completion of the third periodic report in August 2000, the Government had published a Multi-Year Plan on Emancipation Policy involving the Government ministries in five domains: three traditional ones (power and decision-making; work, care and income; human rights) and two new ones (information and communications technology and the Daily Routine Project).

4. Paid employment was a prerequisite for economic independence, and women's participation in the labour market was the spearhead of the Government's emancipation policy. It believed that targets were important. Its target for women's participation in the labour market was 65 per cent and for their employment in jobs allowing economic independence 60 per cent by 2010. Such independence contributed to an equal balance of power at home, which was the most effective instrument for preventing and combating violence against women.

5. Women's increased participation in the labour market required a reallocation of care tasks between men and women. The House of Representatives had just passed the Work and Care Bill covering leave for both parents to care for a sick child, parent or partner and providing parental leave for adoption. It sought to do away with the idea that the woman was the obvious person to take on those care tasks, and in that sense, the emancipation policy was aimed at men as well.

6. The Daily Routine project was another innovative way to facilitate combining work and care for both men and women. As mentioned earlier, society still showed traces of the "breadwinner" model. For instance, opening hours of shops, offices, public facilities and schools reflected the expectation that the mother was always at home, and schools, sports fields, childcare, public transport, shops and so forth were often miles apart. The project had resulted in the establishment of "service intersections", buildings where several different facilities were housed and around which informal networks could develop. The Daily Routine project was also a good example of how the Government put gender mainstreaming into practice. Her office worked very closely with the ministry responsible for land use planning to take into account the activities and schedules of working parents, and it cooperated with the Ministry of Agriculture in addressing the problems of men and women in rural areas who wished to combine work and care.

7. The Government had taken an active approach to gender mainstreaming and had asked each department to formulate at least three specific tasks to promote emancipation that must be accomplished by the end of its term. The Netherlands had also become the first member of the European Union to appoint a national rapporteur on traffic in persons, whose first report would be published in the near future. It would urge other member countries to follow suit, as international cooperation was required for an effective response to that problem.

8. The Government had adopted a two-track policy to facilitate implementation of its Multi-Year Plan on Emancipation. The first track promoted change, placed new issues on the political agenda, developed monitoring methods and created strategic alliances with social organizations based on an overall vision. The development of the gender impact assessment tool to monitor the progress made towards emancipation

and the impact of the Convention on policy fell under that heading, as did the Equal Treatment Information Centre being developed by the Equal Treatment Commission. The second track of the emancipation policy was gender mainstreaming. The Cabinet had determined a strategy and structure binding on all departments, which included a monitoring committee, in an effort to ensure that consideration of emancipation issues would not be limited to women's organizations.

9. Emancipation was an issue that did not respond to a top-down approach, as it was primarily a process of awareness. Standard solutions were no longer adequate, and innovative policy was needed to take into account diverse patterns and lifestyles and the different phases of life. Her delegation looked forward to the dialogue with the Committee as a means to continue its efforts to improve the situation of women for the benefit of society as a whole.

10. **Mr. van den Berg** (Netherlands), speaking on behalf of the Governments of the Netherlands Antilles and of Aruba, said that the Government of the Netherlands Antilles was continuing to work towards full implementation of the Convention and important strides had been made in strengthening the legal position of women. He noted that a profound restructuring of public financing was under way as part of an adjustment programme being implemented in cooperation with the International Monetary Fund and the Netherlands Government. As a result, any matters which did not involve policy formulation or legislation at the federal level would be the responsibility of local government and, where possible, private institutions.

11. Turning to the latest developments in gender equality, he said that the New Civil Code of the Netherlands Antilles and Aruba granted women equal rights in issues pertaining to marriage and the family. For example, the only legal ground for divorce was irretrievable breakdown, and divorce could be requested by either spouse. There was no longer any discrimination between children born in and out of wedlock, the age of majority had been lowered to 18 years and provisions which discriminated against women in matters relating to marital life, such as choice of residence, had been eliminated. In addition, in 2000 the "arbeidsregeling 2000" law had been enacted to protect domestic servants, most of whom were women, from exploitation, limiting hours of work and providing guidelines for rest periods and overtime.

It had also eliminated prohibitions on women working at certain types of jobs or working at night. The Government had also improved protection for female workers by outlawing employers' right to terminate a contract for reasons of marriage or pregnancy.

12. Sexual violence against women had increased in recent years and the Criminal Code had been amended to increase the maximum punishment for rape and sexual harassment to 20 and 16 years respectively. Sensitivity training had been provided to police officers in dealing with victims of domestic violence. At the local level, in Curaçao and St. Maarten, the women's bureaux had been active in increasing awareness of domestic violence and sexual violence against women and the island Governments, in cooperation with local non-governmental organizations, had spearheaded public campaigns condemning violence against women.

13. The Governments of Aruba, Suriname and the Netherlands Antilles would continue the regional collaboration begun in 1996 for the purpose of providing additional support to national efforts to achieve general equality in their three countries, based on the Beijing Platform for Action. The main areas of concern for the near future were education, decision-making and the media.

14. With regard to Aruba, he noted that a Bureau of Women's Affairs had been established in 1996 and had played an important role in increasing awareness of women's rights and discrimination against women, including traditional attitudes and practices which reinforced stereotypes of women as subordinate. Most of its projects had been carried out in the context of the regional collaboration process, which took advantage of the knowledge and expertise of the participating countries and facilitated funding through the introduction of joint projects. At the ministerial meeting held in April 2001, it had been decided to reinforce projects on gender awareness training for the media, sexuality and reproductive health of teenage mothers and violence against women. In addition, a regional meeting would be held on the topic of women's participation in leadership and decision-making. The Bureau would cooperate with government agencies, non-governmental organizations and community groups in order to promote those priorities nationwide.

15. The Government of Aruba also intended to create a Population Committee to monitor demographic and social trends, conduct surveys and issue advice on population policies in general and social problems in particular, with special attention to the issue of women and development. Since January 2001, all citizens had been entitled to general medical insurance benefits, providing high quality health care to all. Measures to eradicate violence against women included the opening of a shelter for battered women by the Foundation for Women in Distress and amendments to the Criminal Code, including the criminalization of marital rape. The creation of the UNAIDS Theme Group in May 1999 had led to greater involvement by all actors in efforts to develop comprehensive strategic plans for the prevention and control of HIV/AIDS in Aruba.

16. Although women's educational levels generally were at least equal to those of men and their participation rate in the labour market had increased, they remained concentrated in the lower-skilled and lower-paid occupations. Existing legislation needed to be amended so that families could combine work and childcare, and a policy dealing with flexible working hours, part-time work and childcare was being developed. Another area of concern was the slow increase in women's participation in politics and decision-making, which was not proportionate to the size of the female population and did not reflect women's contribution to the economy.

17. The Government of Aruba believed that increased awareness of stereotyping would in the long run lead to the elimination of violence against women and gender-based segregation in education and the labour market. It was aware of its obligation to implement comprehensive measures to support the family in its caregiving tasks and make it possible for women to take on leadership positions in order to achieve a more just society based on gender equality.

18. **Ms. Açar**, after noting that the delegation itself had recognized that the Netherlands had lagged behind somewhat in promoting women's rights, lauded current efforts to remedy that situation and stressed the importance of a clear political will to accelerate the emancipation of women. Temporary measures could be used to eliminate such indirect discrimination as stereotyping in education, which inevitably had economic consequences when it came to employment, especially in the expanding new fields in science, technology and information. She enquired whether the

Government was in fact studying the possibility of implementing temporary special measures. She was also concerned that women did not seem to be well represented at higher levels in the academic community and asked if there were any statistics available in that regard.

19. She wondered whether any proactive measures were being taken to end discrimination against ethnic minority women and ensure their right to education. Ethnic minority women were often the victims of double discrimination, on the part of society and on the part of their own community whose traditions, culture or religion might stereotype women's roles. While recognizing the need to appear sensitive to the culture of ethnic minority communities, she stressed that article 5 of the Convention indicated that customary practices could not be used to justify discrimination against women and wondered if the Government was undertaking any measures to increase awareness of women's issues in such communities. In that context, she noted that there was a political party which banned women members. Innovative measures were necessary to address those issues. She requested more statistics on the current representation of ethnic minority groups, in particular ethnic minority women in all sectors of society.

20. **The Chairperson**, speaking in her personal capacity, asked whether members of ethnic minority communities and migrant workers were required to live in segregated areas, thereby encouraging the perpetuation of traditional practices and attitudes and making monitoring by the host country difficult. She also recommended that training in dealing with victims of domestic violence should be provided not only to police but at all levels of the judicial system and to health-care providers.

21. **Ms. Schöpp-Schilling** said that the Convention truly seemed to be a living document in the Netherlands. She had noted with interest the procedure for reporting on women's issues to Parliament, which could serve as a model for other countries, and the creation of the Equal Treatment Information Centre. She wondered, however, if it was possible to provide some clarification on controversy concerning the interpretation of the Convention, for example with regard to motherhood, fatherhood and work. Although she welcomed the Government's efforts to approach women's rights on the three levels of legislation, implementation and cultural change, she stressed the

need for clear targets with regard to implementation, and encouraged the use of special measures under article 4, paragraph 1, of the Convention to promote de facto equality for women in all areas. While lauding the Government's varying approach to different generations, cultures and life cycles, she wondered how, in an increasingly multicultural and individualistic society, it would be possible to reconcile the interests of all groups and still promote equality between men and women.

22. The gender impact assessment tool could play a decisive role but needed to be further refined, for example by addressing religious issues, and its use should be made compulsory. Despite the existence of that tool, she noted that part-time workers were still not entitled to special consideration for overtime work, there were discrepancies in pension rights between men and women, with widows often finding themselves in a tenuous economic situation and there were gender differences in the calculation of pensions. She requested more details on the cabinet monitoring committee and asked whether gender impact assessments were mandatory for all ministries, laws and programmes and whether any procedure or sanction had been envisioned in cases of failure to comply, which would be essential if discrimination against women was to be truly eliminated.

23. In the area of employment, she looked forward to specific proposals to promote women's rights and increase women's representation in academia and at higher levels of the public and private sectors. Pay equity must be promoted vigorously and by convincing both employers and trade unions about the need for a gender-neutral wage scale. Equal opportunity and equal pay would contribute greatly to the elimination of cultural stereotypes regarding women's roles.

24. Noting the obligation to work of single parents receiving social assistance, usually women, she wondered whether such persons were offered opportunities for retraining or merely traditional types of jobs. She questioned the need for that requirement and asked whether adequate childcare was available. She was also concerned that the Working Hours (Adjustment) Act allowed employers to derogate from its provisions if they had a compelling interest to do so, which ran the risk of defeating the purpose of the act. Finally, with regard to taxation, she requested more information on the new tax system and specifically whether all persons would be taxed individually. She

asked how the money traditionally transferred from the working to the non-working partner in a marriage or cohabitation situation would be treated.

25. **Ms. Corti** praised the State party for its very clear oral presentation, its comprehensive and analytical reports, and, above all, for having had both its Parliament and an independent commission review its reports prior to submitting them to the Committee. Even though the Netherlands outstripped most other countries in its forward-looking human and civil rights legislation for both men and women, it had not achieved absolute equality and full implementation of the Convention. In many instances, its report failed to give the results of the machinery put in place to ensure gender equality, particularly the gender impact assessment tool, or to specify targets designed to accelerate the gender emancipation policy.

26. It would be interesting to know the Government's attitude towards positive action, since it did not mention or seem to have recourse to the temporary special measures referred to in article 4, paragraph 1, of the Convention and the delegation itself seemed dissatisfied with the current levels of women's representation in political and economic decision-making. She wondered whether that situation could be remedied through positive action and also wished to know whether the "New Opportunities for Women" programme was intended to replace positive action.

27. She welcomed the adoption of the Work and Care Bill by the House of Representatives and also the Daily Routine Project soon to be established, which would be a very important starting point in the State party's efforts to combine paid work and unpaid care. The Work and Care Bill would be extremely beneficial to women but would need to be bolstered by improved childcare facilities, the delegation having already indicated that insufficient childcare structures relegated the majority of women to part-time work. She would be grateful for clarification in that regard. Given the ageing population of the Netherlands, it would be useful to know how elderly women and their health and other needs were integrated into the Daily Routine Project. She would appreciate further details on insurance schemes for elderly women and the outpatient or residential care offered to them under the Exceptional Medical Expenses Act.

28. She welcomed the appointment a national rapporteur on traffic in persons and the introduction of

protection for sex workers under the national labour and civil legislation. It seemed contradictory, however, that a very vulnerable group, namely, the large numbers of sex workers from Eastern Europe, should be excluded from such protection.

29. Referring to article 7, she asked how the State party could justify the exclusion of women from a political party.

30. Failure to tackle indirect discrimination more aggressively would mar the effectiveness of the emancipation policy. The Pre-session Working Group had been very surprised to note, for example, that a State party with such a progressive emancipation policy should retain a patriarchal policy on last names, contrary to the provisions of article 16 of the Convention.

31. She would appreciate some specific information about the relationship between the national machinery and non-governmental organizations, in particular, how the Government planned to draw on its wealth of non-governmental expertise in carrying out the gender impact assessment and whether it would help small non-governmental organizations financially.

32. She enquired whether projects to protect women's rights in the Netherlands Antilles and Aruba enjoyed priority in the Government's development aid programmes. It seemed that machinery to help women on those islands lacked sufficient economic support.

33. Lastly, she welcomed the State party's intention to ratify the Optional Protocol, which she hoped would take place as soon as possible, given its active role in the elaboration of the Protocol.

34. **The Chairperson** asked whether the Netherlands Antilles and Aruba had drafted their own reports, and, if not, whether their Governments had been consulted in the drafting of their reports.

35. **Ms. Verstand-Bogaert** (Netherlands), replying to Committee members' questions, said that, if all proceeded smoothly, her Government would ratify the Optional Protocol by the end of the year or the beginning of 2002.

36. Replying to Ms. Açar, she said that there was indeed a "pay gap" of about 25 per cent between Netherlands men and women, which was the result of unequal pay for work of equal value. To some extent, the gap was legally justifiable, as it reflected the reality

that women had less education and work experience, and temporarily withdrew from the workforce to care for young children. The remaining 7 per cent discrepancy, however, was for the most part due to discrimination. The problem was being addressed in many ways, including through the Equal Treatment Commission, which received complaints from both men and women concerning gender discrimination. Of the 101 cases heard by the Commission in 2000, 40 had been filed by women alleging pay discrimination. The previous year, she had submitted an action plan on equal pay to Parliament, which included a checklist on equal pay for use by companies and employers' and employees' organizations together with procedures for ascertaining gender neutrality in performance evaluations.

37. Research on horizontal segregation revealed that the "pay gap" was less serious than had been thought but that remuneration in certain sectors which chiefly employed women, such as health and education, was nonetheless lower than in the communications and technological fields. The Netherlands was working within the framework of the European Union to develop benchmarks and indicators in that regard and would take additional legal measures if those proved ineffective.

38. Replying to Ms. Açar, she said that only 5 per cent of university professors were female and that the bulk of female professors were in the middle-ranking category but that the Government and universities themselves were addressing the situation. The University of Amsterdam, for example, had developed the creative solution of recruiting seven female professors to work one day a week in order to give their numbers an instant boost.

39. As for ethnic groups, there were huge differences among the various ethnic groups in the Netherlands and also differences between generations within those groups. The Equal Treatment Commission was studying those differences and would advise the Government at the end of the year. Language instruction was being provided to children of ethnic minorities, and adults were offered specialized training, including human rights education, and, if necessary, the support of childcare facilities.

40. Before the establishment of the Commission on Labour Market Participation by Ethnic Minority Women, statistical research had been done to serve as a

basis for its recommendations and a baseline against which to evaluate results.

41. As to segregation in housing, ethnic minorities were in no way restricted in where they could live, but often tended to gather in the same neighbourhoods. That natural desire to retain their cultural identity did create some problems in integrating them fully into society. The Minister for Urban Policy and Integration of Ethnic Minorities was working together with municipalities to develop policies to address the problem. The situation of ethnic minority women was also being addressed by other ministries, such as the Ministry of Health, Welfare and Sport and the Ministry of the Interior and Kingdom Relations.

42. A Committee member had concluded that the Convention was a living document in the Netherlands, but the Government of the Netherlands was by no means satisfied that it was well enough known — hence the creation of an information point on the Convention, which had the dual role of spreading awareness and reporting back to the Government on implementation. Funds were also being channelled to non-governmental organizations to help disseminate information about the Convention.

43. The three-level approach reflected in the report — equality before the law, improvement of the position of women and combating dominant gender-based ideology — had been adopted on the recommendation of the Groenman Commission. Some members had underlined the need to set targets. The Multi-Year Plan on Emancipation Policy, published since completion of the third periodic report, did set out percentage targets for an increase in women in specific categories of political office, senior positions in public administration and upper management in commercial companies. Overall, in senior levels of the civil service, where female participation was under 10 per cent, the aim was to double the current percentage in four years and thereafter to achieve annual growth of 2 per cent. In political office the goal was to increase representation by women by 5 per cent per election until proportional representation was achieved.

44. The question had been raised whether there were any penalties for government departments that did not accomplish their emancipation tasks. The consequences were purely political, but nonetheless motivating. The House of Representatives was becoming increasingly interested in gender mainstreaming and had recently

called in a number of key ministers to report on what their departments had done to accomplish their emancipation tasks. The strategy was to vest responsibility in the cabinet ministers. Each department was to create its own gender mainstreaming structure under the leadership of a high-level official and develop its own action plan.

45. An advisory body consisting of representatives of all the departments determined in what areas a gender impact assessment was needed. So far there had been gender impact assessments of the fiscal system, matrimonial law and urban planning, and such assessments were planned for the alimony system and workers' disability legislation. In general, the Government was aware that some systems, notably social security, were still largely based on the typical life pattern of the traditional breadwinner, a model of society that no longer adequately reflected reality, so that legislation and regulations needed to be re-examined.

46. Under the present legislation on welfare assistance, single mothers with children under five years of age were not required to work, but, as a result of a lively debate in Parliament the year before, the National Assistance Act was due to be changed. Single mothers on assistance would have to work but would be offered support in the form of training and childcare to facilitate their re-entry into the labour market. Although some groups strongly disagreed, the majority felt that it was important for all women not to remain out of the labour market too long, because absence undercut their earning power, including pension income, for the rest of their lives.

47. Under the new legislation on flexible working hours, employees could ask employers to reduce or extend their working hours, and the employer could refuse only for good reasons, which must be stated. Although legislation in the Netherlands prohibited discrimination between part-time and full-time workers, the European Court of Justice had recently ruled that it was not discriminatory to deny overtime pay to a part-time worker.

48. The question had been raised whether allowing the *Staatkundig Gereformeerde Partij* (SGP — Political Reformed Party), which excluded women from membership, to be represented in Parliament ran counter to article 7 of the Convention. When the Netherlands had been preparing to ratify the

Convention, it had been hotly debated whether ratification would require banning such parties. The problem was one of conflicting freedoms enshrined in the national Constitution, of reconciling freedom of religion (SGP was founded on religious principles), opinion and political association with freedom from discrimination. The conclusion was that great caution should be exercised in banning political parties. The considerations were that the tradition of tolerance of different opinions was highly valuable; that to upset the balance of freedoms would ultimately be detrimental to the successful implementation of the Convention in the social and political context; and that it would be dangerous to allow the Government to decide which political parties to ban and which opinions to outlaw. However, that did not mean that political parties had unlimited freedom. If a party discriminated systematically to such an extent that a serious disruption of the democratic process resulted, the judiciary had the power to dissolve it. Moreover, an individual could bring a complaint of discrimination before the Equal Treatment Commission, and in fact the Commission was currently hearing such a complaint by a woman who had been refused membership in SGP. Although the Commission's decisions were not legally binding, the case could be taken to the courts, which would give weight to the Commission's decision. It was expected that the pending complaint would eventually wind up in the courts.

49. In response to questions about how the elderly fit into the new daily routine project, the Government of the Netherlands was alert to the potential value of the project not just to working mothers but to elderly, ethnic minority and low-income women. Innovative proposals were also being developed concerning care for the elderly by analogy with the provisions for childcare.

50. Questions had been raised regarding the status of non-European Union sex workers following the lifting of the ban on brothels. Under the labour laws applicable to aliens, a non-European Union candidate for a job could obtain a residence permit if no Netherlands or other European Union candidate could be found to take the job. But if the alien left the job, the residence permit would be withdrawn. While some aid organizations argued that the position of illegal sex workers in the Netherlands should be regularized by issuing them residence permits, the danger was that

they would then find themselves trapped into sex working, because they could not leave their jobs without losing their residence permits.

51. In response to criticisms of the lack of affirmative action plans, or temporary special measures under article 4 of the Convention, she wished to explain that such plans had been tried in the Netherlands and had not yielded results. There were, however, many plans that focused on women. For example, the emancipation policy included many targets for women; the Opportunity in Business Institute had been set up to help companies move women into senior positions; and another innovative project, the Ambassadors' Group, composed of representatives from the boards of the largest companies in the Netherlands, would soon be starting up in an effort to put the problem of the "glass ceiling" on the public agenda.

*The meeting rose at 1.05 p.m.*