



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

Sophie Lauwers and Femke van der Wal

with contributions from Conny Roggeband,  
Marianne Grunell, and Mieke Verloo

## **Context Study The Netherlands**

Institute for Human Sciences (IWM)  
Vienna  
2008

Preferred citation: Lauwers, Sophie and Van der Wal, Femke (2008): *Context Study The Netherlands*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at [http://www.quing.eu/files/results/cs\\_netherlands.pdf](http://www.quing.eu/files/results/cs_netherlands.pdf).

## List of Acronyms

CEDAW	Convention on the Elimination of All forms of discrimination Against Women
CNV	Christian Trade Union Federation [Christelijk Nationaal Vakverbond]
COC	Centre for Culture and Leisure [Cultuur en Ontspannings-Centrum]
CoE	Council of Europe
DCE	Directorate for the Coordination of Emancipation Policy
DE	Department Emancipation Policy [Directoraat Emancipatiebeleid]
DV	Domestic Violence
EC	European Communities
ECJ	European Court of Justice
EGGSIE	EU Expert Group on Gender, Social Inclusion and Employment
ERDF	European Regional Development Funds
ESF	European Social Funds
ETA (a)	Act on Equal Treatment on the grounds of Age in Employment [WGB I]
ETA (d/ci)	Act on Equal Treatment on the grounds of Disability and Chronic Illness [WGB h/cz]
ETA (m/w)	Equal Treatment in Employment (men and women) Act [WGB m/v]
ETC	Dutch Equal Treatment Commission [Commissie Gelijke Behandeling]
EWL	European Women's Lobby
FGM	female genital mutilation
FNV	Federations of Dutch Trade Unions [Federatie Nederlandse Vakbeweging]
GETA	General Equal Treatment Act [AWGB]
ICE	Interdepartmental Coordination Committee Emancipation
ICVS	International Crime Victims Survey
LGBT (or GLBT)	lesbian, gay, bisexual, transgender
MHP	National union federation for middle and higher personnel [Vakcentrale voor middengroepen en hoger personeel]
MNE	National Implementing Measure
NISSO	Dutch Institute for Sexual Research
NRP	National Reform Programme
NRS	National Report on Strategies for Social Protection and Social Inclusion
NVR	Dutch Women's Council [Nederlandse VrouwenRaad]
VCE	Dutch Emancipation Committee [Visitatie Commissie Emancipatie]

## 1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

### 1.1 Gender+ equality legislation

Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seems to have been omitted by the authority, please comment on this.

(Gender+) equality legislation listed by the Dutch Equal Treatment Commission (ETC), by the Directorate Emancipation Policy (DE; currently located within the Ministry of Education, Culture and Science)<sup>1</sup>, and on the official government website on emancipation ([www.emancipatieweb.nl](http://www.emancipatieweb.nl))<sup>2</sup>:

Legislation	Year	Main provision(s)
Equal Treatment in Employment (men and women) Act (Wet gelijke behandeling mannen en vrouwen, WGB)	<u>1980</u>	Provides for equal treatment for men and women in employment, pensions and equal pay for work of equal value. Gives definition of direct and indirect discrimination. Enumerates exceptions.  Originally introduced in order to transpose Directive 76/207/EC. Amendment acts in <u>1989</u> (in order to comply with Directive 76/207/EC), in <u>1998</u> (implementation of Directives 86/378/EEC and 96/97/EC), in 2000 (implementing Directive 97/80/EC), and in <u>2006</u> (implements provision Directive 2002/73/EC). See section 1.2 on transposition of EU Directives for more info.
Decree on Occupational activities (and necessary vocational trainings) for which sex can be a determinative requirement	<u>1989</u>  Amended in 2004	Specification of article 5(3) of the ETA (m/w). Lists several categories of occupational activities for which sex can be determinative due to the nature of these activities or due to the requirements for practicing these activities.
General Equal Treatment Act (GETA) [Algemene wet gelijke behandeling, AWGB]	<u>1994</u>	Contains provisions to provide protection against discrimination on the grounds of religion, belief, political conviction, race, sex, nationality, heterosexual or homosexual orientation or civil/marital status. Discrimination is prohibited in specific fields in private/public sector (mainly employment, education and provision of goods and services). All acceptable exceptions to the non-discrimination norm are listed in this Act (closed system). Establishes the Equal Treatment Commission (which replaces the former Equal Treatment and Equal Pay Commission which only dealt with discrimination on basis of sex).  Important amendment (acts) in <u>2004</u> (implementing Directives 2000/43/EC and 2000/78/EC), in <u>2005</u> (on basis of evaluation of the Act) and in <u>2007</u> (implementing certain provisions of Directive 2004/113/EC). See for more info section 1.2 on transposition of EU Directives.

<sup>1</sup> The part of the website of the Ministry of Education, Culture and Science that is on gender equality does not list Dutch emancipation legislation.

<sup>2</sup> Examination of the website has led us to conclude that its main focus is on policy reports, research reports, emancipation projects and subsidies and the organisation of gender equality machinery within government. Reference to legislation is made occasionally, but not in any structured sense, i.e. no listing of the Dutch gender equality legislation is included on the website.

Equal Treatment Decree	<b><u>1994</u></b>	Made under article 2(6) of GETA. Specification of provisions 2(2) regarding exceptions to the prohibition of discrimination on basis of sex, and 2(4) regarding exceptions to the prohibition of discrimination on the basis of race, and 2(5) regarding exceptions to the prohibition of discrimination on the basis of nationality of the GETA.
Equal Treatment (working hours) Act (Wet verbod op onderscheid naar arbeidsduur, WOA)	<b><u>1996</u></b>	Prohibits discrimination on the basis of number of working hours (part-timers/full-timers to be treated equally)
Sections 7:646 through 7:649 of the Civil Code (Burgerlijk Wetboek)	Articles 646-648 : <b><u>1996</u></b> (amended several times afterwards)  Article 649: <b><u>2002</u></b> (amended in 2006)	Equal treatment of women and men in employment.
Sections 125g and 125h of the Civil Servants Act (Amb tenarenwet)	Article 125g: <b><u>1996</u></b> Article 125h: <b><u>2004</u></b>	Prohibits the discrimination of civil servants on the basis of working hours (full-time/part-time) and on basis of temporary/permanent contract.
Equal Treatment Temporary and Permanent Employees Act (Wet Onderscheid Bepaalde en Onbepaalde Tijd, WOBOT)	<b><u>2002</u></b>	Prohibits discrimination on the basis of contract type.
Equal Treatment (Disability or Chronic Illness) Act (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ)	<b><u>2003</u></b>	Contains provisions prohibiting discrimination based on disability or chronic illness  Transposes certain obligations under directive 2000/78/EC (Employment Equality Directive) into Dutch law
Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid, WGBL)	<b><u>2003</u></b>	Prohibits discrimination based on age  Transposes certain obligations under directive 2000/78/EC (Employment Equality Directive) into Dutch law

Other important legislation not listed by government gender equality bodies is listed below. The Quing issue timelines (deliverable 19) were used to develop this list. I only included legislation in the field of the three issues we study in Quing: non-employment, intimate citizenship and gender based violence. For the issue of general gender+ equality legislation the list above suffices.

## Non-employment

Legislation	Year	Main provision(s)
Equal Wages for Women and Men Act.	1975	This Act was later merged with the "Equal Treatment in Employment (men and women) Act"  Laid down rules for the entitlement of workers to a wage that is equal to the wage earned by workers of the other sex for work of equal value.
Act on Working Hours (Arbeidstijdenwet) was adopted	1995  Amended in 2003 and 2006	Makes it easier to diverge from the 9 to 5 working day and thus to reconcile labour and care. Implements provisions of Directive 93/104/EEC.  In 2003 the Act was amended in order to widen the authority of employees on working times. In 2007 (2006 amendment) a simplified Act on Working Hours (replacing the 1995 one) entered into force that allows (even) less restrictive practices as to the length of the working day and scope of the working week.
Act on the Adaptation of Working Hours (Wet aanpassing arbeidsduur, WAA)	2000  Amended in 2005	Makes it a legal right of every employee working in a firm of over 10 people to decrease or increase their working hours after one year employment with the same employer.
Act on Labour and Care [Wet arbeid en zorg, WAZO]  There existed already legislation/regulation regarding the majority of leaves covered by this Act. For example, the first parental leave regulations originate from 1990 (extended in 1997 and again changed in this Act). Also, with regard to maternity leave nothing changed in this Act.	2001  Amended in 2005 Will be amended in 2008	Brings together under one Act all previous legislation in the field of leave arrangements and adds new provisions. The object of this legislation is to replace, improve and expand existing laws dealing with care. It covers: pregnancy and maternity leave, adoption leave, parental leave, short-term paid leave in cases of emergency, career break leave, paid care leave for those who have to look after sick relatives, and two-day leave for partners of women who give birth to a child on the occasion of the birth of the child (paternity leave). Some of these leave regulations are paid and some are unpaid (collective agreements can diverge from leave provisions in Act with respect to duration and pay)  (in 2005 the Act was extended to include long term care leave making it possible to care for a life-threatening sick spouse, partner or child, in 2008 a public insurance scheme for self-employed women regarding pregnancy/maternity leave will be included)
Childcare Act [Wet Kinderopvang] and Decree on subsidy in the costs for Childcare [Besluit tegemoetkoming kosten kinderopvang]	Both 2004  (first childcare Act from 1991)	Employers, government and parents all pay a part of childcare costs. Parents pay the costs upfront and receive an income-dependent compensation from the government and a contribution from employers on a voluntary basis. Parents that combine labour and care (employees, self-employed and those who receive benefits but work towards entering of labour market) are eligible for childcare subsidies. Next to dealing with the financing/subsidies of childcare costs, the Act deals with the quality of childcare. Childcare centres and host parents/mothers bureaus have a duty to report their existence at municipality. The Municipal Health Services (GGD's) are responsible for checking whether childcare services are conform the national quality standards. Parents can only receive compensation in childcare costs if they bring their child(ren) to a childcare service that complies with the quality standards.

		In 2007 the employers' contribution was made compulsory.
Act on a Life Course Savings Scheme (Wet op de Levenslooplegeling)	2005	Creates the possibility for individual employees to save a part of their gross income to be spent on several forms of leave on a later date.
Act on Societal Support (Wet Maatschappelijke Ondersteuning, WMO).	2006	Covers numerous topics among which certain provisions on people that voluntarily take care of family or friends during a long period of time (in Dutch they are called 'mantelzorgers': 'cloak carers') and on people who do volunteer work.
Act to amend the 1992 Act on Primary Education with regard to extracurricular childcare	2006	As of 1 August 2007 the responsibility for the organisation of outside-of-school-hours child care lies with the authority of primary schools. If one or more parent wish so, the primary school has to make sure that there is extracurricular child care organised from 7.30 am to 6.30 p.m.
Act regulating facilities regarding labour and care for lone parents [Wet voorzieningen arbeid en zorg alleenstaande ouders, vazalo]	2007	It proposes to provide lone parents who work part-time with a special bonus, to make sure that working part-time is more attractive than receiving social security benefits.

### ***Intimate citizenship***

<b>Legislation</b>	<b>Year</b>	<b>Main provision(s)</b>
Act on Breaking off Pregnancies (Wet Afbreking Zwangerschap, WAZ)	published: 1981 Enforced: 1984	This Act makes abortion legal when certain requirements are complied with.
Act on the Settlement of Pension rights in case of Divorce (Wet verevening pensioenrechten bij scheiding)	Published: 1994	This Act provides that the pension rights that were saved up during the years of marriage should be equally divided between the spouses in case of divorce.
Act altering articles 5 and 9 of Book 1 of the Civil Code with regard to name right	1997	This Act aims to relax the choice of surname for spouses and for their children. The husband can use the surname of his wife and a child can get the surname of the mother.
Act to alter book 1 of the Civil Code allowing registered partnership	1997	Introduction of registered partnership for both homosexual and heterosexual couples
Act to revise the law on Parentage and Adoption [Wet tot herziening van het afstammingsrecht alsmede van de regeling van adoptie]	Published: 1997	Act strengthens the position of the biological father with regard to parenthood. With regard to adoption the old limitation of adoption by married couples is set aside and adoption is now also available to cohabiting and single persons. It excludes, however, the possibility of adoption by same-sex couples
Act on the interpretation and application of article 2b of the Pension and Saving Funds Act [Wijzigingswet Pensioen- en spaarfondsenwet (recht van keuze voor ouderdomspensioen i.p.v. nabestaandenpensioen en gelijke behandeling van mannen en vrouwen)]	Published: 2000	Deals with equal treatment of men and women in pensions irrespective of form of living.

Act altering book 1 of the Civil Code in order to open up civil marriage to persons of the same sex (Wet openstelling huwelijk)	Published: 2000	Marriage open to same-sex couples
Act to alter Book 1 of the Civil Code (adoption by persons of the same sex) [Wet tot wijziging van Boek 1 van het Burgerlijk Wetboek (adoptie door personen van hetzelfde geslacht)]	Published: 2000	Adoptions open to same sex couples. However this Act does not include interstate/foreign adoption.

### **Gender based violence**

Despite some (comprehensive) policy plans that have been issued by the Dutch government in the field of gender based violence, no single “integral” legislation, that specifically addresses the issue of gender based violence, exists in the Netherlands. Legislation that is applied in cases of gender based violence are foremost several articles in the Criminal Code (but which are mostly not specifically geared to gender based violence) and several provisions on (sexual) harassment in the Labour Conditions Act and in the various equal treatment acts (for Dutch equal treatment legislation, see the first table above). The only two Acts that currently exist and can count as gender based violence legislation are the Stalking Act and the Act that legalises prostitution (see table below). Expectedly, a Bill making possible the temporary eviction from the house of persons bringing about severe threats of domestic violence will be adopted and published later this year (it has already been adopted by the House of Representatives, and is currently discussed by the Senate).

See 2.1.3 for policy plans on gender based violence.

<b>Legislation</b>	<b>Year</b>	<b>Main provision(s)</b>
Reform of criminal law	1999	The crime of incest was redefined to include abuse by others than blood relatives (e.g. foster parents, stepfathers and unmarried partners). The period in which the offender may still be prosecuted has been extended. The offence of getting a minor to participate in sexual abuse has been widened to include acts in which the perpetrator did not physically participate. Sexual acts with prostitutes aged 16 or 17 have become an offence in its own right. Sexual acts with a prostitute under 16 were already covered by the general offence of sexual abuse of a minor under 16. Offender may receive a suspended sentence in case he/she is prepared to undergo treatment.
Stalking Act	2000	Prohibits stalking. Includes stalking in Penal Code.
Act that abolishes the ban on brothels	2000	Makes prostitution a legal activity. Aim is to decriminalise sex work and setting up a licensing system for brothels to improve the work conditions for sex workers, make the industry less receptive to crime and making the industry more transparent for the police. Seen as a weapon against the trafficking of women.

## **1.2 EU Policy and Member State Law: Comparisons and Struggles <sup>3</sup>**

**Have there been disputes in your country over significant parts of EU Directives on gender? Are there significant parts of EU Directives on gender equality that have not been implemented into national law? If some aspects are not transposed, what are they? Have there been disputes (1995-2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute**

<sup>3</sup> Directives: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/legalacts\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html).

ECJ cases: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/case\\_law\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html); More info on transposition: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/policy/aneval/legnet\\_en.htm#comp](http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp).

(e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?  
 All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

**Please fill in one table for each significant issue,**

**Please consider the following examples: include if relevant; omit if not; add any others that are relevant in your country. Examples:** equal pay & equal treatment; sexual harassment & discrimination; equality bodies; civil society involvement; parental leave and the organisation of working time (example provided).<sup>4</sup>

The transposition processes of EU-Directives into national law and the infringement procedures started by the European Commission are neither always transparent nor is all relevant information easily accessible by the public. Therefore, we cannot guarantee that the tables below provide any complete overview.

<b>Issue</b>	<b>Equal Pay &amp; Equal Treatment</b> Directives considered are: 1975/117/EEC, 79/7/EEC, 86/613/EEC, 96/97/EC (amending 86/378/EEC), 2000/43/EC, 2000/78/EC, 2002/73/EC (amending 76/207/EEC), 2004/113/EC, 2006/54/EC
<b>Has law been passed or changed on these issues prior to the Directives?</b>	YES,  Regarding some of the issues covered by certain Directives listed above, but surely not in all fields covered. Especially in the fields of equal pay (75/117/EEC), equal treatment of men and women in social security (79/7/EEC and 86/378/EEC and 96/97/EC), and equal treatment in access to employment, vocational training, promotions and working conditions (76/207/EEC) the Netherlands was rather slow with transposition and/or was faced with infringement procedures or preliminary rulings. <sup>5</sup>  Examples of laws passed/changed prior to Directives (no exhaustive overview): <ul style="list-style-type: none"> <li>• General Equal Treatment Act (GETA) of 1994 covered certain grounds of discrimination that were only covered by EU-Directives introduced later than 1994 (in fact it covers certain grounds that are not covered by current EU-Directives either).</li> <li>• 2007 amendment of GETA to implement 2004/113/EC (see below) solely concerned prohibition of sexual harassment and protection against victimisation of persons who reject or submit to acts of sexual harassment. The Netherlands already had law in place that prohibits discrimination on basis of sex in the access to and supply of goods and services.<sup>6</sup> Since 1994, in the GETA (prohibition of discrimination in <i>offering</i> of Goods &amp; Services), which was amended in 2004 (prohibition of discrimination in <i>granting access</i> was added).</li> <li>• Law of 5 October 2006 amending the Equal Treatment in Employment (Men and Women) Act (ETA m/w) in order to implement Directive 2002/73/EG (implementing certain provisions of 2002/73/EC) → this amendment solely concerned issues having to do with (sexual) harassment cases (see next table). Other than that, the remaining provisions of 2002/73/EC are already complied with in Dutch equal treatment law.<sup>7</sup></li> </ul>

<sup>4</sup> Other gender+ equality related directives you might want to consider include: Directive 75/117/EEC on the principle of equal pay for men and women; Directive 79/7/EEC on the principle of equal treatment for men and women in social security; Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes; Directive 86/613/EEC on equal treatment between self employed men and women; Directive 92/85/EEC on the safety and health at work of pregnant workers and workers; Directive 97/80/EC on the burden of proof in cases of discrimination based on sex; Directive 2000/78 on equal treatment in employment and occupation.

<sup>5</sup> Van der Vleuten, Anna. 2007. *The Price of Gender Equality, member states and governance in the European Union*, Ashgate, p.107-145

<sup>6</sup> Source: website of the First Chamber of Parliament, <http://www.eerstekamer.nl/9324000/1f/j9vvqh5ihkk7kof/vhlfk4nv3twj>

<sup>7</sup> Source: website of the First Chamber of Parliament, <http://www.eerstekamer.nl/>



<p><b>Legislation transposing Directive</b></p>	<ul style="list-style-type: none"> <li>• Sections 7:646 through 7:649 of the Civil Code (Burgerlijk Wetboek)</li> <li>• Sections 125g and 125h of the Civil Servants Act (Ambtenarenwet)</li> <li>• 1980 Equal Treatment in Employment (Men and Women) Act (Wet gelijke behandeling mannen en vrouwen, WGB) originally adopted to implement Directive 76/207/EEC, later amended several times.</li> <li>• 1994 General Equal Treatment Act (Algemene wet gelijke behandeling, AWGB) including its later amendments</li> <li>• 2003 Equal Treatment (Disability or Chronic Illness) Act (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ)</li> <li>• 2003 Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid, WGBL)</li> </ul> <p>Several of the above mentioned Acts have been amended one or several times. These amendments were often an effect of having to transpose EU Directive provisions, examples:</p> <ul style="list-style-type: none"> <li>• In 1989 the Equal Treatment in Employment (Men and Women) Act was amended and infringement procedure regarding 76/207/EEC was settled, see also below on 'disputes</li> <li>• In 1998 the Equal Treatment in Employment (Men and Women) Act was amended in order to implement Directives 86/613/EC (proposal for amendment originated from 1990 already) and 96/97/EC (Barber-Directive). This 1998 amendment had a retroactive effect, entering into force as from 1990. [Wijziging van het Burgerlijk wetboek en van de Wet gelijke behandeling van mannen en vrouwen (gelijke behandeling van mannen en vrouwen op het terrein van de bovenwettelijke sociale zekerheid)]</li> <li>• in 2004 the General Equal Treatment Act was been amended in order to implement Directives 2000/43/EC and 2000/78/EC [Wijziging van de Algemene wet gelijke behandeling en enkele andere wetten ter uitvoering van richtlijn nr. 2000/43/EG en richtlijn nr. 2000/78/EG (EG-implementatiewet Awgb)]</li> <li>• For other amendments of the equal treatment legislation, see the table on 'sexual harassment and burden of proof'</li> </ul> <p>Several older Acts, like the 1975 Equal Pay Act, have been integrated/merged into (one/several of) the Acts mentioned above. They are no longer mentioned by the Dutch Equal Treatment Commission as being part of the Dutch equal treatment legislation and are therefore not mentioned in this table either.</p>
<p><b>Does the country claim to have transposed the Directive?</b></p>	<p>1975/117/EEC: The Netherlands claimed that it had already implemented the Directive correctly by means of the 1975 Equal Pay Act. However, the Commission started an infringement procedure.<sup>8</sup> Now this is settled.</p> <p>79/7/EEC: YES, adequate transposition only in 1988 (see below, on disputes)</p> <p>86/613/EEC: YES</p> <p>96/97/EC (amending 86/378/EEC): YES, the Netherlands amended the Equal Treatment in Employment (Men and Women) Act in 1998 with the aim to implement this Directive (and 86/378/EEC). This amendment Act was also communicated to the European Commission as National Implementing Measure.</p> <p>2000/43/EC: YES, the Netherlands amended the General Equal Treatment Act in order to implement this Directive. This amendment Act was also communicated to the European Commission as National Implementing Measure.</p> <p>2000/78/EC: Netherlands received a reasoned opinion from the European Commission (see more info in this table's rows on disputes). The Minister responsible for gender equality policies and homosexual emancipation policies has written a letter to the Parliament about the infringement and it has been debated twice already. The Minister seems to take the following stance (at least where it concerns article 5(2) of the General Equal Treatment Act): nothing is wrong with</p>

<sup>8</sup> Van der Vleuten, Anna. 2007. *The Price of Gender Equality, member states and governance in the European Union*, Ashgate, p.124-125

	<p>the text of the Act. The problem is that hidden discrimination cannot be prevented, no matter the wording of the provision. The Minister repeats that despite that hidden discrimination is prohibited.<sup>9</sup> At the time of these letter/debates the government had not yet replied to the Commission's reasoned opinion.</p> <p>2002/73/EC (amending 76/207/EEC): YES, see above (second row) → Netherlands claimed to already comply with Directive except for provisions on (sexual) harassment</p> <p>2004/113/EC: YES → Netherlands claimed to already comply with Directive except for provisions sexual harassment and protection against victimisation of persons who reject or submit to acts of sexual harassment.</p> <p>2006/54/EC: so far, the Netherlands has not communicate any 'national implementing measure' (MNE) to the European Commission.<sup>10</sup> In Parliament the last Directive discussed was Directive 2004/113/EC. Of course, this does not exclude the possibility of the Netherlands claiming that the current Dutch equal treatment law is already complying with the Directive, but I found no such claim.</p>
<p><b>Significant provisions that are mentioned by experts or political actors as not being transposed</b></p>	<p>2000/78/EC: see under 'disputes' about the contents of reasoned opinion by European Commission.</p> <p>In general, the Dutch equal treatment law is regarded as a rather accurate implementation of EU Directives in this field. One important criticism from equality experts is of a more general nature, namely that the equal treatment legislation is too complex (many different legal sources and complex language used) and the 'closed system' of this legislation; only those exceptions that are enumerated in the legislation are acceptable.<sup>11</sup></p> <p>Another important point of criticism is made by the Equal Treatment Commission (ETC) in its second evaluation report about the GETA where the ETC states that the definitions of indirect discrimination should be changed, because they are not totally in line with EU-Directives definition. This is also noted by the national expert to the Group of European Experts in the Non-discrimination Field.<sup>12</sup> In its judgements the ETC applies a broader definition that better fits with the EU definition. Furthermore, the ETC makes a comment (in the same evaluation report) about the term used for discrimination in Dutch equal treatment legislation. Literally translated to English it means 'distinction' [onderscheid]. Although the ETC feels that the term 'discrimination' used in EU directives and ECJ jurisprudence cannot just like that be translated into 'distinction', it does not propose to change the Dutch law in this respect.<sup>13</sup></p> <p>A last important criticism is that the GETA, the ETA (age) and the ETA (disability/chronic illness) all have limited arsenal of sanctions. This raises doubts whether the Directives requirement that 'sanctions be effective, proportionate and dissuasive' is met.<sup>14</sup></p> <p>A critical comment that is not so much related to the correct transposition of equal treatment EU Directives is that there are no legal rules that deal with multiple discrimination.<sup>15</sup></p>

<sup>9</sup> Parliamentary commission debate, 11 March 2008, document no. 27017-42. To be downloaded from:

<http://parlando.sdu.nl/cgi/login/anonymous>

<sup>10</sup> Source: EUR-lex, [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72006L0054:EN:NOT#FIELD\\_NL](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72006L0054:EN:NOT#FIELD_NL) accessed on 2 June 2008.

<sup>11</sup> Ina Sjerps, national expert for the Netherlands to the Commission's Network of legal experts in the fields of employment, social affairs and equality between men and women, in : Bulletin of legal issues in gender equality, issue 1/2005

<sup>12</sup> Rikki Holtmaat. 2007. Executive Summary Dutch country report on measures to combat discrimination.

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legnet/nlsum07\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/nlsum07_en.pdf)

<sup>13</sup> Equal Treatment Commission. 2004. Made a difference [Het Verschil gemaakt]. Evaluation of the General Equal Treatment Act and of the workings of the Equal Treatment Commission 1999-2004.

[http://www.cgb.nl/\\_media/downloadables/CGB%20evaluatie.pdf](http://www.cgb.nl/_media/downloadables/CGB%20evaluatie.pdf)

<sup>14</sup> Rikki Holtmaat. 2007. Executive Summary Dutch country report on measures to combat discrimination.

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legnet/nlsum07\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/nlsum07_en.pdf)

<sup>15</sup> Ibid.

<p><b>Important differences between law and Directive now?</b></p>	<p>2000/78/EC: see under 'disputes' about the contents of reasoned opinion by European Commission.</p> <p>Also, see row above this one on critical comments by experts.</p>
<p><b>What is claimed to be better in law and since when?</b></p>	<p>According to the national expert to the Group of European Experts in the Non-discrimination Field the Dutch protection on the grounds of religion and belief and sexual orientation goes beyond what is demanded by EU legislation, as it also applies to the area of goods and services.<sup>16</sup></p>
<p><b>Content of dispute(s) + date</b></p>	<p><b>ECJ judgements within Quing period (only preliminary rulings, there were no cases of European Commission/Communities vs. Dutch government):</b></p> <p><i>Directive 76/207/EEC:</i> Judgment of the Court of 19 March 2002. Case C-476/99: H. Lommers v Minister van Landbouw, Natuurbeheer en Visserij (Ministry for Agriculture, Nature and Food Quality) Reference for a preliminary ruling: Centrale Raad van Beroep - Netherlands. Social policy - Equal treatment of men and women - Derogations - Measures to promote equality of opportunity between men and women - Subsidised nursery places made available by a Ministry to its staff - Places reserved only for children of female officials, save in cases of emergency, to be determined by the employer. Ministry has refused to give Mr Lommers' child access to the subsidised nursery scheme on the ground that access is in principle reserved only for female officials of that Ministry.</p> <p><i>Directive 79/7/EEC:</i> Judgment of the Court (Sixth Chamber) of 1 February 1996. Case C-280/94: Y. M. Posthuma-van Damme v Bestuur van de Bedrijfsvereniging voor Detailhandel, Ambachten en Huisvrouwen and N. Oztürk v Bestuur van de Nieuwe Algemene Bedrijfsvereniging. Reference for a preliminary ruling: Centrale Raad van Beroep - Netherlands. Equal treatment for men and women - Social security - Directive 79/7/EEC – Question that was referred for interpretation concerns whether Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security does not preclude the application of national legislation which makes receipt of a benefit for incapacity for work subject to the requirement of having received a certain income from or in connection with work in the year preceding the commencement of incapacity, even if it is established that that requirement affects more women than men?</p> <p><i>Directive 79/7/EEC:</i> Judgment of the Court (Fourth Chamber) of 8 February 1996. Case C-8/94 C. B. Laperre v Bestuurscommissie beroepszaken in de provincie Zuid-Holland. Reference for a preliminary ruling: Raad van State - Netherlands. Equal treatment for men and women in matters of social security - Article 4(1) of Directive 79/7/EEC - Statutory scheme of social assistance for older and/or partially incapacitated workers who are long-term unemployed - Conditions relating to previous employment and age. Question referred to ECJ for preliminary ruling concerns whether Article 4(1) of the directive has to be interpreted as meaning that a national statutory scheme, which provides for a benefit designed to guarantee beneficiaries income at the level of the social minimum, irrespective as to whether the claimant has any resources but subject to conditions relating to his previous employment and age, involves discrimination on grounds of sex where it is established that much more men than women find in that scheme a way of avoiding the means test which, in contrast, has to be satisfied in the case of another scheme, which, albeit providing for a benefit of the same type, is less favourable, or whether Article 4(1) has to be interpreted as meaning that the scheme in question does not entail such discrimination because it is justified by</p>

<sup>16</sup> Ibid.

	<p>objective factors unrelated to any discrimination on grounds of sex?</p> <p><i>Article 119 and Directive 86/378/EEC (equal pay, equal treatment in occupational social security schemes):</i> Judgment of the Court (Sixth Chamber) of 24 October 1996.</p> <p>Case C-435/93 Francina Johanna Maria Dietz v Stichting Thuiszorg Rotterdam. Reference for a preliminary ruling: Kantongerecht Rotterdam - Netherlands.</p> <p>Six questions regarding equal treatment in occupational pension scheme and equal pay were referred to ECJ for preliminary ruling. Among other things: whether the right to equal pay laid down in Article 119 of the EEC Treaty include the right to join an occupational pension scheme such as that at issue in this case which is made compulsory by the authorities?; and whether (if question one is answered affirmative) the temporal limitation imposed by the Court in Barber for pension schemes such as those considered in that case ('contracted-out schemes') apply to the right to join an occupational pension scheme such as that at issue in this case, from which the plaintiff was excluded?</p> <p><b>ECJ judgement before Quing period (again only preliminary rulings, there were no cases of European Commission/Communities vs. Dutch government):</b></p> <p>Between 1983 and 1994 there have been several disputes over equal pay (1975/117/EEC, article 119 of treaty of Rome) and equal treatment for men and women (79/7/EEC, 86/613/EEC, 76/207/EEC) between individual women/men and other parties (most often these other parties are independent administrative bodies that carry out state tasks or pension funds). They were all (18 cases) sent to the ECJ for a preliminary ruling.</p> <p><b>Infringement procedures started by Commission during Quing period:</b></p> <p><i>2002/73/EC:</i> The Commission sent to Belgium, Spain, Luxembourg and the Netherlands reasoned opinions for non communication of the national measures transposing the Directive into national law.<sup>17</sup></p> <p><i>2000/78/EC:</i> in January 2008 reasoned opinion by European Commission stating that not all provisions of the directive (namely: article 2, second clause [a] + article 2, second clause [b] + article 4, second clause) have been appropriately transposed. That is, the exceptions for employment in a church or religious association are broader than authorised by the Directive. Also, the general definitions of direct and indirect discrimination in this Act and in the 2003 Equal Treatment (Disability or Chronic Illness) and Equal Treatment in Employment (Age Discrimination) Acts are incorrect. In this latter Act indirect discrimination is not defined at all and as such it does not prohibit indirect discrimination on the basis of age. Lastly, in the Equal Treatment Act the ban on discrimination does not apply to personal/private working relations. The Netherlands has two months time to react to this reasoned opinion. The infringement procedure was started in December 2006 when the Commission sent a letter of formal notice.<sup>18</sup></p> <p>In the public arena/media this 'story' is told as follows: the wording of article 5(2) of</p>
--	---

<sup>17</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC0975:EN:HTML>

<sup>18</sup> On the website of the Dutch Equal Treatment Commission the reasoned opinion can be downloaded in Dutch:

[http://www.cgb.nl/\\_media/downloadables/bijlage%202008-02%20ingebrekestelling.pdf](http://www.cgb.nl/_media/downloadables/bijlage%202008-02%20ingebrekestelling.pdf)

<sup>19</sup> Rapid press release titled 'the Race Equality Directive', 27 June 2007

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/257&format=HTML&aged=1&language=EN&guiLanguage=en> accessed on 29 May 2008

<sup>20</sup> Equality Quarterly news, issue 1/ 1999,

[http://ec.europa.eu/employment\\_social/gender\\_equality/docs/newsletter/news9901\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/newsletter/news9901_en.pdf) accessed on 28 May 2008

<sup>21</sup> Source: Van der Vleuten, Anna. 2007. *The Price of Gender Equality, member states and governance in the European Union*, Ashgate, p.124-126, 130-131, 134-135

<sup>22</sup> Van der Vleuten, Anna. 2007. *The Price of Gender Equality, member states and governance in the European Union*, Ashgate, p.124-126, 130-131, 134-135

<sup>23</sup> Ina Sjerps, national expert for the Netherlands to the Commission's Network of legal experts in the fields of employment, social affairs and equality between men and women, in : Bulletin of legal issues in gender equality, issue 1/2004

the Dutch General Equal Treatment Act (1994), provides too much room for institutions like churches, religious school and other organisations with a certain philosophical/religious/political base to restrict certain groups of persons (especially homosexuals) from openly expressing/carrying out their sexual orientation. The debate mainly focuses on discrimination of homosexual people. So while the critic of the European Commission is broader, in the public debate it is this aspect that is being paid the most attention to.

*2000/43/EC*: on the press release site of the European Commission (Rapid) one can read that the Netherlands has problems with transposition of article 3 of the Directive. It concerns the exclusion of certain employment relationships of a private nature, and the fact that the prohibition of discrimination in access to goods and services doesn't apply to services of a "private nature" or to rooms of one's own house which are rented out. From the press release it can be concluded that an infringement procedure has been initiated.<sup>19</sup>

*96/97/EC*: Commission starts infringement proceedings against all member states in 1999 except for Sweden for failure to (adequately) transpose the Directive into their national legislation. Reasoned opinions were sent to Belgium, Denmark, Germany, Spain, France, Italy, the Netherlands and Finland. The case against Luxembourg and France and Greece has been brought before the Court. The case against the Netherlands was not referred to the ECJ.<sup>20</sup>

**Infringement procedures started by Commission before Quing period<sup>21</sup>:**

*1975/117/EEC infringement procedure 1978-1980*: Commission starts infringement procedure, because the 1975 Equal Pay Act does not cover civil servants. Only after reasoned opinion was the infringement procedure settled when Netherlands amended the Act in 1980.

*76/207/EEC infringement procedure 1*: in May 1979 the Commission starts an infringement procedure against the Netherlands for failure to comply with the Directive. The infringement procedure was settled when the Netherlands adopted the Equal Treatment in Employment (Men and Women) Act in March 1980. The Act entailed the minimum required by the Directive.

*76/207/EEC infringement procedure 2*: Commission starts infringement procedure immediately after adoption of 1980 Equal Treatment Act, because it does not have provisions for civil servants. Infringement settled few months later by means of 'Equal Opportunities (Civil Service) Act'.

*76/207/EEC infringement procedure 3*: Commission starts infringement procedure, because the exceptions to equal treatment in Dutch legislation were too broad and the Equal treatment Act allowed supplementary payments for certain groups of breadwinners. In 1983, a reasoned opinion was sent. It was only in 1989 that this dispute was settled with the approval of an amendment Act.

*79/7/EEC infringement procedure*: Commission starts infringement procedure for failure of taking the necessary steps to implement the Directive. Already from the date that the Directive went into force (1984) the Directive was cited by Dutch Courts and the ECJ was asked for interpretation as well. In the end this judicial pressure as well as women's organisations actions, lead the unwilling Dutch government to settle some forms of discrimination in social security schemes.<sup>22</sup>

The implementation of this Directive in the Netherlands caused political upheaval, in particular in the 1980s. At that time, the Dutch social security system was based on the breadwinner model, with separate sets of rights for married men, married women and single persons. Direct discrimination was widespread. Because of the Directive (formal) equality of treatment between men and women, between married and unmarried couples and between hetero- and homosexual couples was introduced in almost all benefit schemes. This did take time however, since the government initially was reluctant to introduce equal treatment. This resulted in many test cases before Dutch courts and the ECJ in the late 80s and early 90s. Often they dealt with questions regarding the concept of indirect discrimination. The Court seemed to accept that the state has a lot of discretion in the field of

	<p>social policies and justified the existence of different forms of indirect discrimination.<sup>23</sup></p> <p><b>Disputes before national/regional Courts</b></p> <p>While overt direct discrimination has been largely eradicated in practice, it is mostly cases of indirect discrimination that are still to be resolved. Every now and then such cases are brought to Court. Ina Sjerps, the national expert for the Netherlands to the Commission's Network of legal experts in the fields of employment, social affairs and equality between men and women, reports on these cases in the "Bulletin of legal issues in gender equality".</p> <p>A dispute that has been battled out in recent years and should be mentioned has to do with the government's decision in 2004 to abolish the Act on Occupational Disability Insurance for the Self-Employed (Wet Arbeidsongeschiktheidsverzekering zelfstandigen, WAZ). This compulsory disability insurance scheme also included a pregnancy and maternity leave benefit for self-employed women and co-working spouses. The state felt that private insurance schemes offered sufficient insurance options for self-employed. However, regarding pregnancy and maternity leave these private schemes offer a lower protection. The ETC concluded that abolishment of the WAZ was unlawful; because no alternative public pregnancy/maternity leave insurance scheme was introduced. Actors that call for introduction of such scheme are several political parties, the ETC, the FNV Trade Union, the Clara Wichmann Institute for Women and Law. Cases have been brought before the ETC and before courts. The dispute seems to have ended recently; in May 2008 a Bill was adopted that will amend the Act on Labour and Care to include 16 weeks of pregnancy/maternity leave for insured self-employed women.</p>
<p>Has any other inequality been part of the transposition disputes? Which inequality axis?</p>	<p><i>2000/78/EC infringement procedure (2006-2008)</i>: all grounds mentioned in the Directive, see 'content of dispute' above.</p> <p><i>76/207/EEC ECJ preliminary ruling (2002)</i>: family status (the court ruled in favour of the Ministry but underlined that male officials at the Ministry allowing those of them who take care of their children by themselves to have access to that nursery places scheme on the same conditions as female officials. However, Mr. Lommers was not a single parent.)</p> <p><i>79/7/EEC preliminary ruling (1996, C-280/94)</i>: disability (incapacitated for work) and class (being unemployed)</p> <p><i>79/7/EEC preliminary ruling (1996, C-8/94)</i>: age and disability and class (being unemployed)</p>
<p>Parties to the dispute</p>	<p><i>2002/73/EC infringement procedure</i>: European Commission and Dutch government</p> <p><i>2000/78/EC infringement procedure (2006-2008)</i>: European Commission - Dutch government</p> <p><i>2000/43/EC infringement procedure</i>: European Commission – Dutch government</p> <p><i>96/97/EC infringement procedure</i>: European Commission and Dutch government</p> <p><i>76/207/EEC ECJ preliminary ruling (2002)</i>: Individual v. Ministry for Agriculture, Nature and Food Quality</p> <p><i>79/7/EEC preliminary ruling (1996, C-280/94)</i>: Individuals v. independent administrative bodies (hybrid organisations, they are close to state and carry out state tasks, but are independent at same time)</p> <p><i>79/7/EEC preliminary ruling (1996, C-8/94)</i>: Individual v. Province administration of Zuid-Holland</p> <p><i>Article 119 and Directive 86/378/EEC- preliminary ruling (1996, C-435/93)</i>: Individual v. homecare corporation Rotterdam</p> <p><i>Several preliminary rulings on equal pay and equal treatment (period 1983-1994)</i>: Individual(s) v. other parties (most often these other parties are (independent) administrative bodies that carry out state tasks or pension funds).</p>

<p><b>Location arena</b> or</p>	<p><i>2002/73/EC infringement procedure</i>: infringement procedure was started but case was not brought before ECJ  <i>2000/78/EC infringement procedure (2006-2008)</i>: still in stage of infringement procedure (reasoned opinion)  <i>96/97/EC infringement procedure</i>: infringement procedure was started but case was not brought before ECJ  <i>76/207/EEC ECJ preliminary ruling (2002)</i>: ECJ  <i>79/7/EEC preliminary ruling (1996, C-280/94 )</i>: ECJ  <i>79/7/EEC preliminary ruling (1996, C-8/94)</i>: ECJ  <i>Article 119 and Directive 86/378/EEC- preliminary ruling (1996,C-435/93)</i>: ECJ  <i>Preliminary rulings on equal pay and equal treatment (1983-1994)</i>: ECJ</p>
<p><b>Outcome of the dispute</b></p>	<p><b>Infringement procedures during Quing period</b> (for settlement of earlier infringement procedures, see this table's row 'content of dispute and date' above):</p> <p><i>2002/73/EC infringement procedure</i>: Dutch government has communicated its national implementing measures to Commission.  <i>2000/78/EC infringement procedure (2006-2008)</i>: Still to be seen. The Dutch Equal Treatment Commission has written an advice addressed to the Minister of the Interior in which they recommend the reformulation of certain provisions of several of the Dutch Equal Treatment Acts. A motion has been submitted by several MP's from different political parties, demanding to alter article 5(2) of the Dutch General Equal Treatment Act. However, the motion has been reprobated. The Cabinet has sent a letter to the European Commission in which it reacts to the reasoned opinion (not publicly available on website).  <i>96/97/EC infringement procedure</i>: Netherlands adapted/complied and that is why case was not brought before ECJ.</p> <p><b>Preliminary rulings during Quing period:</b>  <i>76/207/EEC ECJ preliminary ruling (2002)</i>: ECJ answered the questions referred to it in favour of Ministry, Mr Lommers lost  <i>79/7/EEC preliminary ruling (1996 C-280/94)</i>: ECJ answered the questions referred to it in favour of (independent) administrative (state) bodies. Individuals lost.  <i>79/7/EEC preliminary ruling (1996, C-8/94)</i>: ECJ answered the questions that were referred to it in favour of Province administration of Zuid-Holland, individual lost (Court rules that this does not involve discrimination on basis of sex, since the national legislature was reasonably entitled to consider that the scheme in question was necessary in order to attain a social policy aim unrelated to any discrimination on grounds of sex).  <i>Article 119 and Directive 86/378/EEC- preliminary ruling (1996,C-435/93)</i>: answers to some of the six referred questions seem in favour of individual Party, answers to others seem in favour of home care corporation.</p>
<p><b>Civil society engagement</b></p>	<p><b>Regarding disputes during Quing-period:</b></p> <p><i>2000/78/EC infringement procedure (2006-2008)</i>: Platform 13 has written a letter to the Minister for the Interior and Kingdom Relations in which they give recommendations relating to the infringement case. United in this Platform are civil society organisations that relate to different axis of inequality: Article 1 (national anti-discrimination office), Council for Chronically Sick and Disabled People, E-Quality (Knowledge centre for gender, family and diversity issues), Expertise Centre on Age, Movisie (Netherlands Centre for social development, works on five themes: Social cohesion, Volunteer effort, Domestic and sexual violence, Vulnerable groups, and Informal care).</p>

<p><b>Issue</b></p>	<p><b>(Sexual) harassment/ burden of proof in (sex) discrimination cases</b>          Considered are:  <u>(Sexual) harassment:</u> 2002/73/EC provisions that relate to (sexual) harassment; (in the later Directives 2004/113/EC and 2006/54/EC similar provisions on (sexual) harassment are repeated) 2000/43/EC and 2000/78/EC provisions that relate to harassment provisions.  <u>Burden of proof in discrimination cases:</u> 97/80/EC on the burden of proof in cases of discrimination based on sex (burden of proof in cases of sex discrimination provisions similar to this Directives are repeated in Directives 2004/113/EC and 2006/54/113); 2000/43/EC and 2000/78/EC on burden of proof (article 8 and 10 respectively)).</p>
<p><b>Has law been passed or changed on these issues prior to the Directives?</b></p>	<p>YES, but to fully comply with Directive adaptations had to be made.</p> <p><u>Sexual harassment:</u> in the working conditions Act (ARBO-wet) of 1998 a provision on sexual harassment was included. In addition, an Act was adopted in 1999 that amended several education Acts with regard to the combating of sexual abuse and sexual harassment in the field of education.  <u>Burden of proof:</u> legislation and case-law were already quite in line with Directive's provisions before it was introduced. In the ETA (m/w) and in article 7:646 of Civil Code a paragraph was added in order to entirely implement Directive 97/80/EC.</p>
<p><b>Legislation transposing Directive</b></p>	<ul style="list-style-type: none"> <li>• 1998 Working Conditions Act (includes provisions on sexual harassment)</li> <li>• 1999 Act amending several education Acts with regard to the combating of sexual abuse and sexual harassment in the field of education (sexual harassment).</li> <li>• Law of 12 December 2000 amending ETA (m/w) and Title 7.10 of the Civil Code to implement the EC-Directive on the burden of proof in cases of sexual discrimination in the workplace (implementing certain provisions of 97/80/EC).</li> <li>• 2003 Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid, WGBL) (includes provisions on harassment).</li> <li>• 2003 Equal Treatment (Disability or Chronic Illness) Act (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ).</li> <li>• 2004 EC Implementation Act (Act to alter the General Equal Treatment Act and a few other Acts in order to implement Directives 2000/43/EC and 2000/78/EC): article 1a was inserted which states that the prohibition on discrimination also includes a prohibition of (sexual) harassment.</li> <li>• Law of 5 October 2006 amending the Equal Treatment in Employment (Men and Women) Act in order to implement Directive 2002/73/EG (implementing certain provisions of 2002/73/EC) → this amendment concerned the shift in burden of proof in (sexual) harassment cases. It strengthens the position of employees who have a complaint regarding (sexual) harassment in the workplace. Also, with this amendment law an explicit prohibition of (sexual) harassment is included in the Equal Treatment in Employment (Men and Women) Act; (sexual) harassment is a form of direct discrimination. Lastly, (sexual) harassment is defined. Otherwise, the Netherlands claim that remaining provisions of 2002/73/EC are already complied with in Dutch Equal Treatment Law.<sup>24</sup></li> <li>• 2007 amendment of General Equal Treatment Act as to implement certain provisions of Directive 2004/113/EC → this amendment solely concerned prohibition of sexual harassment and protection against victimisation of persons who reject or submit to acts of sexual harassment. Otherwise, the</li> </ul>

<sup>24</sup> Source: website of the First Chamber of Parliament, <http://www.eerstekamer.nl>



	Netherlands claims that the remaining provisions of Directive 2004/113/EC on prohibition of discrimination on basis of sex in the access to and supply of goods and services are already complied with in Dutch equal treatment law.
Does the country claim to have transposed the Directive?	<i>Burden of proof</i> : after 2000 amendment YES  <i>(Sexual) harassment</i> : after 2004/2007 amendments to General Equal Treatment Act and 2006 amendment of the Equal Treatment in Employment (Men and Women) Act, YES.
Significant provisions that are mentioned by experts or political actors as not being transposed	The national expert to the European Network of Legal Experts in the Non-discrimination Field remarks that the current Dutch definition of harassment requires that an applicant establishes 1) harassment is ground-related, 2) it has the purpose or effect of violating the person's dignity 3) has purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment. This test is stricter than that adopted by the ETC (Equal Treatment Commission) in its pre-implementation case-law. Hence the Dutch approach falls short of the Directives' non-regression clause. <sup>25</sup>
Important differences between law and Directive now?	No important differences.
What is claimed to be better in law and since when?	-
Content of dispute(s) + date	<b>ECJ cases:</b> no  <b>Infringement procedures:</b> <i>2002/73/EC</i> : The Commission sent to Belgium, Spain, Luxembourg and the Netherlands reasoned opinions for non communication of the national measures transposing the Directive into national law. <sup>26</sup>
Has any other inequality been part of the transposition disputes? Which inequality axis?	<i>2002/73/EC infringement procedure</i> : not applicable.
Parties to the dispute	<i>2002/73/EC infringement procedure</i> : European Commission and Dutch government.
Location or arena	<i>2002/73/EC infringement procedure</i> : infringement procedure was started but case was not brought before ECJ.
Outcome of the dispute	<i>2002/73/EC infringement procedure</i> : Dutch government has communicated its national implementing measures to Commission
Civil society engagement	(Sexual) harassment: In 2006 confusion arose in civil society about the interpretation of the shift in burden of proof regarding sexual harassment. In some newspaper articles it was stated that Government misinterpreted the Directive 2002/73/EC. According to these articles, the Directive states that the employer must prove that he/she has done everything to prevent sexual harassment in the working place. The Government, however, interprets the Directive as if an employer accused of harassment by an employee must prove that he/she is innocent. The Confederation of Netherlands Industry and Employers (VNO-NCW) opposed the Bill, because it would lead to a flood of

<sup>25</sup> Rikki Holtmaat. 2007. Executive Summary Dutch country report on measures to combat discrimination.

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legnet/nlsum07\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/nlsum07_en.pdf)

<sup>26</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC0975:EN:HTML>

	unfunded complaints. Other negative reactions came from lawyers, the Contact Group Wrongful Accusations and Foundation Stop Mobbing. <sup>27</sup>
--	--

<b>Issue</b>	<p><b>Parental/maternity leave</b>  Directives considered: 96/34/EC (parental leave directive), 92/85/EEC (pregnant workers Directive: maternity leave and safety and health of pregnant/breastfeeding women and women who have recently given birth).</p>
<b>Has law been passed or changed prior to the Directives</b>	<p>YES</p> <p><u>Parental leave</u>: The Netherlands introduced parental leave arrangements prior to to the European Directive on Parental Leave (1990: Act establishing rules concerning the entitlement to parents' leave).<sup>28</sup> The arrangement that existed prior to Directive was, however not yet totally in line with Directives' requirements. Some adaptation was still needed.<sup>29</sup></p> <p><u>Pregnant workers Directive/maternity leave</u>: the Netherlands only had to make a few small changes to already existing rules and regulations in this field (e.g. regarding provisions on night work and measures to avoid exposure to risks including paid health and safety leave).<sup>30</sup></p>
<b>Legislation transposing Directive</b>	<ul style="list-style-type: none"> <li>• 1980 Equal Treatment in Employment (Men and Women) Act (Wet gelijke behandeling mannen en vrouwen, WGB) originally adopted to implement Directive 76/207/EEC, later amended several times.</li> <li>• Civil Code articles 7:670 and 7: 670b. Protect pregnant women against dismissal.</li> <li>• Decree of 2 May 1994 to lay down instructions to promote the improvement of the occupational safety and health of women workers during pregnancy and breast feeding (Decree on pregnant women workers): Implements articles 4 to 6 of EC Directive No. 92/85/EEC (source: natlex).</li> <li>• 1995 Working Hours Act (Arbeidstijdenwet). Protects pregnant women in article 4.5.</li> <li>• 1997 Act to change title 7.10 of the Civil Code with regard to parental leave [Wet tot wijziging van titel 7.10 (arbeidsovereenkomst) van het Burgerlijk Wetboek met betrekking tot het ouderschapsverlof van 25/06/1997, Staatsblad no. 266 van 1997, blz. 1] (has been absorbed in the 2001 Act on Labour and Care).</li> <li>• 1997 Decree on Labour Conditions (arbeidsomstandigheden besluit). Includes more specific rules than 1998 working conditions Act, among which rules on the protection of pregnant/breastfeeding women(chapter 1, part 9, articles 1.40-1.42).</li> <li>• 1998 Working Conditions Act (arbeidsomstandighedenwet, ARBO-wet). Sets general norm that employer must provide employees with safe working conditions.</li> </ul>

<sup>27</sup> (2005) 'Reacties op het wetsvoorstel' in: *NRC Handelsblad*, 13 April

<sup>28</sup> Bleijenbergh, Inge and Conny Roggeband. 2007. Equality machineries matter: the impact of women's political pressure on European social-care policies. *Social Politics*, 14(4): 437 – 459.

<sup>29</sup> Falkner, Gerda, and Oliver Treib, and Miriam Hartlapp, and Simone Leiber. 2005. *Complying with Europe. EU harmonisation and soft law in the Member States*. Cambridge: Cambridge University Press. p. 145-158.

<sup>30</sup> *Ibid.*, p. 73-93.

	<ul style="list-style-type: none"> <li>2001 Act on Labour and Care replaced and gathered all existing leave regulations (including existing pregnancy/maternity leave and parental leave regulations) and extended some and introduced some new regulations. It was later amended to include long term care leave.</li> </ul>
Does the country claim to have transposed the Directive?	<p><u>Parental leave Directive</u>: Netherlands was “punctual with essentially correctly fulfilling the demands arising from the Directive”.<sup>31</sup></p> <p><u>Pregnant workers Directive/maternity leave</u>: essentially correct transposition before deadline, complete transposition roughly one year after deadline.<sup>32</sup></p>
Significant provisions that are mentioned by experts or political actors as not being transposed	
Important differences between law and Directive now?	<p><u>Maternity leave</u>: at least 16 weeks paid (depending on exact date of confinement this can also be a bit longer). So, this is somewhat more extensive than as stipulated by the Directive</p> <p><u>Parental leave</u>: 13 weeks unpaid per child. Non-transferable. Government plans to extend parental leave from 13 to 26 weeks as of 1 January 2009.<sup>33</sup> In that case the leave will be more extensive than the Directive</p>
What is claimed to be better in law and since when?	<p>Maternity leave is longer than required by Directive, parental leave will probably be extended from 13 to 26 weeks next year.</p> <p>Protection from unfair dismissal offered by the Directive is weaker than the one provided in sex discrimination law.<sup>34</sup></p>
Content of dispute(s) + date	<p><b>ECJ cases</b>: no preliminary rulings and no cases of European Commission/Communities vs. Dutch government.</p> <p><b>Infringement procedures</b>: no infringement procedures on either parental leave Directive or pregnant workers Directive.<sup>35</sup></p> <p>Within the national context, legal disputes over unfair dismissals during pregnancy or maternity occur rather frequently. There are, however, no indications that the disputes are specifically related (or specifically refer to) Directive 92/85/EEC. For the Netherlands it goes that the protection from unfair dismissal offered by the Directive is weaker than the one provided in sex discrimination law.<sup>36</sup></p>
Has any other inequality been part of the transposition disputes? Which inequality axis?	
Parties to the dispute	
Location or arena	
Outcome of the dispute	

<sup>31</sup> Falkner, Gerda, and Oliver Treib, and Miriam Hartlapp, and Simone Leiber. 2005. *Complying with Europe. EU harmonisation and soft law in the Member States*. Cambridge: Cambridge University Press. p. 152.

<sup>32</sup> Ibid. p. 89.

<sup>33</sup> Press release on website from the Ministry of Social Affairs and Employment, 13 February 2008, [http://home.szw.nl/index.cfm?menu\\_item\\_id=13736&hoofdmenu\\_item\\_id=13825&rubriek\\_item=391909&rubriek\\_id=391817&sect\\_id=2517&doctype\\_id=5.123&link\\_id=136878](http://home.szw.nl/index.cfm?menu_item_id=13736&hoofdmenu_item_id=13825&rubriek_item=391909&rubriek_id=391817&sect_id=2517&doctype_id=5.123&link_id=136878)

<sup>34</sup> Ibid. p.90

<sup>35</sup> Falkner, Gerda, and Oliver Treib, and Miriam Hartlapp, and Simone Leiber. 2005. *Complying with Europe. EU harmonisation and soft law in the Member States*. Cambridge: Cambridge University Press. p. 209

<sup>36</sup> Ibid. p.90

Civil society engagement	
--------------------------	--

<b>Issue</b>	<b>Organisation of working time/ part-time work</b> Directive considered: 97/81/EC (part-time work directive)
Has law been passed or changed prior to the Directives	YES  Part-time working Directive: The Netherlands already complied fully with the Directive when it was adopted and therefore did not have to enact any legal changes. <sup>37</sup>
Legislation transposing Directive	1996 Equal Treatment (working hours) Act (Wet verbod op onderscheid naar arbeidsduur, WOA) 2000 Act on the Adaptation of Working Hours (Wet Aanpassing Arbeidsduur WAA) Sections 125g and 125h of the Civil Servants Act (Ambtenarenwet) Sections 7:646 through 7:649 of the Civil Code (Burgerlijk Wetboek)
Does the country claim to have transposed the Directive?	Part-time working Directive: YES
Significant provisions that are mentioned by experts or political actors as not being transposed	
Important differences between law and Directive now?	None
What is claimed to be better in law and since when?	Dutch legislation goes beyond European legislation which does not protect against discrimination based on working hours and/or contract type. Also, the 2000 Act on the Adaptation of Working Hours seems to set higher standards than Directive 97/81/EC, in that the former provides workers with the <i>right</i> to reduce or increase their working hours after one year of employment with the same employer (the directive states that the employer should give consideration to <i>requests</i> by workers to transfer from full-time to part-time work that becomes available in the establishment, and to <i>requests</i> by workers to transfer from part-time to full-time work or to increase their working time should the opportunity arise). <sup>38</sup>
Content of dispute(s) + date	<b>ECJ cases:</b> no  <b>Infringement procedures:</b> no infringement procedures. <sup>39</sup>
Has any other inequality been part of the transposition disputes? Which inequality axis?	

<sup>37</sup> Ibid. p.164-166

<sup>38</sup> Wattis, L., M. Yerkes, S. Lloyd, M. Hernandez, L. Dawson and K. Standing. 2006. Combining work and family life: removing the barriers to women's progression. Experiences from the UK and the Netherlands. Liverpool: John Moores University, School of Social Science, p.32-33

<sup>39</sup> Falkner, Gerda, and Oliver Treib, and Miriam Hartlapp, and Simone Leiber. 2005. *Complying with Europe. EU harmonisation and soft law in the Member States*. Cambridge: Cambridge University Press. p. 209

<b>Parties to the dispute</b>	
<b>Location or arena</b>	
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	<u>Part-time work</u> (pre-Directive): The employers organisations, united in the Council of Central Enterprise Organisations [Raad van de Centrale Ondernemingsorganisatie], wrote a letter to the Cabinet, in which they stated that they opposed adjustment of the legislation on part-time work. Stimulating part-time work was unnecessary. The new legal regulations were seen as a violation of the freedom of contract with employees and trade unions. The trade unions were very happy with the new Bill <sup>40</sup> (which became law in 1996: Equal Treatment (working hours) Act).

<b>Issue</b>	<b>Equality Bodies</b> Directives considered are: 2000/43/EC (article 13) 2002/73/EC (article 8a), 2004/113/EC (article 12), 2006/54/EC (article 20)
<b>Has law been passed or changed prior to the Directives</b>	YES,  The General Equal Treatment Act 1994 set up the Equal Treatment Commission (promotes and monitors compliance with equal treatment law. 'Old' discrimination grounds covered since 1994: Religion, Belief, Political orientation/conviction, Race, Sex, Nationality, Sexual orientation, Marital/civil status. 'New' grounds that were added to its competence later on: working hours (full-time or part-time), nature of labour contract (flexible or fixed), disability or chronic illness, and age). An Equal Pay Commission was already in place in 1975 and in the framework of the Equal Treatment in Employment (Men and Women) Act of 1980, a first Equal Treatment Commission (Men/Women) was set up. The 1994 Equal Treatment Commission replaced the already existing commissions.
<b>Legislation transposing Directive</b>	1994 General Equal Treatment Act (amended several times afterwards). But the 1994 provision on setting up the Equal Treatment Commission was sufficient implementation of the provision on equality bodies in EU Directives.
<b>Does the country claim to have transposed the Directive?</b>	YES
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	-
<b>Important differences between law and Directive now?</b>	ETC operates on more discrimination grounds than is required by EU Directives (EU-Directives: gender and race/ethnicity)
<b>What is claimed to be better in law and since when?</b>	ETC operates on more discrimination grounds than is required by EU Directives (EU-Directives: gender and race/ethnicity)

<sup>40</sup> (1994) Editor economy, 'Snel besluit deeltijd in wet Standpunt cabinet moet CAO-seizoen nog beïnvloeden' in: *Trouw*, 31 October

<b>Content of dispute(s) + date</b>	<b>ECJ cases:</b> no <b>Infringement procedures:</b> no
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	-
<b>Parties to the dispute</b>	-
<b>Location or arena</b>	-
<b>Outcome of the dispute</b>	-
<b>Civil society engagement</b>	

<b>Issue</b>	<b>NGO/civil society dialogue</b> Directives considered: 2000/43/EC (articles 11 and 12), 2000/78/EC (articles 13 and 14), 2002/73/EC (article 8b and c), 2004/113/EC (article 11), 2006/54/EC (articles 21 and 22).
<b>Has law been passed or changed prior to the Directive</b>	In general, there is no central dialogue structure for dialogue between the government and NGO's in the sector of equal treatment and anti-discrimination in the Netherlands. Depending on the issue the government will consult with NGO's or start a more structured dialogue with certain NGO's (some organisations do have official consultation status with government)..  It should be noted that there is a special law regarding the consultation and funding of representative organisations of the major ethnic minority groups in the Netherlands: the 1997 Act on Consultation in the Framework of Minority Policy (Wet Overleg Minderhedenbeleid).  See on consultation also the tenth row in the table belonging to question 1.3, relevant questions concerning consultation in section 3 on gender machinery, and relevant questions in section 7 on civil society.
<b>Legislation transposing Directive</b>	
<b>Does the country claim to have transposed the Directive?</b>	
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	
<b>Important differences between law and Directive now?</b>	
<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	<b>ECJ cases:</b> no <b>Infringement procedures:</b> no

Has any other inequality been part of the transposition disputes? Which inequality axis?	
Parties to the dispute	
Location or arena	
Outcome of the dispute	
Civil society engagement	

### 1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?

	EU			Country		
	Provision	Year	Notes	Provision	Year	Notes
<b>Maternity</b>	14 weeks	1996	Pay must not be less than wage during sickness leave.	At least 16 weeks	2001 <sup>41</sup>	Paid (100% wage). To be availed of from 6 weeks before estimated date of birth to no later than 4 weeks before this date. After birth date, at least 10 weeks (up to 12 if maternity leave started 4 weeks before estimated birth date). If date of birth is later than estimated date, then total leave will accordingly be longer than 16 weeks. If the woman medically is not yet fit to work after maternity leave, she will receive full pay.
<b>Paternity</b>	Optional	1995		2 days	2001 <sup>42</sup>	Paid (100% wage). To be availed of within 4 weeks period starting from birth date.
<b>Parental</b>	3 months	1996	Unpaid	13 weeks per child (until child is 8 years of age)	2001 <sup>43</sup>	Unpaid (but employers and collective agreements can diverge from this. Employers paying parental leave are found more often in public sector than in private sector).  To be availed of per week during an unbroken period of at most 6 months. Number of leave hours is at most half of weekly working hours. Employee may request employer to diverge from these standards.

<sup>41</sup> In this year the Act on Labour and Care entered into force. This act brought together all existing leave regulations, extends some of them and introduced some new leave regulations. In case of maternity leave, nothing changed in comparison with the pre-Labour and Care Act period.

<sup>42</sup> Labour and Care Act

<sup>43</sup> Labour and Care Act. In 1990 the Netherlands introduced parental leave legislation for first time. This was extended in 1997. In the Act on Labour and Care regulations regarding parental leave were changed again.

Duty on all public bodies to promote GE	No	2004	Mainstreaming required by 2006	YES/NO not a duty and not laid down in legislation . But see notes.		No duty laid down in law/regulations. But in the multi-year emancipation policy plan <sup>44</sup> and other emancipation related policy plans (for example the 2001 Cabinet Standpoint on Gender Mainstreaming <sup>45</sup> and the 1999 action plan on departmental emancipation tasks <sup>46</sup> ) the importance of and the intention to embed(ding) gender equality in the regular policies of all government parts is always underlined. In the framework of the multi-year emancipation plans the individual ministries are required to formulate how they will embed gender equality in their policies in the upcoming years (this is often included/integrated in the multi-year policy plan, but sometimes separately (like with the most recent gender equality plan 2008-2011)).
Equality body (employment)	Yes	2002		Yes	1994 But see notes	Equal Treatment Commission (ETC). <sup>47</sup> Before 1994 the Equal Pay and Equal Treatment (in employment) commissions were already existing. These were incorporated into the newly established ETC in 1994.
Equality body for promotion	Yes	2006		Yes	1994	ETC <sup>48</sup>
Equality body (goods & services)	Yes	2004		Yes		ETC <sup>49</sup>
Gender pay audits	Not specified			Yes		Labour inspection investigates Dutch (un)equal pay situations every two year.

<sup>44</sup> See the one for example the 2006-2010 one: [http://www.emancipatieweb.nl/uploads/1721/74E212\\_E\\_meerjaren\\_emancipatie.pdf](http://www.emancipatieweb.nl/uploads/1721/74E212_E_meerjaren_emancipatie.pdf) or the latest 2008-2011 one: [http://www.minocw.nl/documenten/emancipatienota\\_def\\_versie.pdf](http://www.minocw.nl/documenten/emancipatienota_def_versie.pdf)

<sup>45</sup> [http://www.emancipatieweb.nl/uploads/137/10\\_1\\_GenderMainstreaming.pdf](http://www.emancipatieweb.nl/uploads/137/10_1_GenderMainstreaming.pdf)

<sup>46</sup> [http://www.emancipatieweb.nl/uploads/111/12\\_1\\_Actieplan\\_taatstellingen.pdf](http://www.emancipatieweb.nl/uploads/111/12_1_Actieplan_taatstellingen.pdf)

<sup>47</sup> The Dutch Equal Treatment Commission is an independent organisation that was established by government in 1994 by means of the General Equal Treatment Act to promote and monitor compliance with the Dutch equal treatment legislation. The Commission also gives advice and information about the standards that apply. Everyone in the Netherlands can ask the Commission for an opinion/judgement or advice about a specific situation concerning unequal treatment, free of charge. As laid down by the General equal treatment Act and other (equal treatment) Acts, the ETC can only investigate cases of alleged discrimination or unequal treatment on the following grounds: Religion; Belief; Political orientation/conviction; Race; Sex; Nationality; Sexual preference; Marital/civil status; Disability or chronic illness; Age; working hours (full-time or part-time); and nature of labour contract (flexible or fixed). See: <http://www.cgb.nl/index-en.php>

<sup>48</sup> Ibid.

<sup>49</sup> Ibid. And: With regard to the grounds of disability or chronic illness and age, the prohibition of discrimination is temporarily restricted to employment, including vocational training. This legislation is meant to be extended to the other fields, especially the field of offering goods and services. With regard to the ground of race, discrimination is also forbidden in social protection, including social security and social advantages.



<b>Gender Equality plan (employment)</b>	Yes	2002 / 2006		Yes	Most recent one: 2008	Multi-year emancipation policy plan (2008-2011) contains chapter on labour participation (next to chapters on girls and women from ethnic minorities, and safety/violence against women and girls, and international emancipation policy). In the framework of this most recent policy plan each individual Ministry had to send its own contribution to the emancipation plan, in which it formulates its activities regarding gender equality for the period 2008-2011. The Ministry of Social Affairs and Employment has written such a (short) individual policy plan. <sup>50</sup>
<b>Requires NGO dialogue to be encouraged</b>	Yes/no	2002	Dialogue	Yes		The Dutch political system can be characterised as a consensus democracy. The pursuit of compromise is deeply rooted in Dutch political culture. In order to promote a broad consensus, a plurality of interests is taken into account during the policy process. Dutch politics are also characterised by neo-corporatism. Despite the fact that the number of advisory bodies has hugely decreased during the 90s, consultation with organisations representing specific interests often still takes place.
<b>Positive action measures</b>	Yes/no	1975	Allowed, not required	Yes, allowed (women, ethnic minorities and disability) but not required	ETA (m/w): 1980 GET A: 1994 ETA (d/ci): 2003	ETA (m/w): [an act] shall not be considered discrimination if the aim is to reduce unequal position of women and if the unequal treatment is proportional to that aim GETA: the prohibition on discrimination contained in this Act does not apply if the aim of the discriminatory measure is to place women or persons belonging to a particular ethnic or cultural minority group in a privileged position in order to eliminate or reduce existing inequalities connected with race or sex and the discrimination is in reasonable proportion to that aim. ETA (d/ci): positive discrimination allowed
<b>Public bodies to promote racial equality</b>				YES		Not a duty on all public bodies to promote racial equality, but ETC as equality body promotes racial equality actively

<sup>50</sup> Document no. 30420-60, parliamentary year 2007-2008. Can be downloaded from: <http://parlando.sdu.nl/cgi/login/anonymous> or: <http://www.overheid.nl/op/>

If there are no sanctions for violating the law, please state this					If an equal treatment case is brought before court the court will apply existing sanctions in civil and administrative law. The ETA (m/w), ETA (a), ETA (d/ci), and the GETA themselves all contain only few sanctions.
--	--	--	--	--	---

#### 1.4 Equality law on intersecting inequalities

- Is discrimination on the grounds of ethnicity/'race' illegal YES (some exceptions to the non-discrimination norm are listed in the act as well)
  - When was this law introduced? 1994 (General Equal Treatment Act, GETA), this Act has been amended several times afterwards
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES, it includes offering and granting access to goods and services<sup>51</sup> (and discrimination on this ground is also forbidden in social protection, including social security and social advantages since 2004 amendment → implementation of Directive 2000/43/EC)
  - What disputes if any took place during its introduction? Disputes concerning introduction of GETA were not related to discrimination on the grounds of ethnicity/race.
  
- Is discrimination on the grounds of religion illegal YES (some exceptions to the non-discrimination norm are listed in the act as well)
  - When was this law introduced? 1994 (GETA) amended several times afterwards
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES, it includes offering and granting access to goods and services<sup>52</sup>
  - What disputes if any took place present during its introduction? Disputes concerning introduction of GETA were not related to discrimination on the grounds of religion.
  
- Is discrimination on the grounds of sexual orientation illegal YES (some exceptions to the non-discrimination norm are listed in the act as well)
  - When was this law introduced? 1994 (GETA) amended several times afterwards
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES, it includes offering and granting access to goods and services<sup>53</sup>
  - What disputes if any took place during introduction of these laws?

Already as early as 1981 the government submitted a first Bill for this General Equal Treatment Act. But because of persisting criticism, the GETA was only adopted in 1994.<sup>54</sup> The then cabinet (Christian Democratic Party and the Labour Party) disagreed on the interpretation of the prohibition of discrimination on the grounds of sexual orientation, specifically concerning Christian schools. According to the Christian Democratic Party, Christian schools should be able to determine their own policy concerning the hiring and discharging of homosexual teachers. The Labour Party stated that Christian employers should never be able to discharge a homosexual employee because of their sexual orientation.<sup>55</sup> Related to this issue, there was disagreement on the extension of the authority of the Equal Treatment Commission [Toetsingscommissie gelijke behandeling]. According to the Labour Party, the Equal Treatment Commission should be able to start research on its own initiative, when suspecting discrimination. The Christian Democratic Party wanted to limit this extension of authority

<sup>51</sup> Until 2004 the provisions concerned only included 'the offering of goods and services'. In 2004 the words 'granting access' have been added.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Van der Vleuten, Anna. 2007. *The Price of Gender Equality, member states and governance in the European Union*, Ashgate, p.126

<sup>55</sup> Cornelisse, L. (1993) 'Een bulkwet voor een detailkwestie', *Trouw*, 10 February

only to cases of discrimination on the grounds of race and gender.<sup>56</sup> The Equal Treatment Commission however stated that the extension of its own authority was unnecessary and unwanted, because this could damage its impartiality. It would rather see a strengthening of the judicial gravity of the decisions of the Commission.

There were not only disputes within government on the introduction of the General Equal Treatment Act. Several organisations made their concerns about the (process towards) GETA known. The Confessional Education Unions PCO (Protestants Christelijke Onderwijsvakorganisatie, Protestant Christian education professionals organisation) and KOV Katholieke *Onderwijsbond*, *Catholic Education Union*) urgently called upon the Second Chamber to remove the exception rule for education from the Act. Only functional demands concerning capability should be asked of employees. The 'Consideration Spiritual Freedom' [Beraad geestelijke vrijheid], a collaboration between more than a hundred Christian organisations, started a petition to call upon the First Chamber to reject the Act. The Consideration stated that the freedom of Christian Organisations is harmed when this Act is accepted.<sup>57</sup>

- Is discrimination on the grounds of disability illegal? YES (some exceptions to the non-discrimination norm are listed in the act as well)
  - When was this law introduced? 2003 Act on Equal Treatment on the grounds of Disability and chronic illness (ETA d/ci)
  - Is this restricted to employment related issues? YES (but including vocational training). A prohibition of discrimination in the offering of and granting access to public transport will enter into force at a later point in time. The restriction to employment is temporarily. The legislation is meant to be extended to other fields, especially goods and services.<sup>58</sup>
  - Does it include the sale and supply of services? NO
  - What disputes if any took place during introduction of these laws?
- Is discrimination on the grounds of age illegal YES (some exceptions to the non-discrimination norm are listed in the act as well)
  - When was this law introduced? 2004 Act on Equal Treatment on the ground of age in employment (ETA a)
  - Is this restricted to employment related issues? YES (but including vocational training). The restriction to employment is temporarily. The legislation is meant to be extended to other fields, especially goods and services.<sup>59</sup>
  - Does it include the sale and supply of services? NO
  - What disputes if any took place during introduction of these laws?
- Is discrimination on the grounds of marital status illegal? YES (some exceptions to the non-discrimination norm are listed in the act as well)
  - When was this law introduced? 1994 (GETA) amended several times afterwards
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES
  - What disputes if any took place during introduction of these laws? Disputes concerning the introduction of GETA were not related to discrimination on the grounds of marital status.
- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant?

<sup>56</sup> (1990) 'Ministerraad beraadt zich op wet tegen discriminatie' *NRC Handelsblad*, 27 June

<sup>57</sup> (1993) 'Handtekeningactie tegen wet gelijke behandeling', *Trouw*, 16 April

<sup>58</sup> Equal Treatment Commission: [www.cgb.nl](http://www.cgb.nl)

<sup>59</sup> Equal Treatment Commission: [www.cgb.nl](http://www.cgb.nl)

## 2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country. (Please include not only if they are called 'national gender equality plans' or but also if they are just a sub-section of a larger national development plan.) The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State.

### 2.1 National gender equality plans

#### 2.1.1 Is there a national gender equality plan? Or a gender equality component of a national development plan.

Yes, there certainly are Dutch national gender equality policy plans. The Dutch emancipation policies are clear products of the consensus model/democracy that characterises the Dutch political system. Generally, the government does not choose to enforce equal opportunities by law or regulations, but prefers to use 'soft' policies such as national action plans, information, research, communication, setting norms, establishing preconditions, or monitoring. Examples of 'soft' policy documents in the Netherlands on general gender + equality policies:

- The multi-year emancipation policy plans (the most recent one is from 2007 and covers the years 2008-2011, the preceding one is from 2005 and was an update to the 2000 policy plan that planned to cover the years 2001-2010). Integrated in this plan (was the case for 2001-2010 plan and its update) or as separate annexes (is the case with most recent 2008-2011 plan) are the objectives/aims/tasks that each individual ministry (sometimes in collaboration with other ministries) is supposed to reach in the period covered by the plan.
- The annual national budget article on emancipation
- The annual 'policy letters' on emancipation policy
- The annual policy letters on emancipation and family affairs (since 1997),
- The progress notes on the plan of action on emancipation and integration of women and girls from ethnic minorities (this plan was launched in 2003).
- Other irregular/once-only policy document such as for example the 2001 Cabinet Standpoint on Gender Mainstreaming, the 1999 action plan on departmental emancipation tasks and so on

All in all, quite a multitude of policy documents – other than law – on general emancipation policies can be found in the Netherlands. The most authoritative of the above documents are the multi-year emancipation policy plans. Therefore, in answering this question (2.1.1), the multi-year policy plan that is currently applicable, will be examined only.

Full title: Multi-year emancipation policy plan 2008-2011. September 2007. More opportunities for women: emancipation policy 2008-2011 [Meer kansen voor vrouwen: emancipatiebeleid 2008-2011]. 83 pages.<sup>60</sup>

- If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).

The policy plan pays attention to four main topics/aims: 1) increase labour market participation of women; 2) create more opportunities for women and girls from ethnic minorities and better use of their talents; 3) prevent and combat violence against women and girls & education on sexuality and relationships for girls and boys and; 4) contribute to the worldwide elimination of discrimination against women and to the structural advancement of women's position internationally. The policy plan thus clearly goes beyond employment. However, the chapter on labour market participation of women is the most extensive.

Sub-objectives covered by these main topics/aims:

- 1) better combination of labour and care (in comparison to the previous emancipation policy plan the focus of the government is no longer explicitly on transformation i.e. on changing the division of labour between men and women /redistribution of caring tasks at home by explicitly aiming at getting men to participate more in household and caring tasks. The government claims that this does not fit the vision of the current Cabinet. The government focuses instead

---

<sup>60</sup> [http://www.minocw.nl/documenten/emancipatienota\\_def\\_versie.pdf](http://www.minocw.nl/documenten/emancipatienota_def_versie.pdf)

on extending certain leave provisions and on making work and labour better combinable (for both men and women); make sure that works pays off for women; improve the labour market position of women (e.g. more women in higher positions, decrease occupational gender segregation, decrease gender pay gap).

- 2) higher labour/societal participation of ethnic minority women and girls; enlarging their ability to support themselves and enlarging the opportunities for personal development; and emancipate ethnic minority men and boys.
- 3) preventing and combating domestic violence against women and girls; improving the provision of information to prostitutes; preventing and combating honour violence; tackling of female genital mutilation; increasing expertise of professionals working in the field; gaining insight into consequences of sexualisation of the role of girls and women in society; decreasing the vulnerability of boys and girls for becoming victims of (sexual) violence; preventing teenage pregnancies.
- 4) Guarantee structural attention to the position of women in development regions; improve sexual and reproductive healthcare and rights; guarantee systematic attention to the effects of peace missions on local women; pay structural attention to the improvement of women's position in all international dossiers.

A bit of overlap exists between topic 1 and 2 (in topic 2 also some attention to labour market participation) and between topic 2 and 3 (in topic 3 also some attention for violence that mainly takes place in minority communities (FGM, honour violence)).

o [Is the focus restricted to non-discrimination?](#)

NO, not at all; (non-)discrimination is mentioned only a few times. The plan solely talks about discrimination in the framework of equal pay, in the framework of discrimination of women in international context, and it mentions the fact that discrimination on the labour market might be a hindering factor for ethnic minority women's labour participation.

o [Is there reference to gender mainstreaming?](#)

YES, the importance of and the intention to embed(ding) gender equality in the regular policies of all government parts is underlined in both the introduction and the summary. Reference is made to the negative judgement by the Netherlands Emancipation Review Committee<sup>61</sup> in its final report about gender mainstreaming at central government level. It is stated that the Cabinet wants to improve this by making the contribution of each individual Ministry to the emancipation policy as transparent and testable as possible. The Ministries are required to formulate how they will embed gender equality in their policies in the upcoming years and send these plans to the Parliament. In 2010 each Ministry has to execute a midterm review regarding their emancipation policy.

o [Are there named policy instruments and/or institutions, if so what?](#)

YES, named policy instruments and institutions are present in the plan. The document is so crowded with policy actions that the reader almost automatically gets the idea that this is indeed a very ambitious plan. However, at the same time quite some of these policy actions concern rather 'soft' actions (commissioning another research, setting up another pilot project, organising another expert meeting, reacting to this or that advisory report, decide/consider whether this or that measure will be necessary in the future and so on) or the policy actions are so broadly/vaguely formulated (such as: stimulate this or that, invest in this or that, build bridges, more attention for this or that and so on) that the what/who/how questions are hardly answered. Such policy actions sound nice, but it is doubtful whether they will in fact be implemented and monitoring them is also difficult. Moreover, most of the time no precise responsible actor is identified in the document (it does not get more precise than 'government' most of the time). By not clearly appointing which (state) organisation/ministry/administrative tier is responsible for a policy action the chance increases that it will be 'nobody's responsibility' in the end. In the previous multi-year emancipation action plan (and its update) a table was included that listed all objectives and policy actions and related them to the responsible ministry/actors (determining also which actors was to take the lead and which actors were to be further involved). A more specific look per main topic:

- 1) 'increase labour market participation of women': Policy actions are multiple and varied; ranging from a lot of soft policy actions (such as proposing to research something, to pay more attention to something or to set up a Taskforce on this or that) to proposals for legal amendments (such as extending the parental leave from 13 to 26 weeks or providing in a

---

<sup>61</sup> This Committee was installed in 2004 by the Minister of Social Affairs and Employment (the then coordinator of the emancipation policy) to review the effectiveness of the emancipation policy and of gender mainstreaming in each of the Ministries

public insurance scheme for financing maternity leave of self-employed women). Key responsible actor/institutions that are ordered to do something are: government/Cabinet (but no further specification). Also mentioned (but only once or a few times) are: social partners, executing organisations, employers, Dutch Care Authority, municipalities/provinces, scientific institutes, educational institutes, companies, service providers, day care centres, Ministry of Education Culture and Science, professionals, Ministry of Health Welfare and Sport, managers, Ministry of Economic Affairs, business, Ambassador's Network Glass Ceiling, Platform beta and technology, taskforce education and labour market, Ministry for Social Affairs and Employment, Ministry of the Interior and Kingdom Relations.

- 2) 'Create more opportunities for women and girls from ethnic minorities and better use of their talents': In the policy actions an important role is ascribed to municipalities in paying structural attention to ethnic minority women in order to stimulate their participation and development. Ethnic minority women themselves are asked to use their own power and talents (a strong role of the women themselves is regarded as key to reaching the objectives), emancipation and integration policy should work together and naturalisation courses should be linked to societal/labour participation, dialogue and local initiatives targeted at improving emancipatory views amongst ethnic minority men/boys/ women should be stimulated. Responsible actors/institutions that have to do something are: mainly government/Cabinet (no further specification) and municipalities. Also mentioned (but only once or a few times) are: Ministry of Education Culture and Science, and the social partners.
- 3) 'Prevent and combat violence against women and girls & education on sexuality and relationships for girls' and boys': Policy actions are multiple and varied: ranging from a lot of soft policy actions (such as investigating this or that, or continuing with policy that was already set in by previous Cabinet or awareness raising) to legal amendments (such as imposing a temporary restraining order against people guilty of violence in family circle). Responsible actor/institutions that are ordered to do something are: mainly government/cabinet (no further specifications). Also mentioned (but only once or few times) are: crisis intervention teams, 24-hours aid services, sectors working with children, Ministry of Housing Communities and integration, Ministry for Health Welfare and Sport, Ministry of Justice, Minister of Education Culture and Science, teachers, schools, parents.
- 4) 'Contribute to the worldwide elimination of discrimination against women and the structural advancement of women's position internationally': Policy instruments referred to mainly concern international conventions and treaties and programmes of the UN (like the Beijing Platform for Action, the CEDAW, and the Millennium Goals) of the EU (Treaty of Amsterdam, Lisbon strategy, Gender Pact, European Commission gender equality roadmap, EU high level group on gender mainstreaming, EU Gender Institute) and of Council of Europe (Steering Committee for Equality between women and men). The Netherlands claims to be committed to all these international instruments. On the whole, the chapter mainly refers to 'what is' rather than introducing any concrete policy actions.
  - o [Are there indicators and statistics to evaluate the policies?](#) The report sets a *few* concrete targets. It stands out that these are mainly related to employment/labour participation/position of women on the labour market. Some examples: in 2011 the pay gap between men and women in government sector should be decreased with 50%, the target is for 60% of women to be economically independent by 2016 (this target was 2010 before, but is no longer deemed realistic), in 2010 the labour market participation of women should be 65% (and 80% in 2016), in 2010 15% of professors should be female.
  - o [Is there reference to EU targets \(European Employment Strategy targets: Lisbon \(2000\) female employment rate of 60% by 2010; Barcelona \(2002\) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age\)?](#)

YES, reference is made to the Lisbon targets and strategy, especially regarding the labour participation rate of women to be reached by 2010 (Netherlands have reached this) and the target with regard to the number of female professors in science (Lisbon target is 25%, but Netherlands now strives to reach 15% target by 2010). No reference to Barcelona targets.

### 2.1.2 Is gender (in)equality integrated with other (in)equalities in a national plan?

Yes, but as can be observed from the list below, there is no such thing as a general 'diversity' plan:

1. Cabinet reaction (includes policy proposals) to the recommendations done by Commission AVEM (Labour Market Participation of Women from Ethnic Minority Groups) in March 2002 on the labour participation of women from ethnic minorities. May 2002. Document no. 27223 – 23. 27 pages. Gender clearly intersects with ethnicity in this plan.
2. In 2003, a separate action plan (setting out main policy lines) on the emancipation and integration of women and girls from ethnic minorities (see also in list above under 2.1.1) was launched in which gender clearly intersects with ethnicity.<sup>62</sup>
3. In 2007, the lesbian and gay emancipation multi-year policy plan 2008-2011 was launched. It was prepared by the Interdepartmental Working Group for Government Policy and Homosexuality (Interdepartementale Werkgroep Overheidsbeleid en Homoseksualiteit, IWOH). It follows up the 2005 policy plan that covered the years 2005-2007. The first part of the latest plan contains the general policy plan, while the second part covers the policy plans of the individual ministries involved (how will they integrate the homosexual emancipation policy in their respective policy field?). In this new plan, gender sometimes explicitly intersects with sexual orientation. For example some minor attention is paid to lower visibility of lesbian women and transgender people as compared to homosexual men in the emancipation process.<sup>63</sup>
4. In the multi-year emancipation policy plan that was discussed under 2.1.1 above, gender equality at times is discussed as intersecting with other (in)equalities (most notably ethnicity; one of the four chapters is on women and girls from ethnic minority groups).<sup>64</sup>
5. The Cabinet reaction to the final report by Commission PaVEM (Participation of Women from Ethnic Minority Groups) 24 June 2005.<sup>65</sup> However, this Cabinet reaction does hardly include any policy proposals and can therefore not be regarded as a true policy plan. That is why **this document will not be examined in answering this question.**
6. In recent years a strong emphasis on honour violence, arranged marriages, and female genital mutilation, grouped together under the heading of "culturally specific forms of violence, can be identified in the field of gender based violence. Policy plans have, for example, been launched on FGM and honour violence. Gender intersects with ethnicity. **As these policy plans will be discussed below under 2.1.3 they will not be examined here.**

If yes please name and describe very briefly:

- o The range of issues that it covers, in particular, how far beyond employment does it go?

The numbers below correspond to the numbers of the listed documents above

1. Although the greatest emphasis is put on increasing the labour participation, it is also stated that measures are needed to increase the overall social participation and integration of women from ethnic minorities.
2. Increasing employment is only one issue in the action plan. It also discusses measures on areas of education, overall participation in society, emancipation of ethnic men, and discussion of subjects such as honour violence, FGM and marrying off/forced marriage.
3. The note describes what measures a range of ministries should take concerning the emancipation of homosexuals. The most important issues that the document covers are: education; safety; adoption and parenthood; sport; sexual education, honour related violence and acceptance in employment.
4. See 2.1.1 above. Gender intersecting with ethnicity is clearly present. Gender also intersects with class and age and to a lesser degree with marital/family status.

---

<sup>62</sup> Ministry of Social Affairs and Employment & Ministry of Aliens Affairs and Integration. October 2003. Action plan on main policy lines regarding the emancipation and integration of women and girls from ethnic minorities. Document no. 29203-3. 7 pages.

<sup>63</sup> Ministry of Education, Culture and Science. 2007. Just be Gay. Lesbian and Homo-emancipation policy plan 2008-2011 [Gewoon homo zijn. Lesbisch en homo-emancipatiebeleid 2008-2011]. 82 pages.  
[http://www.minocw.nl/documenten/Homo\\_emancipatie.pdf](http://www.minocw.nl/documenten/Homo_emancipatie.pdf)

<sup>64</sup> Multi-year emancipation policy plan 2008-2011. September 2007. More opportunities for women: emancipation policy 2008-2011. [http://www.minocw.nl/documenten/emancipatienota\\_def\\_versie.pdf](http://www.minocw.nl/documenten/emancipatienota_def_versie.pdf)

<sup>65</sup> <http://www.kiemnet.nl/binaries/kiem/bulk/publicatie/2006/9/kabinetsoordeel-pavem.pdf>

- Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)?

The numbers below correspond with the numbers of the listed documents above

1. The document is only marginally framed by equal opportunities, only when describing that women and men both should be able to combine labour and care. The goal that is predominantly mentioned is the need for an increase of labour participation of women from ethnic minorities. Although the text does not explicitly say why this increase of labour participation is needed, it is probably because of economic development and integration.
2. Equal opportunities, emancipation and integration are the most important frames.
3. Equality as well as diversity are the most important frames.
4. Mainly equality/equal opportunities. If a diversity framing is present, this is mostly the case in relation to personnel policy (more women in top positions) of government and companies. Also, when the document talks about gender mainstreaming at the individual Departments, it is stated that the departments may also choose to develop their gender equality policy within the context of a broader diversity policy.

### 2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence

Yes, there is. In earlier years broad integral policy plans covering multiple issues in the field of gender based violence were launched, whereas in most recent years specific policy plans on particular types/forms of gender based violence have been developed (such as domestic violence, child abuse, female genital mutilation, and honour violence).

In 1984, a first policy plan to fight violence against women, titled '*policy note on fighting sexual violence against women and girls*', was issued. In this plan a feminist analysis of the problem was adopted. It framed violence against women as problem rooted in the unequal power relations between men and women and as a central mechanism maintaining inequality. This policy plan was followed by the *Progress Note on Policy to Combating Sexual Violence against Women and Girls (1990)*. The 1984 and 1990 policy documents can be seen as the background against which policy in the framework of gender-based violence started to develop in the Netherlands. The concept '(sexual) violence against women' that features in the titles of both documents comprised: ill treatment of women; sexual abuse of children; sexual violence at work; sexual violence by care providers; pornography; prostitution; sex tourism; trafficking in women, and violence against women refugees and ethnic-minority women. Whereas these early policy plans had a specific gender focus, later policies gradually "degendered" the problem, by turning attention to boys and men as (potential) victims and de-emphasising the gendered distribution of victimisation and abuse. Furthermore, in more recent years there has been a strong tendency towards the 'culturalisation' of sexual violence by placing a strong emphasis on honour violence, arranged marriages, and female genital mutilation, grouped together under the heading of "culturally specific forms of violence."<sup>66</sup> Another shift is that after the 1990 policy plan that still focussed on violence against women in general and after a *Preliminary Action Plan on Preventing and Fighting Violence against Women (1997)* that also had a broad focus, the 1999 Action Plan that was based on this 1997 preliminary plan only concentrated on domestic violence, which is also clear from its title '*Action Plan Domestic Violence*'. In the years since then, predominantly separate policy plans have been developed that each depart from particular forms/types of gender based violence (e.g. domestic violence, honour crimes, female genital mutilation, child abuse).<sup>67</sup> In the multi-year emancipation plan 2008-2011 (as was the case in the 2006-2010 updated plan, and to a lesser extent in the 2001-2010 plan) one chapter is devoted to violence against girls and women. In this chapter attention is paid to different types of gender based violence. In 2003 MP Hirsi Ali urged the Cabinet by means of a motion to formulate an action plan in the area of '*domestic violence and violence against women*'. This motion was accepted and the resulting policy plan by the Minister of Social Affairs and Employment will be examined for answering this question. Although the plan does cover more than only domestic violence, it cannot truly be regarded as an integral National Action Plan since it lacks authoritative status. So, in recent years, this last mentioned plan and the chapter in the emancipation multi-year plan are the only ones not limited

<sup>66</sup> Taken from issue timeline gender based violence, deliverable 19.

<sup>67</sup> These policy plans do (occasionally) refer to other forms of gender based violence. They often propose to make use or improve/change already existing infrastructures (e.g. the infrastructure that already exist in field of domestic violence and child abuse). However, in essence, their main focus is on one particular form of violence against women/girls.



to one form of gender based violence. However these two documents do not have the status of integral National Action Plan on Gender Based Violence and that is why one can currently not speak of the existence of a National Action Plan to combat *all forms of violence against women*.

Policy plans that will be examined for answering this question:

**Chapter 3 of the multi-year emancipation policy plan:**

- Multi-year emancipation policy plan 2008-2011. September 2007. More opportunities for women: emancipation policy 2008-2011 chapter 3, pages 52-67.<sup>68</sup>

**Plan of action on domestic violence and violence against women** (this plan is a result of the accepted motion 28600, no. 100 submitted by MP Hirsi Ali)

- Letter from the Minister of Social Affairs and Employment that includes a plan of action regarding domestic violence and violence against. December 2003. Document no. 29200 XV – 37. 10 pages.

**Interdepartmental action plan on domestic violence** (this Cabinet note can still be regarded as one of the most authoritative and comprehensive government policy plans in the field of domestic violence, 3 progress notes have been written so far on implementation of this interdepartmental policy plan):

- Interdepartmental action plan 'Private Violence - Public Matter'. April 2002. 61 pages.<sup>69</sup>

**Policy plan honour violence/interdepartmental policy programme's main policy lines:**

- Minister of Aliens Affairs and Integration. May 2006. Main policy lines within interdepartmental policy programme regarding honour related violence. May 2006. 23 pages.<sup>70</sup>

**Policy plan female genital mutilation:**

- Minister of Health, Welfare and Sport. August 2005. Cabinet position and policy plans in reaction to the Advice by the Council on Public Health and Care about the fight against female genital mutilation. August 2005. Document no. 22894 – 66. 11 pages.

If yes please name the plan. Does it cover?

- Domestic violence and violence in partnerships
- Sexual assault/violence and rape
- Sexual harassment and stalking
- Trafficking and prostitution
- Forced marriage, honour crimes and FGM

Does the plan include?

- named policy instruments and/or institutions, if so what;
- Indicators and statistics to evaluate the policies, if so which?

---

<sup>68</sup> [http://www.minocw.nl/documenten/emancipatienota\\_def\\_versie.pdf](http://www.minocw.nl/documenten/emancipatienota_def_versie.pdf)

<sup>69</sup> [http://www.veiligheidbeginbijvoorkomen.nl/images/Prive\\_geweld\\_public\\_zaak\\_tcm62-81373.pdf](http://www.veiligheidbeginbijvoorkomen.nl/images/Prive_geweld_public_zaak_tcm62-81373.pdf)

<sup>70</sup> [http://www.justitie.nl/images/Startnotitie%20eergereleerd%20geweld\\_5670\\_tcm34-15466.pdf](http://www.justitie.nl/images/Startnotitie%20eergereleerd%20geweld_5670_tcm34-15466.pdf)

Doc.	Does it cover:					Does it include:	
	Domestic violence/ violence between partners	Sexual assault/ violence and rape	Sexual harassment and stalking	Trafficking and prostitution	Forced marriage, honour crimes, FGM	Policy instruments and/or institutions	Indicators and statistics
<i>Emanicipation plan 08-11</i>	<u>YES</u> Included in Cabinet objectives	<u>YES</u> : sexual violence mentioned in relation to the "sexualisation" of the role of girls and women in society. One of Cabinet's objectives is to decrease vulnerability of boys and girls for sexual violence. Sexual and relation education is main policy instrument.	<u>NO</u>	<u>YES</u> , prostitution included in Cabinet objectives, trafficking only mentioned	<u>YES</u> : honour crimes and FGM included in Cabinet objectives <u>NO</u> : forced marriage	<u>YES</u> : See above under 2.1.1  BUT: Policy actions and instruments proposed seem to be a mix of new proposals by new Cabinet and reiteration of what has already been done (or is happening now) or what has already been decided/proposed	<u>Statistics</u> : <u>MARGINAL</u> , used only for sketching existing problems (e.g. number of DV cases reported to police, DV prevalence rates, number of trafficking cases reported, number of girls victim of FGM per year) , but not used extensively and not used to assess progress  <u>Indicators or setting concrete targets</u> : NO

<p><i>Plan in reaction to motion Hirsi Ali</i></p>	<p><u>YES</u>, DV in general and amongst ethnic minority communities are treated separately</p>	<p><u>MARGINAL</u> but only marginally ; sexual violence is linked to sexual education of youth</p>	<p><u>NO</u></p>	<p><u>YES</u>, receives most attention next to domestic violence</p>	<p><u>YES</u>, honour crimes and FGM <u>NO</u>: forced marriage</p>	<p><u>Policy instruments</u> <u>HARDLY</u>: This plan predominantly reiterates what has been done, what is happening now and what has been proposed/decided already. Some broad objectives are proposed like: "strengthen the institutional cooperation between involved institutions and governments" <u>Named institutions</u>: <u>YES</u></p>	<p><u>Statistics</u>: <u>NO</u> <u>Indicators or setting concrete targets</u>: <u>NO</u></p>
<p><i>Private violence, public matter</i></p>	<p><u>YES</u>, main focus of plan is DV. In this framework, child (sexual) abuse is mentioned several times as well. Some attention is also paid to DV in minority communities. Document sometimes speaks about 'violence between partners'</p>	<p><u>NO</u>: sexual assault and rape <u>MARGINAL</u>: the concepts of 'sexual violence' and 'sexual abuse' (mostly related to children or to health sector) are sometimes used. Sexual violence often is used interchangeably with domestic violence</p>	<p><u>NO</u>: stalking <u>MARGINAL</u>: sexual harassment only marginally: (document once mentions sexual harassment in schools)</p>	<p><u>NO</u></p>	<p><u>NO</u>: forced marriage and honour violence <u>MARGINAL</u>: female genital mutilation</p>	<p><u>Policy instruments</u> <u>YES</u> Many policy actions are proposed<sup>71</sup> : - many rather soft policy measures<sup>72</sup> - several legal amendments are proposed<sup>73</sup> - Necessity for stronger horizontal and vertical cooperation is underlined. Responsibilities of different organisations and government parts are listed.  <u>Named institutions</u>: <u>YES</u></p>	<p><u>Statistics</u>: <u>MARGINAL</u>, only to sketch current state of affairs not used to assess progress  <u>Indicators</u>: <u>NO</u>  <u>Setting concrete targets</u>: <u>SCARCELY</u></p>

<sup>71</sup> However, some of them reiterate what has already been decided at an earlier point in time or what is already being executed

<p><i>Policy programme honour violence</i></p>	<p><u>MARGIN AL</u>: DV is mentioned several times, because it can be honour related. Most importantly, it is referred to because main aspects of policy and infrastructure that have already been developed in DV field can possibly also be applied in field of honour violence. However, no new policy actions targeted at DV are proposed.</p>	<p><u>NO</u></p>	<p><u>NO</u></p>	<p><u>NO</u></p>	<p><u>YES</u>: Honour violence is central focus of proposed policy programme</p> <p><u>MARGIN AL</u>: FGM is mentioned few times, but no policy proposals targeted specifically on FGM</p>	<p><u>Policy instruments:</u> <u>YES</u> - Policy instruments and institutional infrastructure already in place in field of DV is often starting point, while specific adaptation might be needed for dealing with honour violence - Largest category of policy actions is about doing research, gathering information, and increasing expertise. - other policy actions are about improving cooperation between different sets of actors<sup>74</sup> - other policy actions focus on role that minority organisations can/should play</p> <p><u>Named institutions:</u> <u>YES</u></p>	<p>Statistics: NO</p> <p>Indicators: NO</p> <p>Setting concrete targets: SCARCELY</p>
--	--	------------------	------------------	------------------	--	--	---

<sup>72</sup> Examples: that the government stimulates (not obliging) other actors that are relevant in the fight against domestic violence to do this or that, the commissioning of research, making promises to consider/think about/examine certain policy action (no decision is made), organizing experimental projects/pilots or expert meetings and so on.

<sup>73</sup> amending housing Act; extending the article in Penal Code that increases sentence in case of domestic violence to include 'partner', increase the maximum penalty for simple abuse, and; 'consider' to increase term of limitation in case of violent offences against minors.

<sup>74</sup> between the minority communities and general institutions; between all actors involved at local/regional level; between police and women shelters and public prosecutor in framework of criminal prosecution.

<i>Policy plan FGM</i>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES.</u> FGM is central focus of policy plan. Connection is made with child abuse.	<u>Policy instruments:</u> <u>YES</u> - introduction of a national reporting code regarding girls circumcision the - introduction of a national conversation protocol to make FGM debatable from birth of girls - two legal changes that make prosecution easier - several pointed preventive action by the national expertise centre Pharos - better cooperation of the different involved medical actors (introducing chain care from 0 to 19 years)  <u>Named institutions:</u> <u>YES</u>	Statistics: NO  Indicators: NO  Setting concrete targets: SCARCELY
------------------------	-----------	-----------	-----------	-----------	---	---	--

## 2.2 EU required National Reform Programme (National Action Plan) for Employment

- o Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) includes a significant set of actions concerning gender equality? If so, what are these?

The most recent Dutch National Reform Programme for employment, from 2007, is used to answer this question. The report is titled: '2007 Progress Report on the Dutch National Reform Programme for 2005 – 2008. In the context of the Lisbon Strategy'<sup>75</sup>

Gender equality or gender mainstreaming are not explicitly mentioned in the report, the text refers to women (and men). Gender discrimination is mentioned once concerning pay disparities between men and women.

It is stated that the country specific recommendations for the Netherlands and points requiring attention as proposed by the European Commission and adopted by the 2007 Spring European

<sup>75</sup> [http://ec.europa.eu/growthandjobs/pdf/nrp2007/NL\\_nrp\\_en.pdf](http://ec.europa.eu/growthandjobs/pdf/nrp2007/NL_nrp_en.pdf)

Council are given special attention. One of the points requiring attention was the need to improve the labour supply with respect to women (and older people and vulnerable groups). In the report, the need to increase the labour supply is almost the only issue where women are mentioned.<sup>76</sup>

Inactive women and women working part-time must be encouraged to participate (more) on the labour market in order to sustain the welfare state. Several policy measures are introduced to achieve a participation rate of 65% for women in 2010. In a specific chapter concerning women and labour participation, two important kinds of measures are mentioned to achieve this goal; financial incentives and measures concerning childcare.

Three financial incentives are described:

- The transferability of the general tax credit will be phased out by 5% per year over a period of 20 years
- An Income-Based Supplementary Combination Tax Credit will be introduced to lower the marginal tax rate of the partner with the lowest level of income
- The income-based child tax credit will be converted into an extra allowance payable from the parents' budget. This will increase the incentive to accept work for single parents and single income-households with children who are claiming social assistance benefit.

Childcare:

- The report refers to the Childcare Act that was passed in 2004. It provides funding and guarantees the quality of childcare. The employers' contribution to the costs of childcare is made mandatory in 2007. Further, school boards are obliged to ensure a proper link-up between school hours and approved childcare from the start of the school year 2007-2008.
- The funding and quality of day nursery facilities and playgroups will be equalised and the quality level as a whole will be raised. Opportunities will be created for broad-based facilities that offer both day nursery and playgroup to enable parents to combine work and care.

Another measure mentioned is the establishment of a task force 'Part-time Plus' to encourage women to work and work more hours by focussing on cultural aspects, part-time jobs with longer working hours, labour market participation by women not currently in paid work, education and the division of care responsibilities.

Finally, the chapter on women is giving attention to the existing pay disparities between men and women. Only 'soft' and limited measures are proposed in this matter. The website on equal pay will remain online for three years and an annual Equal Pay Day will be organised to raise awareness of pay disparities.

In another part of the report, in the chapter on balance between work and private life, a short comment is made about measures that can have a positive contribution to both male and female participation in the labour market. It concerns the (already earlier) introduction and (proposed) extension of the live-course savings scheme and a parental leave tax credit.

Lastly, a comment is made concerning the use of ESF subsidies to provide female job seekers with better tools for finding work.

- o Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state's programme? If so, what are these?

Jill Rubery, Damian Grimshaw, Hugo Figueiredo, Mark Smith, Rory Donnelly. 2005. *The National Reform Programme 2005 and the gender aspects of the European Employment Strategy. The co-ordinators' synthesis report prepared for the Equality Unit, European Commission. Final Report.*<sup>77</sup>

The National Experts for the Netherlands are Janneke Plantenga and Chantal Remery.

In the EGGSIE report the following summarising comments are made on the gender equality dimension of the Dutch National Reform Programme of 2005:

---

<sup>76</sup> Only once the ASPASIA programme for women is mentioned as an example to increase international status of research

<sup>77</sup> [http://ec.europa.eu/employment\\_social/gender\\_equality/docs/2006/final\\_nrp\\_synthesis\\_2005\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf)

- Regarding the visibility of gender in the NRP it is stated that references to gender mainstreaming is limited. Statistics are not broken down by gender in a consistent manner. Gender specific policies are mainly directed at childcare policies, although some new developments occur, but they are remedying past problems. Gender is similarly as little visible as at was in last year's programme.
- It is stated that gender is only visible to a limited extent in the policy process. As a consequence, in the NRP gender is also rather invisible. Most attention is given to the possibility to combine work and private life. Most policy initiatives are framed in general terms with very little recognition of the gender issues involved.
- The expert's summary assessment of the NRP Employment Guidelines from a Gender Perspective is: 'Compared to previous NAPs in the Netherlands, there is a slight improvement with regard to gender mainstreaming of the NRP. Although it is still not very focused on gender issues, the attention paid to the, on average, short working hours of women should be seen as an improvement. However, the NRP cannot be characterised as gender mainstreamed as there remains a gap between employment policies and equal opportunities. From a gender equality point of view in particular, more attention should be paid to women from ethnic minorities, given their disadvantaged and complex situation.'<sup>78</sup>

Further, some specific positive and negative comments are made on the Netherlands:

Positive: for the first time attention is given to the need for an increase in the low average short working hours of women; the amendment to the life course savings scheme so that employees who participate in the scheme and who are entitled to unpaid parental leave receive an extra tax deduction; the substantial increase in the government budget dedicated to childcare provisions.

Negative: the failure to build in a gender perspective into the life-course scheme which has caused women to use the scheme more for parental leave or other care leave, while men use it more to finance pre-retirement leave, thereby reinforcing gender inequality; the tightening of eligibility for disability benefits; the reduction in the use of time spent childrearing as employment history in calculations of unemployment insurance.

- o Did the EU Commission's response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?

Since the most recent Dutch National Reform Programme report is used to answer the first part of this section, the Commission assessment of this report is used. It is titled:

European Commission. Assessments of National Reform Programmes for Growth and Jobs. Netherlands. December 2007.<sup>79</sup>

The Commission comments on the two tax incentives that are aimed at increasing the participation of women and increasing the number of hours women work. The impact of individualising the general tax credit will have a modest effect in the short term given the long transition period. It is however a step in the right direction. Widening the narrow scope and reducing the marginal tax on second incomes would contribute to removing barriers for increasing the number of hours worked.

Two relevant concluding remarks are made by the Commission:

- The incentives to improve childcare provisions are a positive element in the National Reform Programme.
- Improving the labour supply is a challenge that needs to be tackled with the highest priority. Therefore it is recommended that the Netherlands 'take further measures to improve labour supply of women, older workers and disadvantaged groups with a view to raising overall hours worked in the economy'.<sup>80</sup>

<sup>78</sup> Ibid. page 218

<sup>79</sup> [http://ec.europa.eu/growthandjobs/pdf/european-dimension-200712-annual-progress-report/200712-annual-progress-report-NL\\_en.pdf](http://ec.europa.eu/growthandjobs/pdf/european-dimension-200712-annual-progress-report/200712-annual-progress-report-NL_en.pdf)

<sup>80</sup> Ibid. page 6.

### **2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion**

- o Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?

National Strategy Report on Social Protection and Inclusion in the Netherlands 2006-2008. In the context of the Lisbon Strategy. 2006. 81 pages<sup>81</sup>

The report is divided into three parts: 1) National Action Plan to combat poverty and promote participation 2) National strategic report on pensions 3) National plan for health care and long-term care. In each of these three parts, several policy focuses are identified. For combating poverty and promoting participation four objectives are formulated: -increasing participation through acceptance of work, training and/or socially useful unpaid activities; -tackling poverty and promoting participation among children and young people; -prevention of non-use of income support; -addressing over-indebtedness. For pensions: adequacy, financial sustainability and flexibility. For health care and long-term care: access, quality and affordability/sustainability.

Although it is stated in the introduction of the report that gender mainstreaming is given attention to in the objectives for the three underlying policy areas, no paragraphs are included that specifically focus on (aspects of) gender equality.

In the part 'National Action Plan to combat poverty and promote participation' gender is occasionally mentioned. In this part, gender is most often mentioned in combination with ethnicity.

The following policy actions specifically aimed at ethnic (or socially deprived) women are mentioned:

- Instalment (in January 2006) of the Ethnic Women and Work steering group, in which municipalities, implementing agencies for social insurance and employers work together to help more women from ethnic minorities to find work.
- Elaborate agreements made at Work summit in 2005 where employers and trade unions gave a commitment to support the monitoring of national labour market discrimination.
- Promote wider participation in society of women from ethnic minorities: for instance, large cities aim to reach 200.000 women and start activities with 20.000 women in a campaign to promote emancipation of ethnic women
- Support female (and male) role models from ethnic minorities who can stimulate consciousness raising and a positive image.
- Conclude social contract with voluntary organisations on the deployment of 50.000 socially deprived women before 2010.
- Support projects aimed at encouraging social participation of socially deprived women
- Give funds to enable municipalities to foster integration and participation by ethnic women (and ethnic men). For instance, five municipalities will take part in a pilot project on the integration of ethnic women. These funds should be used for courses, so immigrants can learn the Dutch language.

A few other policy actions for women are mentioned:

- Encompass in the Act on Societal Support [Wet Maatschappelijke Ondersteuning, WMO] nine aspects designed to improve possibilities for participation and strengthen social cohesion: they include for instance support for informal carers and people engaged in voluntary work, and they include the provision of social support including women's shelters.
- Expand and improve the capacity of women's shelters in drawing up an Action Plan for Social Relief.

The part on pensions mentions gender only once, but no policy actions are described for women. The part on health care/long-term care does not mention gender.

Overall, the attention to gender is only present in the part on combating poverty and promoting participation, where it is foremost connected to ethnicity. In the other two parts gender is absent. There is no policy action mentioned targeting gender-based violence (although women's shelters are mentioned). Target groups that receive the most attention are young people, ethnic minorities, chronically ill and disabled, elderly and self-employed.

---

<sup>81</sup> [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/nap/netherlands\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/netherlands_en.pdf)



The government has written an update to the 2006 National Strategy Report on Social Protection and Inclusion in 2007.<sup>82</sup> There is no reference made to gender in this update.

- Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

EGGSIE Synthesis report:

European Commission. 2006. *Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries*. Brussels: European Commission, Expert Group on Gender, Social Inclusion and Employment (EGGSIE)<sup>83</sup>

The national EGGSIE experts for the Netherlands are Janneke Plantenga, Petra Helming and Chantal Remery. Only the disadvantaged group 'immigrant/migrant women' was selected by the experts as a focus for analysis in the national report.

The report states the labour market problems that non-western immigrant women face in the Netherlands. Their labour market participation is lower in comparison to Dutch nationals. Their unemployment rate has been rising and they have a high risk of becoming inactive due to disability. This lack of labour market integration often means they have low income levels. Non-western immigrant women have a low level of education and a language deficit. Traditional ideas about women's family roles can hamper their labour participation. Their integration is impeded by cultural stereotypes, racism and employment discrimination. 53% of all non-western immigrant women (mostly Turkish and Moroccan women) were in 2004 in an underprivileged position.

Several policy measures concerning migrant women that are taken by the government are described in the report. Some of these measures are commented on either in a positive or negative way by the expert; some comments are only descriptions of the situation:

- Government has set up the PAVEM commission (Participation of women from ethnic minority groups) with the goal to stimulate participation of immigrant women in all aspects of society. Policy measures at the municipal level are directed at Dutch language skills, labour market position and integration into wider society. Critique from the expert is that most measures put forward by PAVEM are focused on immigrant women with a reasonable chance of entering the labour market. Supplementary measures are needed for groups of women with fewer opportunities: education, training which combines work and learning and government subsidies for employers that hire low-skilled immigrant women.
- The National report emphasises that workplace diversity policies to remove discriminating practices and negative images about the employability of immigrant women are important to reduce the social exclusion of this group of women.
- Research suggests that mandatory integration courses are not very effective in motivating migrant women to become proficient in Dutch. Targeted job creation programmes could have more impact than general integration courses for addressing the marginalisation of immigrant women.
- The Dutch welfare system presents problems for migrant women: for instance, the right to claim unemployment benefit is difficult for them to obtain when it is only assigned if someone has worked for four years. Another problem is the issue of partner-dependent right of residence, which obliges women to live with their spouse for at least three years, or the woman loses her right of residence (and the right to several social benefits). Exceptions should be made in legislation in favour of immigrant women.
- More guidance is needed to inform immigrant women on the possibilities of the current pension system and the right to pension benefits.
- Government is exploring the possibility to extend the partner-dependent right of residence from three to five years

Some other comments not concerning migrant women are:

---

<sup>82</sup> [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/nap/netherlands\\_update\\_nl.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/netherlands_update_nl.pdf)

<sup>83</sup> [http://ec.europa.eu/employment\\_social/publications/2006/ke7606201\\_en.pdf](http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf)

- The Netherlands has met the second Barcelona target, that at least 90% of children aged between three years and the mandatory school age should have a childcare place, rather close.
- Lone parents on social assistance face greater pressure to take jobs due to reforms in the job search requirements.

No comments are made in the general report on gender-based violence in the Netherlands.

- o Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?

Commission of the European Communities. *Joint report on social protection and social inclusion. Country profiles*. February 2007. Brussels: Commission of the European Communities. Chapter on the Netherlands: pages 163-171.<sup>84</sup>

The EU Commission's response to the Dutch National report contains only few (direct and indirect) recommendations/comments on gender equality:

- Given the strong emphasis on own responsibility and accepting work, the Commission states that it is disappointing that the NRS contains no new policies for tackling inactivity and low wage traps, especially for lone parents.
- It is positive that special attention is given to women from ethnic minorities. Although it is difficult to foresee the results of these measures, concrete targets have been set and actors that are responsible are mentioned, therefore making the proposed measures transparent and easy to monitor.
- The participation of women and part time workers within the occupational pensions sphere should be increased to ensure adequate pensions in retirement for everyone.

The EU Commission's response to the Dutch National report does not include any recommendations concerning gender-based violence.

## 2.4 EU funding

- o Does the EU provide funding in your country that has / has had a significant gender impact?<sup>85</sup> Structural funds to consider include the European Social Fund<sup>86</sup> and the European Regional Development Funds<sup>87</sup>,

It is difficult to determine whether EU funding has a significant gender impact. There are, however several projects funded by the EU. These will be briefly described.

### ESF (including EQUAL)

The activities of the ESF are from 2007 on adjusted to the objectives of the new regional policy (more money goes to deprived regions). Therefore, the budget for the Netherlands is reduced to 740 million Euros.<sup>88</sup> ESF funding in the period 2007-2013 in the Netherlands supports three priorities: 1) increasing the labour supply 2) promoting inclusiveness for the disadvantaged 3) promoting adaptability and investing in human capital. In priority 1, women re-entering the labour market are mentioned as a target group. The other two priorities do not mention women specifically, but they could also be relevant for gender equality.

A total of 797 million Euros is assigned to the Netherlands. Per priority (and in comparison with the total amount of funding)<sup>89</sup>:

Increasing labour supply:

ESF	199 million Euros
Total	498 million Euros (ESF funding + national funding)

<sup>84</sup> [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2007/joint\\_report/country\\_profiles\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2007/joint_report/country_profiles_en.pdf)

<sup>85</sup> The following link may serve as a useful starting point (see drop-down menus along the top of the page and links on the left hand side): [http://ec.europa.eu/regional\\_policy/policy/history/index\\_en.htm](http://ec.europa.eu/regional_policy/policy/history/index_en.htm)

<sup>86</sup> [http://ec.europa.eu/regional\\_policy/funds/fse/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/fse/index_en.htm)

<sup>87</sup> [http://ec.europa.eu/regional\\_policy/funds/feder/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/feder/index_en.htm)

<sup>88</sup> This number of 740 million Euros does not correspond with the 797 million Euros mentioned with the specific objectives.

<sup>89</sup> <http://www.europa-nu.nl/9353000/1/j9vvh6nf08temv0/vg9id54xf7rx>

<sup>89</sup> [http://ec.europa.eu/employment\\_social/esf/members/nl\\_en.htm](http://ec.europa.eu/employment_social/esf/members/nl_en.htm)

Promoting an inclusive labour market:

ESF	183 million Euros
Total	457 million Euros (ESF funding + national funding)

Increasing adaptability and investment in human capital:

ESF	415 million Euros
Total	989 million Euros (ESF funding + national funding)

In the period 2000-2006, 195 million Euros of EQUAL funding was assigned to the Netherlands.<sup>90</sup>

Some examples of ESF-funded projects (including EQUAL funded projects)

- In the project Schedule ESF-3 (2002-2007), 177 projects were started in four rounds. These projects developed measures to improve the reconciliation between labour and care for women and men.<sup>91</sup>
- Project 'Responsible employers: Informed employees' (2002-2004), to improve the reconciliation of labour and care for women and men
- Project 'Town Guard': Creating work experience places with training so that long-term unemployed people (including women returning to work) are given the opportunity to improve their prospects on the labour market.<sup>92</sup>
- Project 'Art for everyone as a way into work'

#### *ERDF*

There are no numbers found on the total amount of ERDF funding in the past years. Therefore only some examples of ERDF funded projects are given:

- Financing a program for the period 2000-2006 on the development of Dutch urban problem under objective 2. The financing of the ERDF is 200 million Euros of a total of 588 million Euros. Women are one of the target groups that fall under projects of objective 2.
- Financing a program for the period 2000-2006 on digressive transition support for Flevoland under objective 1. The financing of the ERDF is 126 million Euros of a total of 471 million Euros. Part of the project is to organise courses and work placements for unemployed women. (partly financed by the ESF)

#### *DAPHNE*

There are no numbers found on the total amount of DAPHNE funding in the past years.

Some examples of DAPHNE funded projects:

- Research on the psychological consequences of trauma experiences on the development of migrated Kurdish women in the European Union (2005). Funding of 110,072 Euro (80% of total costs for the research).<sup>93</sup>
- Dissemination good practice –project 'Breaking Through' by Foundation Tiye International (2004). Funding of 99600 Euro (100% of total costs).<sup>94</sup>
- Project 'Integration issues for victims of forced labour (including forced prostitution) and human traffic' (2001)
- Project 'Breaking through', coordinated by ProJob (2000).<sup>95</sup>

If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes (e.g. the National Development Plans for 2000-2006)?

n/a

<sup>90</sup> [http://ec.europa.eu/employment\\_social/equal/mainstreaming/ma-netherlands\\_en.cfm](http://ec.europa.eu/employment_social/equal/mainstreaming/ma-netherlands_en.cfm)

<sup>91</sup> <http://www.emancipatieweb.nl/dagindeling/home>

<sup>92</sup> [http://ec.europa.eu/employment\\_social/esf/members/nl\\_en.htm](http://ec.europa.eu/employment_social/esf/members/nl_en.htm)

<sup>93</sup> [http://ec.europa.eu/justice\\_home/funding/2004\\_2007/daphne/doc/list\\_projects\\_2005\\_en.pdf](http://ec.europa.eu/justice_home/funding/2004_2007/daphne/doc/list_projects_2005_en.pdf)

<sup>94</sup> [http://ec.europa.eu/justice\\_home/funding/2004\\_2007/daphne/doc/list\\_projects\\_2004\\_en.pdf](http://ec.europa.eu/justice_home/funding/2004_2007/daphne/doc/list_projects_2004_en.pdf)

<sup>95</sup> <http://daphne-toolkit.org/prjListe.asp?pays=NL&lang=EN>

### 3. Governmental Machinery for Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers).

From scientific literature it appears that a powerful government machinery for gender equality (in the Netherlands the term used is emancipation) usually consists of the following four components: 1) minister or state secretary who is responsible for emancipation policy; 2) a supporting civil servants policy unit within the national government bureaucracy (usually within a 'regular' ministry) which develops emancipation policy, coordinates it and monitors its implementation; 3) a political advisory body which may have as members representatives of women's groups, of government, of social partners and gender experts; 4) a juridical Commission that monitors the compliance with equal treatment law.<sup>96</sup> Until 1997 the Dutch emancipation machinery included all four components (and more). In the last decade (1997-now) the Dutch gender machinery has weakened. In the following a short historical sketch of developments in the Dutch gender machinery is provided.

Emancipation policies and a government machinery started to develop in 1974. In 1974 a temporary advisory group of experts was appointed to explore the possibilities for developing a so-called 'emancipation policy'. Until 1981, this '**Emancipation Commission**' [Emancipatie Commissie] played a key role in formulating a conceptual framework and designing an organisational infrastructure for emancipation policies. From the start, the government chose to follow a two-track approach in dealing with emancipation: apart from specific measures to improve the position and participation of women in different policy sectors – commonly known as 'sector policy' – a so-called 'facet policy' with the aim to integrate the emancipation issue in different policy areas as a sector-crossing issue (i.e. a dual approach with special measures and gender mainstreaming). In 1981 the temporary Emancipation Commission was replaced by a permanent advisory body called the **Emancipation Council** [Emancipatie Raad] (component 3). In 1976 the **Interdepartmental Coordination Committee Emancipation (ICE)** was set up with the task of advising the Dutch Ministers on the facet policy and guarding the coherence of initiatives within the different ministries. Representatives of each ministerial department participated in this Commission. Most ministries also established internal committees on emancipation. The position, power, visibility, and activity of these bodies varied widely among the departments (still the case today). While the ICE has never been a strong institution (officials assigned tend to be replaced often, and hardly ever occupy senior functions within their own ministries), it has become especially weak in the period 2000-2007. In 1977 the Netherlands had its first **state secretary for Emancipation**. In the years to follow (until today) the Netherlands alternately has a separate secretary general for emancipation or (most of the times) a minister or state secretary who is responsible for emancipation affairs next to his/her 'normal' portfolio (component 1). In 1978 the **Directorate/Department for the Coordination of Emancipation Policy (DCE)** was established (component 2). This civil servants policy unit had a cross-sectional mandate and a coordinating role (entrusted with coordination and monitoring of both facet as well as sector policy) that enabled it to intervene in policy fields of other Ministries. It had its own budget with which it could fund women's movement organisations.<sup>97</sup> However, in recent years its mandate has shrunk. The director or deputy director of the DCE chairs the ICE. Institutionally DCE has always been located in the Ministry that is responsible for emancipation policy. Until 1981 this was the Ministry of Culture, Recreation and Welfare. In the period 1981-2007 this has been the Ministry for Social Affairs and Employment. Since a new Cabinet took office in 2007 emancipation is the responsibility of the Minister for Education, Culture and Sciences, and there is a special State Secretary for Child Care in the same Ministry. The DCE has moved to this Ministry as well. In 1994 the juridical part of the Dutch gender machinery, which had previously monitored the compliance with the 1980 Equal Treatment in Employment Men and Women Act, was absorbed in the (autonomous) **Equal Treatment Commission (ETC)** that was established by virtue of the 1994 General Equal Treatment Act (component 4). It promotes Dutch equal treatment law and investigates whether the equal treatment law has been violated. In (current) Dutch equal treatment legislation unequal treatment is unlawful in specific fields on the grounds of sex, race, nationality, religion/belief, political conviction, sexual orientation, civil status/marital status (these

<sup>96</sup> Outshoorn, J. 2007. Instituties voor emancipatiebeleid. Nederland in een internationale context. [Gender equality institutions. The Netherlands in an international context]. Den Haag: Visitatie Commissie Emancipatie. <http://www.visitatiecommissie-emancipatie.nl/uploads/images/248/VCE0714-RapportOutshoorn-metbrief.pdf>

<sup>97</sup> Outshoorn, Joyce and Jantine Oldersma, 'Dutch Decay: the Dismantling of the Women's Policy Network in the Netherlands', in Outshoorn, Joyce and Johanna Kantola. 2007. *Changing State Feminism*. Houndmills/Basingstoke: Palgrave Macmillan, page 183

grounds were all within competence of 1995 ETC), working hours (part-time or full-time work), nature of contract (fixed or flexible/temporary), disability or chronic illness, and age (these are the four ground that were later added).

Next to these four components (plus the ICE) the Netherlands has also known/knows some parliamentary gender machinery. In 1994 the **Parliamentary Standing Committee on Emancipation** was abolished. From 1994 until 2007, general emancipation policy was discussed in the permanent parliamentary committee for Social Affairs and Employment. Since 2007 this has been shifted to the permanent parliamentary committee for Education, Culture and Science. Furthermore, in 1981 an **informal All-party Women's Caucus** [Kamerbreed Vrouwenoverleg] was set up which united women MP's across party political divides. This institution ceased to exist sometime before 2000..

The disappearances of the Women's Caucus and of a separate parliamentary standing committee on emancipation are not the only signs of a weakening Dutch gender machinery. Firstly, the advisory Emancipation Council (installed in 1981) was abolished in the course of a general cutting down on Advisory bodies in 1997 (loss of component 3). It was followed by a temporary Committee that was asked to integrate a gender dimension in all remaining Advisory bodies (TECENA 1997-2000). In its final recommendations this Committee asked for an independent assessment of gender mainstreaming. This was the background of the **Dutch Emancipation Review Committee** (VCE), who reviewed the Dutch gender mainstreaming and emancipation policy/machinery efforts during 2004-2007. Secondly, in May 2004 the DCE loses an important part of its coordinating tasks. It disappeared quietly from its formal Mandate (weakening of component 2). Since the new government took office (February 2007) the official name of the DCE has been changed to DE. The Directorate for Emancipation policy (DE) has thus formally lost the C (Coordination) in its name and is now focusing on agenda setting/policy development, support and monitoring, and adequate evaluation and reporting to Parliament. Its coordinating/supporting tasks towards the other Ministries have largely been handed over to **E-quality** (the Dutch information centre for gender, family and diversity issues). However, it can be doubted whether E-quality is the most suitable organisation to carry this task, since it is an external organisation that will not naturally be allowed access to the policy processes within all ministries (VCE, intermediary report 2005, and final report 2007). In general, it seems that the increasing emphasis (already set in since 1992 emancipation policy plan) on the individual responsibility of government departments for implementing emancipation policy has developed alongside a pulling down of existing bodies. As a result the VCE had to conclude in its final report that in many cases attention for gender mainstreaming within the departments has dropped because of decreasing central support/coordination structure (DCE and ICE) and support for it within the departments.

Do any or all of these forms of gender machinery exist in the country, and if so what are they called (fill in their name in original language and translated to English)?

- o governmental (civil servants and ministers in central government); YES

Currently the responsibility for emancipation policy lies with the Minister Plasterk of Education, Culture and Science (Minister OCW). A civil servant policy unit called "Department for Emancipation Policy" (Directie Emancipatie, DE) is located within this Ministry.

- o enforcement and/or monitoring agency (e.g. equality authority, ombudsperson); YES

The Equal Treatment Commission ETC (Commissie Gelijke Behandeling) is an independent expert Commission set up by virtue of the 1994 General Equal Treatment Act. It has semi-judicial tasks in that it monitors compliance with Dutch equal treatment law by giving its judgement about the (un)lawfulness of conduct, practices or regulations. Therefore, in some respects ETC is almost similar to a court. An important difference is that the ETC searches for information itself. Other differences are that filing a complaint is free of charge and that people do not need a lawyer. The ETC can only investigate complaints on the grounds of differentiation (including sex) described in the equal treatment laws. The ETC does not have to wait for petitions to be filed. It is also entitled to investigate on its own initiative in specific areas where systematic or persistent patterns of discrimination are suspected. Another difference is that judgements of the ETC are not legally binding. However, 85% of its judgements are followed. Also, a judgement by the ETC can be of great value if court procedures are instigated by victims of discrimination. If cases are brought before Court, the Judge has to take into consideration the judgement by the ETC. If the judge does not follow the ETC's judgement this must be motivated. In 85% of the cases the judge goes along with the ETC's judgement. Also, the ETC itself may take a case to court to request a Court ruling confirming that certain conduct is contrary to equal treatment law. Next to its semi-judicial

tasks the ETC's duties and competences are pro-active (e.g. raising awareness about equal treatment in Dutch society) as it has a role in preventing discrimination.<sup>98</sup>

The Department for Emancipation Policy (DE) also has an evaluating/monitoring task regarding government emancipation policies.

- **Special legal apparatus (e.g. special courts, mediation or arbitration bodies for employment or domestic violence);** YES, national ombudsperson (general, not only for discrimination/equal treatment cases). The ombudsperson has the power to investigate activities of the central government, the regional government, and a large number of municipalities on the basis of written and customary law. But no special courts.
- **body for consultation / dialogue with women's NGOs, or with NGOs representing other axes of inequality** NO

Although consultation with civil society is part of the Dutch political consensus culture no separate body for consultation with women's NGO's exists (before 1997 the Emancipation Council could be regarded as such a body). With regard to other inequalities certain organisations are recognised as official consultation partners by government, for example the Contact Organisation Muslims and Government (CMO) and the Contact Group Islam (CGI) which were acknowledged as official consultation partners by the Minister of Aliens Affairs and Integration in 2004 respectively 2005. The organisations have periodic deliberation with the minister on topical issues that are relevant for the Muslim community. Another example is the Central Cooperating Elderly Organisation which is the only organisation recognised by the government as a consulting party in policy concerning the elderly.

- **Other, for example, Parliamentary Committees** YES (parliamentary Committee), but not a separate one for gender equality policy

Since 1994 no separate Parliamentary Standing Committee on Emancipation exists. From 1994 until 2007, general emancipation policy has been discussed by the permanent parliamentary committee for Social Affairs and Employment (whereas other topics, such as domestic violence, education and health are discussed by other relevant permanent parliamentary committees). Since 2007, this has been shifted to the permanent parliamentary committee for Education, Culture and Science.

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

#### *The nature of the institution*

- **Is there gender machinery that meets the minimum legal requirements of the EU?**
  - **A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex:** YES, Equal Treatment Commission (ETC) (see above for more info on its tasks). While the ETC monitors the compliance with equal treatment *law* in practice, the Department for Emancipation (civil service gender equality policy unit) promotes and support emancipation *policy* and also monitors the implementation/effects in society, by for example commissioning the 'emancipation monitor' every two years.
  - **Providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;** YES, ETC can assess whether specific cases are in line with Dutch Equal Treatment Law. If the Equal Treatment Law does not apply to a specific case, the ETC cannot give its judgement about this case/complaint.
  - **Conducting independent surveys concerning discrimination;** YES, ETC
  - **Publishing independent reports** YES, ETC
  - **Making recommendations on any issue relating to such discrimination.** YES, ETC
- **Is there gender machinery that meets the 'Paris Principles'?**
  - **Independence guaranteed by a constitutional or legislative framework, autonomy from government** YES, the Equal Treatment Commission is autonomous from government, but no explicit mentioning of this in the General Equal Treatment Act by which the ETC was set up. However, in the General Equal Treatment Act (article 16) it becomes clear that the members of the Equal Treatment Commission are *judicial* civil servants (they are to act impartial and autonomous from government).

<sup>98</sup> [http://www.cgb.nl/\\_media/downloadables/Booklet%20Dutch%20Equal%20Treatment%20Commission.pdf](http://www.cgb.nl/_media/downloadables/Booklet%20Dutch%20Equal%20Treatment%20Commission.pdf)

- **Pluralism including pluralism of composition** The General Equal Treatment Act (GETA) lays down that the Equal Treatment Commission (ETC) consists of nine members. No provision on the gender composition of the ETC is included in GETA. In practice, the commission has a plural composition (at least when regarding the sex of the members). The Current Commission consists of 6 female members (the chair is held by a woman, and one of the two vice-chairs is a woman as well) and 3 male members.<sup>99</sup> Looking at the staff of ETC (outside commission members) some 70% are women.<sup>100</sup>
- **a broad mandate** YES
- **Adequate powers of investigation** YES.  
Until 2005 the ETC was only allowed to start an investigation on its own initiative if it suspected systemic discrimination in a complete public/society sector. Such investigations are massive and that is why the commission could complete just two of in the period 1994-2001. Since 2005 the requirement to investigate a whole sector has been removed from the GETA.
- **Sufficient resources?** In 2004, the ETC had a staff of approximately 45 people and the total budget was 4,7 million Euros.<sup>101</sup> Staff and budget were similar in 2007.<sup>102</sup>
- **Is there gender machinery that meets the further requirements of the UN Platform for Action?**
  - **Responsibility vested at the level of a Cabinet minister.** YES, see 'history of governmental machinery for gender equality' above.
  - **Develop indicators and statistics to monitor policy** YES, the Department for Emancipation policy (DE) is the main responsible actor. General monitoring of emancipation process in Dutch society is done by means of the 'Emancipation Monitor' which is published every two years. In specific fields, specific monitors/indicators have been developed, such as a 'time monitor' regarding the combination of labour and care/labour participation/day planning.
- **How close to the centre of power (e.g. Prime Minister or other) is the governmental machinery located?**
  - **centre of power/ PM's office**
  - **Other powerful department.**
  - **Other department**

As can be read from the 'history of governmental machinery for gender equality' above, the Department for Emancipation (civil servant policy unit) has never been located in the centre of power/PM's office. During most of the Quing research period the DE has been located inside the Ministry of Social Affairs and Employment. This Ministry can be considered quite a powerful Ministry. However, with the instalment of a new Cabinet in February 2007, the DE and the responsibility for emancipation moved to the Ministry of Education, Culture and Science, which can be regarded to be less powerful.
- **Would any of the bodies be described as following a 'feminist' agenda?**
  - **Briefly explain the reasoning behind your answer**

Department for Emancipation Policy (DE): YES. The framing of the issue of gender equality and the aim of emancipation policy as can be found in official policy documents (drafted by DE) have essentially and largely stayed the same since 1985.<sup>103</sup> The aim is 9still) to "promote a society in which individuals regardless of sex (and in interaction other societal order principles like ethnicity, age, civil status, and sexual orientation<sup>104</sup>), can achieve an independent existence and in which women and men have equal rights, opportunities, liberties and responsibilities."<sup>105</sup>

Equal Treatment Commission (ETC): YES and NO. The Commission is of course supposed to be impartial and to not carry out any political agenda. However, it is known that some of its members (like Jenny Goldsmith who was the chair until 2003) are

<sup>99</sup> <http://www.cgb.nl/people.php> accessed on 18-06-2008

<sup>100</sup> ETC Annual report 2007, page 21: [http://www.cgb.nl/media/downloadables/jaarverslag\\_2007.pdf](http://www.cgb.nl/media/downloadables/jaarverslag_2007.pdf)

<sup>101</sup> <http://www.cgb.nl/media/downloadables/Booklet%20Dutch%20Equal%20Treatment%20Commission.pdf>

<sup>102</sup> ETC annual report 2007, page 21: [http://www.cgb.nl/media/downloadables/jaarverslag\\_2007.pdf](http://www.cgb.nl/media/downloadables/jaarverslag_2007.pdf)

<sup>103</sup> Outshoorn, Joyce and Jantine Oldersma, 'Dutch Decay: the Dismantling of the Women's Policy Network in the Netherlands', in Outshoorn, Joyce and Johanna Kantola. 2007. *Changing State Feminism*. Houndmills/Basingstoke: Palgrave Macmillan, page 191

<sup>104</sup> This addition has not always been included in the aim, however

<sup>105</sup> Objective of emancipation policy as can be found on the official government website on emancipation:

[http://www.emancipatieweb.nl/emancipatie\\_algemeen#1932](http://www.emancipatieweb.nl/emancipatie_algemeen#1932) accessed on 19 June 2008

committed feminists. The ETC is active to enforce and promote equal treatment on the basis of sex through its formal investigation of complaints (roughly half of the cases brought for the ETC concern sex discrimination), but also through advices addressed to government and by trying to increase societies awareness of equal treatment principles.

- If yes, then indicate which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation) fits best.

DE: equality through sameness, and transformation. DE's focus is on equal rights and on structural change (traditional gender order has to be transformed and the cultural meanings of femininity and masculinity have to be challenged).<sup>106</sup>

ETC: equality through sameness

- Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?

As stated in the 'history of governmental machinery for gender equality' (see above) there is the **Interdepartmental Coordination Committee Emancipation (ICE)** in which representatives of each ministerial department participate. However this has never been a very strong institution and according to the Dutch Emancipation Review Committee (VCE) it has become (even) less active in recent years. While one Ministry is responsible for emancipation policy in general, specific (gender) equality issues are scattered across different Ministries. Since a new government came to office in 2007 there is a special State Secretary for Child Care in the Ministry for Education, Culture and Science (this is also the Ministry responsible for emancipation issues and also the Ministry in which the Department for Emancipation is now located). The responsibility for the emancipation of homosexuals was transferred from the Ministry for Health, Welfare and Sports to the Ministry of Education, Culture and Sciences. Equal treatment in employment and equal pay are still the responsibility of the Ministry of Social Affairs and Employment. These are only a few examples of each of the three issues studied in Quing (non-employment, intimate citizenship, and gender based violence) where more than one Ministry is involved (see section 5.3 below). In the interests of gender mainstreaming, the other ministers and state secretaries are also explicitly responsible for emancipation policy in their own areas of competence. Most ministries have something organised around gender equality, like an internal committee on emancipation or at least some civil servants with some hours to work on emancipation issues. However, this varies widely among Ministries. The VCE has given a new impulse to the activities of the ICE and the individual ministries, but it still remains to be seen whether this will last

- Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts? See my answer above on 'special legal apparatus'.

#### *Dedicated to gender or integrated with other equalities?*

- Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights?

The Department for Emancipation Policy: key focus is on gender equality, although this body is not blind for other inequalities that intersect with gender. Only regarding ethnicity do they take a more active (funding project, writing policy plans) approach.

The Equal Treatment Commission: In 1994 the juridical part of the Dutch gender machinery which had previously monitored the compliance with the 1980 Equal Treatment in Employment Men and Women Act was absorbed in the (autonomous) **Equal Treatment Commission (ETC)** that was established by virtue of the 1994 General Equal Treatment Act (component 4). The ETC investigates whether Dutch equal treatment law has been violated, covering the discrimination grounds sex, race, nationality, religion/belief, political conviction, sexual orientation, civil status/marital status. These grounds all fell within the 'original' competence of the 1994 ETC. The grounds of working hours (part-time or full-time work), nature of contract (fixed or flexible/temporary), disability or chronic illness, and age were later added.

- When did this happen? 1994

---

<sup>106</sup> Outshoorn, Joyce and Jantine Oldersma, 'Dutch Decay: the Dismantling of the Women's Policy Network in the Netherlands', in Outshoorn, Joyce and Johanna Kantola. 2007. *Changing State Feminism*. Houndmills/Basingstoke: Palgrave Macmillan, page 191



- Was the change controversial (who fought whom, allied to whom)? YES, it was feared by women's groups that gender would be overlooked in the new structure. However, more than ten year later it can be concluded that gender has not moved to the background. Around 50% of the cases investigated concern sex discrimination. Among other things, the gender expertise that is present among the staff of the ETC has contributed to this. Women find their way to the ETC.
- Is the division of responsibilities by function or by strand? By function
- Is there a separate mechanism for consulting civil society by strand, including women? The ETC does not have such a separate mechanism (and does not need this, because they do not make policy and are not part of the government). The Dutch government does not have a systematic separate mechanism either (see below on consultation and table on NGO/civil society dialogue in section 1.2)
- Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.

ETC: YES and NO. The ETC investigates cases in which a single discrimination ground features, as well as cases that relate to several discrimination grounds at the same time. This does, however, not always mean that these grounds intersect or are seen as intersecting.

- If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies. ETC is integrated. DE (civil servants policy unit within Ministry, formerly known as DCE) is not an integrated body, but pays attention to sexual orientation and ethnicity.<sup>107</sup>

#### *Relationship of machinery with civil society*

- Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery? No formal procedures. Occasional consultation has been strong in the past, but weaker in the 21<sup>st</sup> century. Women's movement has been effectively marginalised in the policy process.<sup>108</sup>
  - If so, are they routinised or occasional? Occasional

<sup>107</sup> Outshoorn, Joyce and Jantine Oldersma, 'Dutch Decay: the Dismantling of the Women's Policy Network in the Netherlands', in Outshoorn, Joyce and Johanna Kantola. 2007. *Changing State Feminism*. Houndmills/Basingstoke: Palgrave Macmillan, page 191

<sup>108</sup> Outshoorn, Joyce and Jantine Oldersma, 'Dutch Decay: the Dismantling of the Women's Policy Network in the Netherlands', in Outshoorn, Joyce and Johanna Kantola. 2007. *Changing State Feminism*. Houndmills/Basingstoke: Palgrave Macmillan, page 195

## 4. Policy summary questions

### 4.1 Non-employment

- [Is the tax system household based or individualised?](#)

Mixed system. Having an individual address (not shared) means having individual based taxation. People sharing an address and being married or registered partners are so-called 'fiscal partners' (which is in fact a hybrid system: partly individual based taxation, partly household based). When living together with partner while not being married or having a registered partnership one may choose to be 'fiscal partners' or not. When living together with a friend, or a son/daughter, brother/sister (anybody can be your housemate) one may choose as well. The overall ongoing process is moving towards increasing the individualisation of the tax system.

- [Is the benefit system household based or individualised?](#) Foremost household based

Assistance: household

Special assistance: household

Care allowance (zorgtoeslag) is household based in case of marriage or registered partnership. When living together (without being married or having registered partnership) you can choose to be care-allowance partners.

Rent subsidy: household based

- [How long is it legitimate for lone parents not to be in paid work? \(I.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops\).](#)

There have been several changes in the policy concerning lone parents and the obligation to apply for jobs. Three different policy developments have occurred in the last few years:

- In 2003 a new Act on Social Assistance, the Act on Work and Assistance was adopted. Among other things, single parents with young children are under this new Act no longer exempt from having to apply for jobs. If they do not cooperate their allowance is reduced. However, since the municipalities are to execute the regulations regarding social assistance, it is up to the individual municipalities to what extent they expect single parents to actually work.
  - The Act on Work and Assistance did however not take into account that lone parents with young children cannot be fully available to the labour market because of pedagogue and caring tasks. The Act regulating facilities in the framework of labour and care for lone parents (Wet Voorzieningen Arbeid en Zorg Alleenstaande Ouders, vazalo) has been adopted by the Second and the First Chamber of Parliament and is published in the Bulletin on Acts and Decrees in August 2007. It proposes to provide lone parents who work part-time with a special bonus, to make sure that working part-time is more attractive than receiving social assistance (in that sense, the proposal sticks to the activating aim of the Act on Work and Social Assistance).
  - Currently, the government has plans to abolish the obligation to apply for jobs for lone parents with children under the age of five. The exemption from the obligation to apply for jobs is six years at the most. Lone parents are obliged to engage in training or education in that period.<sup>109</sup> At the moment, the Bill is being presented at the Council of State for advice.
- [Are there active labour market programmes \(i.e. programmes to help people who are out of labour market back into paid employment, including training and job placement schemes\) for lone parents?](#)

YES, for instance the Action programme 'Everybody participates', initiated by national government.<sup>110</sup>

Also, municipalities develop their own programmes for lone parents.

- [Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market?](#)

YES, for instance the national project 'More Jobs for Women' (2002-2005).<sup>111</sup> Municipalities are, based on the Act on Work and Social Assistance [WWB], responsible for the reintegration of women in the labour market; therefore they start their own programmes.

- [Are there active labour market programmes for any other category of citizens, and if so which categories?](#)

YES, there are many active labour market programmes for different groups, for instance older persons, young persons, allochthonous persons. Labour market programmes for different combinations of groups are also available, for instance for young allochthonous persons.

<sup>109</sup> <http://www.vng.nl/eCache/DEF/74/914.html> and [http://www.regering.nl/Actueel/Persberichten\\_ministerraad/2008/april/25/Scholingsplicht\\_voor\\_alleenstaande\\_ouders\\_in\\_de\\_bijstand](http://www.regering.nl/Actueel/Persberichten_ministerraad/2008/april/25/Scholingsplicht_voor_alleenstaande_ouders_in_de_bijstand)

<sup>110</sup> [http://docs.szw.nl/pdf/135/2007/135\\_2007\\_1\\_17987.pdf](http://docs.szw.nl/pdf/135/2007/135_2007_1_17987.pdf)

<sup>111</sup> [http://www.div-management.nl/files/brochure\\_ruim\\_baan\\_voor\\_vrouwen.pdf](http://www.div-management.nl/files/brochure_ruim_baan_voor_vrouwen.pdf)

- What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)
  - Childcare: care (under 3 years) -
  - Childcare: pre-primary education (3 yrs- school age) –

The 2004 Childcare Act subscribes demands to the quality of childcare services and lays down the financing framework, but does not include any provision on the number of hours per week or the number of weeks per annum.

- What is the predominant form of childcare provision? i.e. public, private or mixed

Predominantly private, but schools are obliged by government to offer the possibility of out of school-hours/extra-curricular childcare services to parents since august 2007.

- How is childcare financed (e.g. by public funds, privately or mixed)?

As laid down in the 2004 Childcare Act, employers, government and parents all pay a part of childcare costs. The point of departure is that the government pays one third of costs, the parents pay one third of costs and the employers pay one third of costs. Parents pay the costs upfront and receive an income-dependent compensation from the government (minimum is one third of the costs, but can be more depending on income, whether or not employed, whether or not lone parent) and a contribution from employers on a voluntary basis (made compulsory in 2007) (but see below on employers contributions). Parents that combine labour and care (employees, self-employed) and parents who study, who follow an integration course or who follow a re-integration trajectory, while getting social benefit assistance are eligible for childcare subsidies. Next to dealing with the financing/subsidies of childcare costs, the Act deals with the quality of childcare. Childcare centres and host parents/mothers bureaus have a duty to report their existence at municipality. The Municipal Health Services (GGD's) are responsible for checking whether childcare services conform to the national quality standards. Parents can only receive compensation for childcare costs if they bring their child(ren) to a childcare service that complies with the quality standards. In 2007 the employers' contribution was made compulsory. Currently, the subsidy from government is being discussed, because the costs for childcare subsidies were far higher than expected.<sup>112</sup> Every year the government determines a maximum hourly rate for childcare that is employed when calculating how much government subsidy parents will receive.

There are three different forms of government subsidised childcare under the 2004 Childcare Act:

- Crèche/day care centre: for children between 0-4
- Extracurricular childcare: children that go to primary school can go to this childcare service after school or during vacations.
- Host parent childcare: for children between 0 until the primary school age. The hours for this kind of childcare are more flexible; childcare is also possible in the evening and at night.

Playgroups [peuterspeelzalen] are not subsidised by government.

- Is the pension age the same for women and men? If so, since when?

YES, for both women and men the pension age is 65. The harmonisation of pension age has differed across sectors. In the 70s there were still sectors where women's pension age was 60.

#### 4.2 Intimate citizenship

- Is abortion legal? If so, in what year did this happen?

YES, abortion is legal since the Termination of Pregnancy Act [Wet Afbreking Zwangerschap, WAZ] in 1984. The Act was drawn up in 1981, but came into force in 1984. Between 1981 and 1984 abortion was tolerated.

- Up to which week of pregnancy is abortion legal?

Abortion is officially legal until the foetus is viable outside the body of the mother; therefore abortion is legal until the 24th week of the pregnancy. However, in practice, almost no abortion is performed after 22 weeks of pregnancy. Only when there is a medical necessity of the woman, abortion is performed until the 24<sup>th</sup> week.<sup>113</sup>

- Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?

There is a mandatory reflection time of five days between the first consultation with a doctor and the abortion. For curettage (abortion within 16 days of the pregnancy) there is no mandatory reflection time of five days.

<sup>112</sup> [www.kinderopvang.net](http://www.kinderopvang.net)

<sup>113</sup> <http://www.minvws.nl/dossiers/abortus/default.asp>

- How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country?

In 2006 33,000 abortions were performed (including 6300 curettages). This means an abortion rate of 8.6 (on 1000 women between ages 15-45). Of the 33,000 abortions, 4500 abortions were on women living abroad.<sup>114</sup>

- Are there any restrictions on abortion for certain categories of people? (e.g. age, nationality)

NO

- Is a marriage a state based contract, religious contract or both?

State

- Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)?

YES, divorce is legal. Mutual consent is not necessary.

- If divorce is not legal, what are the conditions for separation or annulment? -

-

- Are there any restrictions to marriage other than the sex of the partners (e.g. nationality, country of origin)?

- In general persons have to be at least 18 years to get married. Marriage between the ages 16-18 is possible in exceptional circumstances. For instance, if the woman is pregnant or already has a child.<sup>115</sup>

- Marriage between a national citizen and a foreign citizen is only possible if both are at least 21 years of age and the national person earns at least 120% of the minimum income. (Aliens Decision 2000) .

- If someone is under legal constraint, a curator has to give consent to the marriage.<sup>116</sup>

- Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage?

In the Netherlands registered partnership (between two people of the same sex or two people of different sex) is legal since 1998. Gay marriage is legal since 2001. Although there has been a discussion in parliament whether or not registered partnership should remain possible when gay marriage was introduced, both forms still exist.

Consider the following (Yes/no+year when introduced):

Does it extend to?

- **Survivors' benefits in pensions?** YES, for registered partnership since 1998, for gay marriage since 2001
- **Adoption rights?** YES, for both registered partnership and gay marriage it has been possible to adopt children from the Netherlands since 2001. Currently legislation is being prepared to enable international adoption.
- **Parental leave?** YES, for registered partnership since 1998, for gay marriage since 2001
- **Assisted reproduction?** YES, for registered partnership since 1998, for gay marriage since 2001
- **Family reunification – have partners the right to settle and be employed in the country where their partners live?** YES, for registered partnership since 1998, for gay marriage since 2001

<sup>114</sup> <http://www.minvws.nl/dossiers/abortus/abortus-in-feiten-en-cijfers/>

<sup>115</sup> <http://bestel.postbus51.nl/content/pdf/06BR2007G728-2007221-92557.pdf-2007221-92557.pdf>

<sup>116</sup> *ibid*

## Number of registered partnerships and gay marriage, annually and in total <sup>117</sup>

	Gay marriage	Registered Partnership homosexual couples	Registered Partnership heterosexual couples
1998	-	3010	1616
1999	-	1757	1500
2000	-	1600	1322
2001	2414	518	1670
2002	1838	488	3044
2003	1499	485	4305
2004	1210	492	5148
2005	1150	518	5744
2006	1212	533	6315
	9323	9401	30664

### 4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out?

Factsheet sexual violence 2007:

<http://www.movisie.nl/Publicaties//2007/209/Factsheet%20SG%20webversie%2028%20nov%202007.pdf>

Factsheet domestic violence 2007

[http://www.huiselijkgeweld.nl/doc/beleid/factsheet\\_minjus\\_apri\\_%2007.pdf](http://www.huiselijkgeweld.nl/doc/beleid/factsheet_minjus_apri_%2007.pdf)

- The national statistics department CBS carries out an annual survey Permanent Onderzoek Leefsituatie (POLs, since 1997), with over 50,000 interviews of people aged 15 and above. The interviewed are asked to report if they have been victim of sexual violence. The International Crime Victims Survey (ICVS), an international survey, is available for 1989, 1992, 1996 en 2000 (Van Kesteren, 2000). The CBS also collects data about crimes reported to the police.
- In 1997 a national survey on Domestic Violence was carried out by Intomart (1000 respondents). According to this survey 40% of Dutch women and men have experienced some form of domestic violence in their life:  
[http://www.huiselijkgeweld.nl/doc/beleid/Huiselijk\\_geweld\\_1997.pdf](http://www.huiselijkgeweld.nl/doc/beleid/Huiselijk_geweld_1997.pdf)
- In 2002, Intomart carried out a survey on domestic violence among Surinamese, Antillean, Aruban, Moroccan and Turkish Dutch. According to this survey, 24% percent of the respondents reported to have experienced some form of domestic violence:  
[http://www.huiselijkgeweld.nl/doc/feiten/hg\\_onder\\_allochtonen.pdf](http://www.huiselijkgeweld.nl/doc/feiten/hg_onder_allochtonen.pdf)
- In 2006, the Dutch Institute for Sexual Research (NISSO) published on sexual health (**Bakker, F. en I. Vanwesenbeeck (red.)**, *Seksuele gezondheid in Nederland 2006*. Utrecht: Rutgers Nisso Groep, 2006)
- The Emancipation Monitor also reports statistics on different forms of sexual violence (**Most recent one: Portegijs, W., B. Hermans en V. Lalba**, *Emancipatiemonitor 2006. Veranderingen in de leefsituatie en levensloop*. Den Haag: SCP, 2006)
- 2006: explorative research on "intimate" violence (Renée Römken en Joop van Poppel: Vooronderzoek 'geweld door intimi': Literatuurstudie over methodiek en resultaten van onderzoek op het gebied van prevalentie, determinanten, gevolgen en hulpzoekend gedrag bij 'huiselijk geweld'. Tilburg: IVA Instituut voor Beleidsonderzoek en Advies, februari 2006  
[http://www.emancipatiweb.nl/uploads/2221/def\\_eindrapport\\_prevalentie\\_voorstudie\\_1\\_1.pdf](http://www.emancipatiweb.nl/uploads/2221/def_eindrapport_prevalentie_voorstudie_1_1.pdf)).
- A new national survey, (as a follow-up to the explorative study of Romkens & Van Poppel, 2006) on intimate violence is planned for 2007/2008 using the methodology of the *International Violence Against Women Survey*.

<sup>117</sup> [http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=37772NED&D1=0,3-4&D2=\(I-11\)-I&VW=T](http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=37772NED&D1=0,3-4&D2=(I-11)-I&VW=T) and <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=37772NED&D1=0,35-47&D2=45-56&HDR=T&STB=G1&VW=T>  
The conversion of marriage into registered partnership is not taken into account, because this conversion is used to make it easier to divorce.

- In 2005 a report regarding the incidence of domestic violence on the basis of police figures was published (in 2004 a first study of this kind was published):  
Ferwerda, Henk. 2006. *Entering without knocking on the door. Magnitude, nature and backgrounds of domestic violence in 2005 on the basis of national police figures*. [Binnen zonder kloppen. Omvang aard en achtergronden van huiselijk geweld in 2005 op basis van landelijke politiecijfers]. Advice and research Group Beke.<sup>118</sup>

#### Does it include?

- [Domestic violence and violence in partnerships?](#) YES (Intomart 1997)
- [Sexual assault/violence and rape?](#) YES (POLS and ICVS)
- [Sexual harassment and stalking?](#) YES ( <http://www.cbs.nl/nl-NL/menu/themas/arbeid-sociale-zekerheid/publicaties/artikelen/archief/1998/1998-0042-wm.htm> )
- [Trafficking?](#) NO
- [Prostitution?](#) NO
- [Forced marriage?](#) NO
- [Honour crimes?](#) NO
- [FGM?](#) NO
- [Children](#) YES (NISSO 2006)

#### 4.3.1 Domestic violence

[What legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? \(Yes/no +year when introduced\)](#). Devices could for instance include:

- [restraining orders](#) see note below
- [non-molestation orders](#) YES
- [occupation orders](#) see note below
- [state funded perpetrator programs](#) YES
- [other devices?](#) The terms “restraining” and “occupation” order are not easily translated into Dutch, what follows is a description of available legal devices in the Netherlands using a different terminology. In the Netherlands there is the possibility to issue a “home ban” (literal translation of “huisverbod”) which is a criminal law device (can be issued by a judge or by the public prosecutor under certain conditions). A civil law device is planned for 2008: a Bill that will provide for temporary eviction of a perpetrator of domestic violence from the family home issued by the *mayor/police* has been adopted by House of Representatives and is now discussed in the Senate. Different terms are used for this kind of measure, such as ‘barring order’ or ‘eviction order’. Another possible device to prevent domestic violence is the ‘street ban’ or ‘contact ban’ which can either be issued via criminal law or via civil law.

[What is the prevalence of domestic violence against women, in one year? \(from the survey\)](#)

Intomart 1997, intimate partner violence 12%.

4% of the respondents (516 men and 489 women, aged 18-70) reported being victims of intimate partner violence in the 5 years prior to survey.

[What is the life time prevalence of domestic violence against women? \(from the survey\)](#) NO DATA

[What is the number of incidents of domestic violence against women, in one year \(from the survey\)](#)  
estimated number is over 500.000 incidents each year

[What is the number of incidents of domestic violence reported to the police \(annual\)?](#)

63.131 registered incidents in 2006 (includes cases that are observed by police, incidents that were reported at the report station/centre of the police and cases for which a formal complaint/accusation has been filed). It is estimated that about 12% of all incidents is *reported* (at the report station/centre) to the police. Only for 40% of the reported incident a formal complaint/accusation is filed.

[What is the number of domestic violence convictions in the courts?](#) NOT AVAILABLE

<sup>118</sup> [http://www.beke.nl/doc/publicaties/nieuw/binnen\\_zonder\\_kloppen.pdf](http://www.beke.nl/doc/publicaties/nieuw/binnen_zonder_kloppen.pdf)

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? NOT AVAILABLE

If there is any information on the previous questions broken down by age, class, sexual orientation, race/ethnicity etc, give it here too.

**Ethnicity:** Intomart survey on domestic violence among largest minority communities 2002 (survey of 394 men and 455 women aged 18-70), about 24% of the respondents reported to have experienced some form of domestic violence. Because this number was much lower than among "native" Dutch, the study concluded that this implied that incidents were underreported.

**Sex:** According to the study of NISSO (2006), 19% of women and 4% of men reported to have experienced abuse under the age of 16. On the basis of police figures (Ferwerda, 2006) 79,1% of victims of domestic violence are women.

**Type of domestic violence:** From the incidents reported to the police in 2005 41,1% concerns physical violence, 36,6% concerns psychological violence, 16,7 % is intimidation, 3,9 % stalking and 3,7% sexual domestic violence (Ferwerda, 2006)

**Age of victim:** on the basis of police figures (Ferwerda, 2006) it can be concluded that roughly 50% of the victims fall within the age category 25-45, the percentage of victims becomes smaller towards the younger and older age categories.

**Characteristics of perpetrators:** On the basis of police figures on perpetrators who have been found guilty of domestic violence at least once, it can be concluded that 98,1% of these perpetrators are male and especially in the age category 25-55 (65,2%). 75 % of them are born in the Netherlands.

#### 4.3.2 Rape & Sexual assault

- [When was marital rape criminalized?](#) 1991
- [What is the number of annually reported incidents to the police?](#) 2004: 6668 (Source: Emancipatiemonitor 2006)
- [What is the attrition rate for rape in the criminal justice system \(convictions as % of reports to police\)?](#) In 2004, in 1585 cases the perpetrator was found guilty (Source: Emancipatiemonitor 2006)
- [Incidence of sexual assault and rape:](#) According to the ICVS 39% of women and 10% of men in the Netherlands reported to have experienced some form of sexual assault, 10 % of women and 1% of men reports to have experienced rape. (NISSO 2006)

What is required for an act to be considered to be rape, e.g.:

- [lack of consent \(since when\)](#) YES
- [physical resistance? \(since when\)](#) NO
- [Other?](#) Specific laws in case victim is under age (<12, art 244 and 12-16, art 245, Penal code) or "not conscious" (art 243)

[Is any characteristic of victim or perpetrator considered relevant \(e.g. age, sex\), and if so which characteristic?](#) YES, age of the victim

**Legal definition since 1991 (Penal Code art 242)** 'A person who by an act of violence or another act or by threat of violence or threat of another act compels a person to submit to acts comprising or including sexual penetration of the body is guilty of rape and liable to a term of imprisonment of not more than twelve years or a fine of the fifth category.'

*Hij die door geweld of een andere feitelijkheid of bedreiging met geweld of een andere feitelijkheid iemand dwingt tot het ondergaan van handelingen die bestaan uit, of mede bestaan uit, het seksueel binnendringen van het lichaam, wordt als schuldig aan verkrachting gestraft met gevangenisstraf van ten hoogste twaalf jaren of geldboete van de vijfde categorie.'*

Victim and perpetrator can be male or female. Force has to be used, but this may include psychical force. The act of penetration (vaginal, oral or anal) is considered rape.

#### Article 244 of the Penal Code

'A person who, with a person who is under the age of twelve (12) performs acts comprising or including sexual penetration of the body is liable to a term of imprisonment of not more than twelve years or a fine of the fifth category.'

#### Article 245 of the Penal Code

'A person who, out of wedlock, with a person who has reached the age of twelve (12) but not yet sixteen (16), performs indecent acts comprising or including sexual penetration of the body is liable to a term of imprisonment of not more than eight years or a fine of the fifth category.'

#### 4.3.3 Trafficking for sexual exploitation

- [Has the government signed and ratified the CoE convention on human trafficking \(date\)](#)

NO (signed 17<sup>th</sup> of November 2005, not yet ratified). The Netherlands has a national rapporteur on trafficking since 2000 (<http://www.bnrm.nl/>).

- [Is trafficking primarily seen as a problem of the sending or the receiving country?](#)

SENDING, or when receiving it is an immigration related problem. The goal is to prevent trafficking and send people back to their home-countries.

- [Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long?](#)

Women victims of trafficking who report to the police are given a temporary permit for the time their case serves.<sup>119</sup> The NGO's Comensha and BlinN offer help, assistance and refuge, and help women to reintegrate when returning to their home-country

#### 4.3.4 Intersections

[Have specialised policies and practices in relation to gender-based violence in minority communities been developed by:](#)

- [Police](#): YES (in particular in relation to "honour-related crimes")
- [NGOs](#): YES
- [Local Authorities / government](#): YES
- [Other](#): Court trainings

#### 4.3.5 Service provision

[Are there refuges and/or sexual assault centres? \(dates\)](#) YES

[How many are there?](#)

- Approximately 100 refuges, with about 2500 places. Largely state funded; but largely NGO run.
- 35 regional Domestic Violence advice and service-centres (Advies- en Steunpunten Huiselijk Geweld) have opened since 2003. These centres offer help and advice to victims of violence and offer legal, psychological and medical assistance.  
[http://www.huiselijkgeweld.nl/doc/organisaties/ASHG\\_publicatie\\_bijgewerkt260206.pdf](http://www.huiselijkgeweld.nl/doc/organisaties/ASHG_publicatie_bijgewerkt260206.pdf)
- National telephone helpline
- There are some refuges for particular minority ethnic groups and one refuge for victims of honour related crimes.
- There is a shelter for battered men, (<http://www.stichting-humanity.nl/opvang/>)
- Two refuges planned for perpetrators (Den Bosch and Emmen)

[When was the first set up?](#) 1974 for the first refuge (Blijf van m'n lijf Amsterdam)

[Are they state funded, to what extent?](#) YES, largely; though largely NGO run (Blijf van m'n lijf, FIOM).

---

<sup>119</sup> COE recommends permanent, at least for women who are willing to witness in court against traffickers  
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta02/EREC1545.htm>  
2004 EU directive on short-term residence permits for victims of trafficking automatically provides for 6 month residence permits.



## CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

### 5. Political system

#### 5.1 Is the state unitary or federal?

Decentralised unitary state; municipalities are responsible to take measures in some policy areas. For example, municipalities make their own regulations on reintegration policy for women or policy concerning lone parents.

#### 5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

The social partners are integrated in policy decision-making through the following political advice committees (permanent institutions): the tripartite Social and Economic Council (Sociaal Economische Raad, SER) and in the bipartite Labour Foundation (Stichting van de Arbeid, STAR). In these bodies three union federations are represented: Federations of Dutch Trade Unions (Federatie Nederlandse Vakbeweging, FNV), Christian Trade Union Federation (Christelijk Nationaal Vakverbond, CNV) and MHP, the National Union Federation for Middle and Higher Personnel.

In these bodies three employer associations are represented: VNO-NCW, MKB-Nederland, the employer association for SME's and LTO-Nederland, the organisation for the agricultural sector. Furthermore, the social partners at central level participate in a bi-annual conference with the Minister of Social Affairs. Here the three parties discuss the social economic agenda for the coming year.

#### Are there legally binding decision making processes similar to the EU framework agreements (e.g. as the Parental Leave Directive)?

No. There are no legally binding decision making processes. If the social partners are consulted, this always has a tripartite form (including the government as a party as well).

#### Would the political system be possible to describe as corporatist or neo-corporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

The above described political (advice) system could be seen as the product of the corporatist history of the Netherlands. Yet, the organisations themselves are civil initiatives; they choose to confer with the authorities. I find it notable that the institutions – STAR, SER - evolved into platforms for articulating interests and views. In the wheeling and dealing of these institutions visions evolve as parties have to find a shared perspective and criteria to evaluate their own points of interest. LTO-Nederland (agriculture) is the only organisation which still is a pure corporatist organisation, since the authorities have a place in this organisation.

#### What is the gender composition in the decision making process of agreements made by the social partners (if there are any such agreements)?

In the Netherlands, no legally binding agreements between the social partners stating to what extent women have to be represented on decision-making level exists.

#### 5.3 In which policy environment (ministry) is a decision on the issue predominantly made

**General gender equality policies:** Ministry of Education, Culture and Science

**Non-employment:** Ministry of Social Affairs and Employment (equal pay and equal treatment in employment, (care) leave, occupational disability pension) Ministry of Education, Culture and Science (childcare)

**Intimate citizenship:** Ministry of Justice ((gay) marriage, divorce), Ministry of Health, Welfare and Sports (abortion, ivf)

**Gender-based violence:** Ministry of Justice (rape, domestic violence, honour crimes, FGM and trafficking), Ministry of Social Affairs and Employment (sexual harassment and trafficking), Ministry of Health, Welfare and Sports (domestic violence, FGM). Ministry of Internal Affairs (police), Ministry of Youth and Families (child abuse)

#### 5.4 Political cleavages

- Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

The Netherlands used to be a 'pillarised' country (compartmentalisation along socio-political lines) based on religion and class (Catholics, Protestants, Liberals and socialists). At the political level the

state was consociational. At the present, divisions along religious and class lines have diminished. There are no clear major internal divisions/cleavages any more.

- What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

The main contemporary cleavage is the division Muslim/non-Muslim.

### 5.5 International obligations and links

- When, if at all, was CEDAW signed?

CEDAW was signed in 1980 and ratified in 1991. The Netherlands signed (in 1999) and ratified (in 2002) the optional protocol of CEDAW.<sup>120</sup>

- When did the country join the EU?

The Netherlands is one of the founding members of the EU.

---

<sup>120</sup> See <http://www.un.org/womenwatch/daw/cedaw/states.htm>

## 6. Political Representation

### 6.1 The development of women's political representation, including:

- Date of female suffrage<sup>121</sup>: 1919 (1917 passive suffrage)
- Note any caveats, e.g. age, property qualification, ethnicity, and when removed.

From 1848 until 1887 there was 'census suffrage for men, based on the amount of taxes paid. From 1887, men that were able to read and write or who had societal welfare (for instance paying rent) could also vote. General male suffrage was introduced in 1917. .

In 1965 the age limit for active suffrage went from 23 to 21 years. In 1972 it was lowered to 18.<sup>122</sup>

- Date of male suffrage: 1917 (general active and passive suffrage)
- Use of quotas<sup>123</sup>

**party:** the Labour Party has a quota of 50% men and 50% women for their candidates list for the Second Chamber elections since 1987.

**Green Left:** on the website of the IDEA, it is stated that GreenLeft uses quota's (without giving a certain percentage). In the house regulations of the Party, it is stated that the Party strives for 50% women on the list of candidates. If deviations from this rule occur, the organ that is responsible for the nomination of candidates must justify the choice.<sup>124</sup>

**electoral:** no electoral law quota for parliaments

**constitutional:** no constitutional quota for parliaments

- What is the numerical representation of women in parliament? (over QUING period)

	Second Chamber (House of Representatives)	First Chamber (Senate)	
1992	29	25	
1996	33	23	
2000	34	28	
2002	32	31	
2003	39	33	
2006	39	29	

Percentages of women in both chambers of parliament<sup>125</sup>

- Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas

In the Second Chamber, the number of women MP's increased from 18 in 1977 to 27 in 1981(out of 150 seats). From 1989-1994 there was another large increase, from 38 to 49 women MP's (out of 150 seats).<sup>126</sup>

- Other important developments -

### 6.2 Political representation for intersecting inequalities:

- Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament). Until 1887 there was census suffrage for men based on tax payment. In 1887 it was extended to men who could read and write or had societal welfare (for instance paid rent).
- ethnicity/religion (what exclusions and when; numerical representation in parliament) Only Dutch citizens (with Dutch nationality) can vote in national elections. Non-Dutch non-EU-citizens that have lived in the Netherlands legally for five years have active and passive suffrage in the municipal elections. Non-Dutch citizens (people without Dutch nationality) that live in the Netherlands and who are EU-citizens have active and passive suffrage for municipal elections without any restrictions. In 2006 the number of allochthonous persons for the Second Chamber was 12 members (on 150 seats), which means a percentage of 8%.<sup>127</sup>
- Other important intersecting inequalities, any quotas -

<sup>121</sup> See Inter-Parliamentary union (IPU) website: <http://www.ipu.org/wmn-e/world.htm>

<sup>122</sup> <http://www.parlement.com>

<sup>123</sup> See IDEA: <http://www.idea.int/gender/index.cfm>

<sup>124</sup> <http://www.groenlinks.nl/partij/statuten>

<sup>125</sup> [http://www.cbs.nl/NR/rdonlyres/74B6DC34-B135-45CE-A34D-98147FB681AD/0/Emancipatiemonitor\\_2006.pdf](http://www.cbs.nl/NR/rdonlyres/74B6DC34-B135-45CE-A34D-98147FB681AD/0/Emancipatiemonitor_2006.pdf)

<sup>126</sup> [www.parlement.com](http://www.parlement.com)

<sup>127</sup> <http://www.publiek-politiek.nl/Thema-s/Allochtonen/In-de-politiek/Cijfers/Tweede-Kamer-2006>

### 6.3 Political parties and gender

- Does women's political representation vary by Party; yes, there were three parties with (almost) 50% women on the list of candidates for the 2006 elections of the Second Chamber; Labour Party, GreenLeft and the Party for Animals. The Freedom party has with its 17.6 % the lowest number of female candidates on the list (besides the Political Reformed Party that does not allow women on the list). Only for the Christian Democratic Party and the Freedom Party is the percentage between the women in parliament (significantly) lower in comparison to the percentage on the candidates list.

Party	% women on candidates list	% of women in parliament
Christian Democratic party	37.5 %	29.3 %
Labour Party	50 %	48.5
Liberal Party [VVD]	33 %	38.1 %
GreenLeft	47 %	57.1 %
Socialist Party	36 %	36 %
Democrats66	27.5 %	33.3 %
Christian Union	34 %	33.3 %
Political Reformed Party	0 %	0 %
Party for Animals	48 %	100 %
Freedom Party	17.6 %	11.1 %

- if so, do these Parties tend to represent different class, ethnic, religious or other interests?
  - Christian Democratic Party: a centre right Christian democratic party
  - Labour Party: a social democratic party, centre left. Its political program is based on greater social, political, and economic equality for all citizens. It represents mainly class
  - Christian Union: A Christian party that primarily focuses on various 'ethical' questions in their political position, such as (resistance against) abortion, euthanasia and gay marriage. On other issues, such as immigration, the environment and economic relations the party is close to the left-wing parties.
  - Socialist Party: left-wing (formerly Maoist) party, represents working class interests.
  - Peoples Party for Freedom and Democracy (Liberal Party) is a conservative liberal party.
  - Freedom Party: It opposes 'Islamisation' of the Netherlands and wants to limit immigration.
  - Green Left Party combines green environmentalism and left-wing ideals. It is a multiculturalist party.
  - Democrats 66 is a centrist left-liberal and (radical) democratic party with strong support among young, urban and professional voters.
  - Political Reformed Party is a conservative Christian party with stronger ethical standpoints than the Christian Union. Bases all its views directly on the bible.
- What is the current Party / Parties in Government: Christian Democratic Party, Labour Party and Christian Union
- With which European Parliament political group is this Party / Parties affiliated?<sup>128</sup> Christian Democratic Party is affiliated with the Group of the European People's Party (Christian Democrats), the Labour Party is affiliated with the Socialist Group and the Christian Union is affiliated with the European Christian Political Movement (the Christian Union is not affiliated to one of the groups in the European Parliament)
- What political party / parties have held office during 1995-2007?
  - 1994-2002: Labour Party, Liberal Party, Democrats66
  - 2002-2003: Christian Democratic Party, Liberal Party, List Pim Fortuyn
  - 2003-2006: Christian Democratic Party, Liberal Party, Democrats66
  - 2006-2007: Christian Democratic Party, Liberal Party
  - 2007- : Christian Democratic Party, Labour Party, Christian Union

### 6.4 Representation in government

<sup>128</sup> See list Of EP political groups: [http://www.europarl.europa.eu/groups/default\\_en.htm](http://www.europarl.europa.eu/groups/default_en.htm)

- [What percentage of government Ministers are female?](#)<sup>129</sup> Five of the 16 ministers are female
- [To which Ministries do female ministers belong?](#) The female ministers belong to the Ministry of Interior and Kingdom Relations; the Ministry of Economic Affairs; the Ministry of Agriculture, Nature and Food Quality; and the Ministry of Housing, Spatial Planning and the Environment. The minister for Housing, Communities and Integration is part of the Ministry of Housing, Spatial Planning and the Environment.

---

<sup>129</sup> See IPU: <http://www.ipu.org/wmn-e/world.htm>

## 7. Civil Society

### 7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women's organisations.

There is only one national organisation left after the demise of the *Vrouwen Alliantie* in 2005, and that is the **Dutch Women's Council** (Nederlandse Vrouwen Raad, NVR), an umbrella organisation mixing feminist and women's organisations.

The *Vrouwen Alliantie* (Dutch Women's Alliance) was a platform of 46 national (women's) organisations with a common political agenda to achieve economic independence for everyone either through paid work or by individual social benefits to redistribute paid and unpaid work and to create the conditions for the combination of paid work with family responsibilities. The Dutch Women's Alliance organised about 1 million women. In 2005, the organisation lost its state support and ceased to exist. It was affiliated to the European Women's Lobby. Questions below are answered for the Dutch Women's Council, which still exists.

- is this the same as the body which is affiliated to the European Women's Lobby?
- when was it established?
- how many organisations are affiliated to the national body?
- how many women are so coordinated?
- How many staff work for the organisation (how many paid, how many unpaid)?
- What is its budget?
- What is its range of activities (are these in an annual report)?

Dutch Women's Council (NVR)<sup>130</sup> is an umbrella association with 47 member associations. The NVR is affiliated to the EWL, through the Nederlandse Coördinatie European Women's Lobby (NC-EWL). They include women's organisations in or around political parties, housewives and rural women's organisations, female entrepreneurs and other professional organisations of women and organisations of women with particular religious backgrounds (Catholic, Jewish, Protestant). Main tasks are: providing information, advocacy, lobbying and carrying out projects in relation to equal rights and improving the position of Dutch women in the private and public realm. The NVR lost its subsidy in the late 1990s and is now a voluntary organisation.

- established in 1898,
  - organises about 40 member organisation
  - Coordinating a total of 1 million members.
  - It has 6 staff members and a 6 member board.
  - Budget of around € 500.000.
- Does the national body engage with all or only some of our 3 issues  
The NVR engages with all three issues.

### List the key women's / feminist civil society organisations and their main methods / activities

#### Dutch Women's Council (Nederlandse Vrouwen Raad, NVR)<sup>131</sup>

- Building autonomous institutions No
- Public protest e.g. demonstrations No
- Campaigning Yes – main method
- Lobbying state Yes – main method
- Service provision No
- Research No
- Are they important or marginal to national politics? Not very important
- Are they centralised or dispersed? BOTH: UMBRELLA WITH CENTRAL OFFICE

#### E-quality, the Dutch information centre for gender, family and diversity issues<sup>132</sup>

This is a semi-public or hybrid organisation, since it is closely related to state-institutions, state-funded, and has some explicit policy-related tasks like coordination of gender-equality policy (which was the

<sup>130</sup> Website: <http://www.nederlandsevrouwenraad.nl>

<sup>131</sup> Website: <http://www.nederlandsevrouwenraad.nl>

<sup>132</sup> Website: [www.e-quality.nl](http://www.e-quality.nl)

formal mandate of the national gender equality machinery until 2004). An organisation called E-quality was set up in 2000 and had expertise in the area emancipation in the multicultural society, but in 2007 it was forced to merge with 'Nederlandse Gezinsraad' (the Dutch Family Council). This resulted in a new organisation with a broader mandate. Going back in history would reveal that E-quality was itself the result of an earlier merger of organisations. In recent years, E-quality has moved closer and closer to the government and is now the organisation that focuses on ministries involved with policies concerning gender, the family and diversity. It also serves politicians and policy-makers who are active in national, provincial and local governments, and the EU. In addition, social and employment organisations can consult E-quality for advice and information, and the organisation is a general source of information for people and agencies who wish to contribute to the public debate on gender, the family and diversity.

- Established in 2000 (in 2007 merger With NGR, Dutch Family Council)
- Does **not** organise other organisations and has **no members**
- It has a large number of paid staff, 27 people (tasks: research, policy-advice, pr and communications)
- Budget about € 2.000.000,-
  - Building autonomous institutions No
  - Public protest e.g. demonstrations No
  - Campaigning Yes – main method
  - Lobbying state Yes – main method
  - Service provision No
  - Research Yes.
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? CENTRALISED

#### Centre of Expertise for Women and Law - Clara Wichmann Institute<sup>133</sup>

(Expertise centrum voor Vrouwen en Recht, Clara Wichmann Instituut)

Formally a state supported expert centre, now a national platform of feminist lawyers who work to improve the legal situation of women and provide a network for female lawyers.

- Building autonomous institutions Yes
- Public protest e.g. demonstrations No
- Campaigning Yes
- Lobbying state Yes
- Service provision Yes
- Research Yes
- Are they important or marginal to national politics? YES important, but lost some importance after losing state support in 2005
- Are they centralised or dispersed? CENTRALISED

It should be noted that although mass organisations are waning, websites, chat rooms and loose networks on feminism, and more generally are booming in the Netherlands. For instance, migrant women are active on the internet (e.g. *Moroccan Girls*), but also older women (e.g. *WOUW*) and younger women. Within more anarchist or anti-globalisation groups one can find many feminists, who undertake activities and write position papers in the papers of the movement, but those feminists are not visibly organised within these movements as such. Particularly notable initiatives are *Women Inc* a women's platform that organises large cultural festivals for women with a feminist twist (workshops, discussion, theatre and music on a number of different issues ranging from body politics, religion, labour market, and politics), and *Emancipatie.nl* a website that collects and publishes news on women's issues.

Other general organisations that deal with gendered/gender issues, but that are not particular women's organisations:

#### Art. 1<sup>134</sup>

The name of this organisation refers to article 1 of the Dutch Constitution. In January 2007, the former Bureau on Race Discrimination (Landelijk Bureau tegen rassendiscriminatie, LBR) and the regional antidiscrimination bureaus merged into Art.1. Art.1 is a national association that is dedicated to

<sup>133</sup> Website: <http://www.vrouwenrecht.nl/hulp>

<sup>134</sup> Website: [www.art1.nl](http://www.art1.nl)

prevent and combat discrimination (sex, race, age, handicap, etc.). Art.1 contributes to the equal treatment of all people in the Netherlands. The services provided by the national bureau include among others legal consultation, policy guidance and the provision of information, courses, training, educational projects, and a documentation centre.

- [Building autonomous institutions](#) no
- [Public protest e.g. demonstrations](#) No
- [Campaigning](#) No
- [Lobbying state](#) Yes
- [Service provision](#) Yes
- [Research](#) No.
- [Are they important or marginal to national politics?](#) Not very important, but are consulted on some specific issues
- [Are they centralised or dispersed?](#) CENTRALISED

### **Are there national coordinating organisations for feminist/women's activities in:**

#### • **(NON-)EMPLOYMENT?**

##### Opportunity in Bedrijf- opportunity in business<sup>135</sup>

Network and knowledge centre for diversity. It has dozens of leading companies, Dutch ministries and non-profit organisations as members, as well as expert organisations and "friends". Opportunity in Bedrijf helps organisations develop new policies focused on achieving a balanced workforce at management level and on increasing the number of women appointed to senior management and top executive positions. It is stronger in the economic domain and less in national policies.

- [Building autonomous institutions](#) Yes
- [Public protest e.g. demonstrations](#) No
- [Campaigning](#) Yes – main method, specifically targeting businesses
- [Lobbying state](#) No
- [Service provision](#) Yes
- [Research](#) No.
- [Are they important or marginal to national politics?](#) Marginal
- [Are they centralised or dispersed?](#) Centralised

##### FNV women's federation (FNV Vrouwenbond)<sup>136</sup>

FNV vrouwenbond is the women's federation of the largest Dutch Trade Union FNV.

The women's federation also hosts 'Vrouwen in de Bijstand'<sup>137</sup> (until 2006 the National Service for Women with State Benefits, Landelijk Steunpunt Vrouwen en de Bijstand existed independently). Until 2006 the FNV trade union had a separate gender equality department: the *Vrouwensecretariaat FNV (Women's Secretariat)*.

- [Building autonomous institutions](#) Yes
- [Public protest e.g. demonstrations](#) Yes
- [Campaigning](#) Yes – main method
- [Lobbying state](#) Yes
- [Service provision](#) Yes
- [Research](#) Yes
- [Are they important or marginal to national politics?](#) Somewhat important, the trade union is one of the social partners
- [Are they centralised or dispersed?](#) Both, the trade-union has local chapters

#### • **INTIMATE CITIZENSHIP?**

##### Dutch Family Council

Merged with E-Quality since 1 January 2007 (see E-quality above)

<sup>135</sup> Website: <http://www.opportunity.nl/>

<sup>136</sup> Website: <http://www.fnvrouwenbond.nl>

<sup>137</sup> <http://www.bijstandsvrouwen.nl/>



### COC Netherlands<sup>138</sup>

C.O.C. meant 'Cultuur en Ontspannings-Centrum' or 'Centre for Culture and Leisure', a reminder of the pseudonym the organisation initially adopted after its foundation in 1946. COC is the oldest Lesbian, Gay, Bisexual and Transgender organisation in the world. Since its foundation, COC has been instrumental in bringing about considerable social and legal changes for gays and lesbians in the Netherlands and abroad. It is one of the largest lesbian and gay organisations in the world. It has 24 regional branches and a national office.

- [Building autonomous institutions](#) Yes
- [Public protest e.g. demonstrations](#) Yes
- [Campaigning](#) Yes – main method
- [Lobbying state](#) Yes
- [Service provision](#) Yes
- [Research](#) No.
- [Are they important or marginal to national politics?](#) Relatively important, and very visible on some specific issues
- [Are they centralised or dispersed?](#) Both

### Kenniscentrum Lesbisch en homo-emancipatiebeleid - Dutch Expertise Centre on LGBT Issues<sup>139</sup>

Now part of **Movisie** (see description below in the list of gender based violence civil society organisations). The Dutch Expertise Centre on LGBT Issues collects good practices on lesbian, bisexual and gay policy and projects, informs and supports authorities and organisations in developing policy and projects and functions as a catalyst of policy and implementation.

- [Building autonomous institutions](#) no
- [Public protest e.g. demonstrations](#) No
- [Campaigning](#) Yes
- [Lobbying state](#) Yes –main method
- [Service provision](#) No
- [Research](#) Yes
- [Are they important or marginal to national politics?](#) Marginal, but consulted on some issues
- [Are they centralised or dispersed?](#) Centralised

### Rutgers Nisso Group<sup>140</sup>

The Dutch Expert Centre on Sexuality dedicates itself to promoting sexual and reproductive health, both in the Netherlands and in other countries. Clear, reliable information on sexuality is important in this respect. Rutgers Nisso Group contributes to the improvement of education, prevention, counselling and policy by gathering and disseminating knowledge. Rutgers Nisso Group stands for equal sexual treatment, the protection and improvement of sexual and reproductive health and rights, as well as emancipation of special groups.

- [Building autonomous institutions](#) started as an NGO, now semi-public
- [Public protest e.g. demonstrations](#) No
- [Campaigning](#) Yes
- [Lobbying state](#) Yes
- [Service provision](#) No
- [Research](#) Yes-main method
- [Are they important or marginal to national politics?](#) marginal
- [Are they centralised or dispersed?](#) centralised

### Support Group for Women without a Residence Permit - Steungroep Vrouwen Zonder Verblijfsvergunning (SVZV)<sup>141</sup>

This support group was set up in 1995 in response to the deteriorating rights of women without a (independent) residence permit in the Netherlands. The Support group tries to enforce the position of women without a residence permit on a practical and structural level. The focus is on creating more

<sup>138</sup> Website: [www.coc.nl](http://www.coc.nl)

<sup>139</sup> Website: <http://www.homo-emancipatie.nl/english/index.html>

<sup>140</sup> Website: <http://www.rutgersnissogroep.nl/English>

<sup>141</sup> Website: <http://www.svzv.nl>

self reliance. Women can come by for information and help in arranging practical matters (accommodation, medical and legal matters, educational possibilities). SVZV is active in creating provisions and creating networks of and for women and, when necessary, point them to other organisations.

- [Building autonomous institutions](#) Yes
- [Public protest e.g. demonstrations](#) No
- [Campaigning](#) No
- [Lobbying state](#) No
- [Service provision](#) Yes
- [Research](#) No
- [Are they important or marginal to national politics?](#) No, not important
- [Are they centralised or dispersed?](#) Centralised

## • GENDER BASED VIOLENCE?

### MOVISIE<sup>142</sup>

MOVISIE is the Netherlands's centre for social development. It has become a professional organisation over the years. Its mission is to promote the participation and independence of citizens, by supporting and advising professional organisations, volunteer organisations and government institutions. Five themes are central: Social cohesion, Volunteer effort, Domestic and sexual violence, Vulnerable groups, and Informal care. Transact, the former expert centre on sexual violence is now part of Movisie.

- [Building autonomous institutions](#) no, hybrid that is totally state funded and state dependent
- [Public protest e.g. demonstrations](#) No
- [Campaigning](#) Yes
- [Lobbying state](#) Yes
- [Service provision](#) Yes
- [Research](#) Yes
- [Are they important or marginal to national politics?](#) Yes, considered main expert on the issue of GBV
- [Are they centralised or dispersed?](#) Centralised

### Federatie Opvang (Federation of Shelters)<sup>143</sup>

Umbrella organisation of all shelter accommodations in the Netherlands. The Federation of Shelters promotes the interests of homeless shelters and women's shelters. The Federation monitors trends and developments, encourages innovation, initiates cooperation on national and local level and lobbies policy making on actual themes.

- [Building autonomous institutions](#) Yes
- [Public protest e.g. demonstrations](#) No
- [Campaigning](#) No
- [Lobbying state](#) Yes
- [Service provision](#) Yes
- [Research](#) No.
- [Are they important or marginal to national politics?](#) Not very important
- [Are they centralised or dispersed?](#) Centralised, but shelters are local/regional

### Pharos<sup>144</sup>

Pharos is a Dutch knowledge centre that is specialised in the field of health care for refugees, asylum seekers, undocumented migrants and other migrants. Pharos's mission is to assist professionals and organisations that want to improve the provision of (health) care and services to refugees and migrants. To that end, Pharos develops knowledge and methodologies and offer information, training and advice.

---

<sup>142</sup> Website: <http://www.movisie.nl>

<sup>143</sup> Website: [www.opvang.nl](http://www.opvang.nl)

<sup>144</sup> Website: [www.pharos.nl/supernavigatie/english](http://www.pharos.nl/supernavigatie/english)

- Building autonomous institutions Yes
- Public protest e.g. demonstrations No
- Campaigning No
- Lobbying state No
- Service provision Yes- main method
- Research Yes
- Are they important or marginal to national politics? No, not important
- Are they centralised or dispersed? Centralised

### List the key anti-feminist organisations and their main methods/ activities?

There are not many antifeminist organisations and the ones that exist are small and not very influential. On GBV, there is an organisation stating that men have fewer rights than women within the family. [http://www.stichting-humanity.nl/opvang/index.php?categoryid=9&p2\\_articleid=7](http://www.stichting-humanity.nl/opvang/index.php?categoryid=9&p2_articleid=7)

There is also a small pro-life organisation, Schreeuw om leven [Scream for Life].<sup>145</sup> As an anti-abortion organisation they are visible, but not very influential.

- Building autonomous institutions: NO
- Public protest e.g. demonstrations: sometimes (anti abortion)
- Campaigning: main method
- lobbying state: main method
- service provision: yes
- research: NO
- Are they important or marginal to national politics? Not important
- Are they centralised or dispersed? centralised

### Fathers 4 Justice (F4J) – Dutch branch

Originally set up to fight injustice done to fathers (not allowed to have contact with their children anymore) and to children (who grow up 'without father') by the family right system. In the meantime the organisation also strives for the rights of mothers (and their children) who are not allowed to see their children anymore. And also women (usually mothers, partners, wives, friends and family members of the fathers) called 'purplehearts' are active within the F4J organisation.

- Building autonomous institutions No
- Public protest e.g. demonstrations Yes – main method
- Campaigning Yes – main method
- Lobbying state Yes
- Service provision No
- Research No
- Are they important or marginal to national politics? Marginal
- Are they centralised or dispersed? centralised

### Are there any men's groups / organisations that are supportive of women's / feminist organisations?

Not as separate organisations, men are active within women's organisations and state institutions

- What are the major distinctions between types of organisations/projects e.g. feminist, housewives, women in trade unions?

There are no prominent overall distinctions during the Quing period. There is a large distinction between the most important organisations now and in the past: in the past such organisations were more explicitly feminist, and activist, now they are often state-dependent or state related (and if state subsidy stops, then the organisations stop as well). There are not many 'independent' organisations left, and the main ones are organisations of experts (Clara Wichmann as an example), or professional character. (Movisie, E-Quality)

Niche-activism: division of labour between organisations. No culture of competition between the different organisations.

<sup>145</sup> Website: <http://www.schreeuwomleven.nl/english.htm>

Another distinction is the one between classic organisations (“older generation”), versus loose type of networks that mobilise ad-hoc, and organise large festivals with a feminist twist (“younger generation”)

o **Do women’s organisations actively engage with other intersecting inequalities (in each area?)**

Some do, but not all. On a scale, ‘equality and ethnicity’ and ‘equality and sexuality’ would be the most commonly addressed intersections of inequalities within the feminist movement. The NVR is white, but includes differences in religion and in political orientation. Class is very much present, even though the word class seems to have fallen out of discourse (see former FNV-vrouwensecretariaat, Vrouwenalliantie). Age and disability are the two least addressed inequalities.

o **Do they have good alliances with those representing other inequalities or not? (in each area)**

Very few joint mobilisations and coordinated actions. International Women’s Day activities are often organised jointly. .

o **Are there alliances between women’s organisations and men’s groups?**

Not relevant, men’s groups are small and mostly not feminist. From the outset the Dutch women’s movement has included some feminist men, and this is still the case.

o **Are there many organisations of minoritised women? (in each area)**

Yes, there are many small organisations, they are not always explicitly feminist but are concerned with improving the (mostly labour) position of minority women.

**General:** Tiye International<sup>146</sup>, Pafemme<sup>147</sup>

**Non-employment:** many small organisations are helping women to gain access to labour market

**Intimate citizenship** Yes, in particular *Support Group for Women without a Residence Permit SVZV* (see description above in the list of intimate citizenship civil society organisations). Furthermore, COC (see also description in intimate citizenship list above) Netherlands has projects on diversity.

**GBV:** Kezban<sup>148</sup>

o **What links are there with international? / EU level bodies? (in each area)**

Many organisations are internationally active, below, some of the most important links are listed:

**General** – ETUC/Trade Unions, EWL, ENAR

**Non-employment** – ETUC/Trade unions

**Intimate citizenship** – ILGA Europe

**Gender based Violence** – EWL, Observatory on VAW, WAVE.

**Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?**

Historically the Dutch women’s movement has always been strongly engaged with the state, and received state-support from an early stage (1970/80’s). Engagement between the state and organised feminism has decreased throughout the QUING period (based on number of consultations, conferences with state representatives and state funding). Organised feminism has declined as a result of cuts in state-funding since the late 1990s.<sup>149</sup> Furthermore, the institutional infrastructure for gender-equality on state, regional and local level has decayed. Ironically, this also means that a large part of the remaining organisations is either close to the state or hybrid (semi-public).

• **Does this vary between issue areas? NO**

General – engaged

Non-employment - engaged

Intimate citizenship – engaged

Gender based Violence – engaged

• **Has this changed over time?**

<sup>146</sup> Website: <http://www.tiye-international.org/profile/index.html>

<sup>147</sup> Website: <http://www.pafemme.nl/>

<sup>148</sup> Website: <http://www.st-kezban.nl/english/index.htm>

<sup>149</sup> Outshoorn, Joyce and Jantine Oldersma. 2007. Dutch Decay: the Dismantling of the Women’s Policy Network in the Netherlands. in: Outshoorn, J. and J. Kantola. *Changing State Feminism*. Basingstoke: Palgrave McMillan pp. 182-200.

Yes, there has been a decline in activism and influence of feminism and a decline in political opportunities since gender equality policies have lost their priority on the political agenda (since the early 21<sup>st</sup> Century).

- **When engaging with the state is a coalition form of organising common or not?**

There is no history of coalitions, but there have been forced mergers of organisations because of the requirements for state funding.

**Does it make sense to talk of a 'women's movement' or not? Briefly explain your answer.**

NO and YES. No, it does not make sense anymore if one thinks of an autonomous movement in the classic sense. Yes, if you consider feminist networks, discussions, festivals and visibility of feminist journals (Feminist journal *Opzij* has a circulation of around 75.000). Feminist discussions are visible in media through feminist opinion leaders (for instance active as columnists in major Dutch newspapers).

- **Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?**

**General:** transformation: inclusion of men and women in all realms: social, political, economic, including sharing of parental responsibilities.

**Non-employment:** the dominant vision is sharing caring responsibilities. Some (individual but powerful) feminists advocate state or market provided care (Heleen Mees, newspaper columnist), which is rather transformation.

**Intimate citizenship:** Sameness & equal opportunities through equal treatment (in particular access to marriage, adoption and reproductive technologies)

**GBV:** de-gendered and culturalised (strong focus on violence in minority groups). Rather sameness mixed with intersectional bias.

- **Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?**

Both. The preferred Dutch model is based on both parents, and other family members, doing care work, while at the same time the state stimulates the use of public day care and guest parents. While the effort for a public regime is stronger than in the past, it is still a mixed regime.

- **How closely aligned is feminism with social democracy?** Not so close

**Notes on the history of the development of gendered or feminist civil society organisations:**

- **Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate? Does this vary by 4 areas (general, employment, intimate citizenship, and gender based violence)?**

In the QUING period this is a non-issue.

Historically the Dutch women's movement has always been strongly engaged with the state, and received state-support from an early stage (1970/80's). Engagement between the state and organised feminism has decreased throughout the QUING period (based on number of consultations, conferences with state representatives and state funding). Organised feminism has declined as a result of cuts in state-funding since the late 1990s. Furthermore, the institutional infrastructure for gender-equality on state, regional and local level has decayed. Ironically, this also means that a large part of the remaining organisations is either close to the state or hybrid (semi-public).

- **Is there a history of divisions as to: socialist, radical, liberal? Does this vary by 4 areas**

These distinctions only apply to the 1970s and the 80s. Currently there is no such divide, tradition of tolerance is the dominant approach.

Thematic differences, leading to a movement with a division of labour rather than different visions.

Dutch organisations developed a variety of positions with a particular mix of liberal, radical, and socialist positions.

- **Is there a history of changing engagement with class, ethnic and religious forces? Does this vary by 4 areas?**

The early victory of claiming spaces in traditional institutions like trade-unions, political parties and churches has lost its prominence and has only survived in small and non-influential factions. Parallel

to the growing strength of ethnic organisations and institutions, ethnicity gained prominence, and women and feminists have engaged more with those. E-quality has taken this issue as its central issue.

#### Is feminist research organised in Universities and research institutes? Are there named centres?

Although there are less units at Dutch universities committed to feminist research now than there was in the late 20<sup>th</sup> century, there are still some prominent Centres, such as the Institute for Gender Studies at Radboud University Nijmegen, the Centre for Gender and Diversity at Maastricht University (these have a matrix format, being connected to mainstream departments but also organised separately) and the Gender Studies department at Utrecht University (this is the only large separate unit). Most other universities have at least some gender scholars in mainstream departments, a small gender studies research unit (such as the Joke Smit Institute at Leiden University) or more loose networks.

- If yes, are they important? If not, is important feminist research primarily dispersed or mainstreamed?

Yes, they are important and to various degrees visible in mainstream research.

- Are there specific positions, funds or journals within the country (or region e.g. Nordic)?

There are some specific funds at national or university level that target women in research (such as Aspasia or the Frye scholarship at Radboud University), and that are also used for gender studies. In the past there were specific national funding programmes for women's studies.

There is a national refereed academic journal (in Dutch), the *Tijdschrift voor Genderstudies*, and there is also a less academic journal *Lover*, which publishes work by young scholars and writers.

- Is there a national association for women's studies/gender studies?

Yes, the NGV (Dutch Association of Women Studies; Nederlands Genootschap Vrouwenstudies) that also belongs to WISE, Women's International Studies Europe (and in fact was the secretariat for this organisation in its early years).

#### Are there feminist lawyers' organisations?

The *Vereniging voor Vrouw en Recht 'Clara Wichmann'* is a platform of feminist lawyers and legal specialists in the Netherlands. This is a very active and visible organisation.

Several universities have gender studies in the faculties of Law.

There are Dutch members of the EWLA, the European Women's Lawyers Association.

- Are there radical lawyers' organisations that support justice claims for one or more of the inequalities?

Art.1 has a legal issues helpline and several offices across the country.

## 7.2 Class

- A short history of the development of organisations representing class interests.

Since World War II union federations have had a strong standing in Dutch politics. After 1945, relations were tense and conflictive as the influence of communist ideas was strong in society, among workers and in the organisation of trade unions. In the 'cold war' period differences were reinforced. The reformist secular union federation came out of this process as a winning party, and became the largest union (FNV). Aside, unions with a Christian believe, consolidated their power. Mergers between union federations - notably the general with the catholic - centralised the political union landscape in the seventies. In the following decades new unions were introduced, representing as new articulated interests, such as that of knowledge workers. At present, the decline in membership levels of unions presents an issue. In my opinion unions succeed in consolidating their membership levels to a certain degree (more women become member and over the whole the percentage of women in membership increases), while the other parties, the authorities and employers' representatives, value the existing union federations as consulting and negotiating partners.

With respect to employer organisations my knowledge is limited. The list above gives the name and perspective of the three organisations: general companies, and small and medium sized companies. For historical reasons agriculture is still separately organised.

- How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)
  - density (proportion of workers that are organised),

Of the workers 24% are organised. .

- coverage (what proportion of workers are covered by collective bargaining agreements)

Around 80% of the workers are covered by collective bargaining agreements (between 78% up to 84%, depending on whether civil servant agreements are included).

- centralisation of collective bargaining,
  - is there a national body of trade unions;

No, there is not *one* national body of trade unions. But the union federations mentioned under 5.2 (the three of them being: Federations of Dutch Trade Unions (Federatie Nederlandse Vakbeweging, FNV), Christian Trade Union Federation (Christelijk Nationaal Vakverbond, CNV) and MHP, the national union federation for middle and higher personnel) are the national bodies of the associated unions and confer at national level.

- What proportion of TU members and unions are affiliated?

All unions, active under the umbrella of the union federations mentioned above, are affiliated unions. Of the union members 90% are members of an umbrella organisation.<sup>150</sup> Aside the three main union federations, there are independent unions representing 10% of unionised employees. Two examples: 'AVV' is a newcomer, directed at young urban professionals, and 'Nu '91' was a newcomer, active among nursing personnel of hospitals.

- Coordination of collective bargaining.
  - Does the national body of trade unions negotiate on behalf of trade unions

No, with regard to collective bargaining this is not usual in the Netherlands. Unions negotiate collective agreements. Nevertheless, trade union federations at national level negotiate and confer with government and employer organisations on central issues (on behalf of their associated unions).

- Can it coerce or discipline member unions to enforce agreement?

No, formally not. In practice federations will use their power to influence member unions, but enforcing is not in their power.

- Women and trade unions:
  - What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female?  
(Use national Labour Force Survey. Website providing links to country LFS available from International Labour Organisation: <http://www.ilo.org/dyn/lfsurvey/lfsurvey.home> )

Of the total trade union membership in 2007 32% is female, an increasing proportion.<sup>151</sup>

- How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)?

At present, women are organised in the 'normal' unions. Traditionally, there has been a separate women's union. In the seventies, this organisation revived. Women became members of this union, or became members of the union in their professional area and sometimes also of the women's section of this union.

- What proportion of women are in the executive of (major) trade unions?

Unknown. Less than 10% I assume. Notably so, the president of the largest union federation (FNV) is a woman. This is a fact that has been regarded as a large victory of women in the union movement.

<sup>150</sup> Central Bureau for Statistics (2008/1) Sociaaleconomische trends, Leden Vakbonden, Members of Unions, p.47-51, Voorburg/Heerlen 2008

<sup>151</sup> Central Bureau for Statistics (2008/1) Sociaaleconomische trends, Leden Vakbonden, Members of Unions, p.47-51, Voorburg/Heerlen 2008

- Is gender equality high or low on the bargaining agenda?

Gender equality is low on the bargaining agenda. Nevertheless, at central level, the social partners have advised and agreed on equality issues since 1990.<sup>152</sup> The relevance of gender equality in agreements has decreased in the last 10 to 15 years. That means that at central level, in deliberations of the social partners, the issue has lost its urgency. The discourse of diversity – started from employers' side – became dominant.<sup>153</sup> One could add that the importance of gender-issues in collective bargaining declined too.<sup>154</sup>

- Is it seen as an issue for women, or for all trade unionists?

It is viewed as an issue for all.

- How well organised are employers?

I believe that employers are well organised in the Netherlands, comparable with the union federations. They function in the same confer structure, but I lack the sources to confirm this statement (other than my own EIRO work).

- Do they have a single (or more) national organisation?

They have three national organisations (see also section 5.2 above): VNO-NCW, MKB-Nederland, the employer association for SME's and LTO-Nederland, the organisation for the agricultural sector.

- Is it powerful or not? E.g. can it control its members?

The organisations are powerful; they are able to control their members to a high degree. A fact is however that the organisations do not operate in this way. Consensus is highly valued. Discrepancies between central level perspectives and the practice of member companies are often ignored.

- Are they indifferent or hostile to gender equality in the workplace?

Employer organisations are neither hostile nor indifferent to gender equality, although they prefer the word 'diversity'. Single employers are often more conservative than their spokesmen at central level.<sup>155</sup>

- Do they oppose the development of gender machinery, gender equality policies and gender equality laws?

The representatives at central level are not opposed to the gender machinery or equality policies and to a certain extent laws, but they stress the decentralised, voluntary approach. Equality has to become a business case. Too many rules and more legislation will only work contra productive, in their view.

- Do they support 'diversity management'? (e.g. policies that emphasise the gains associated with the promotion of diversity in the organisation, in contrast to an emphasis on equality / equal opportunities).

Yes, see above.

- Did they lobby for merged rather than separate equalities bodies?

If they would lobby, they would lobby for merged bodies.

- Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions?

There is the tripartite Social and Economic Council (Sociaal Economische Raad, SER). However, this advice committee does not make important national decisions.

---

<sup>152</sup> Grunell, M. 2002. *Mannen zorgen. Verandering en continuïteit in zorgpatronen* [Men care. Change and continuity in care patterns], Amsterdam: Aksant. And in particular: M. Grunell. 1999. 'Employers on labour and care in the future labour market structure' in the Netherlands. *Journal of Social Sciences* 35(2), p.140-165.

<sup>153</sup> Grunell, M. 2002. *Mannen zorgen. Verandering en continuïteit in zorgpatronen* [Men care. Change and continuity in care patterns], Amsterdam: Aksant.

<sup>154</sup> Sloep, M.J. 1996. *Het primaat van een mannenbolwerk. Emancipatie in cao-onderhandelingen* [The primacy of a male stronghold. Emancipation in collective bargaining], Den Haag: Emancipatieraad.

<sup>155</sup> M. Grunell. 2002. EIRO study Women and career development, country report: the Netherlands, <http://www.eurofound.europa.eu/eiro/studies/tn0612019s/>



- Are women represented in such bodies?

Women may and will be represented in these bodies, but they are not chosen on a feminist programme, but as members of union federations, employers' organisations or as independent members.

- Are there EU, bilateral or other international level links for either trade union or employer organisations?

Yes, union federations and employer organisations are members of European and international member organisations.

- Are these links important (e.g. in lobbying government at national level)

Unknown. I assume that these links will become of greater importance in the near future.

### 7.3 Other intersecting social inequalities

#### 7.3.1 Ethnicised / racialised groupings

What is the composition of the national population by ethnicity?

The Netherlands has 16.4 million inhabitants, of which 13.2 million are autochthonous Dutch persons, and 3.2 million (19.5%) are allochthonous persons. The most important groups are: 335,000 Moroccans; 373,000 Turkish; 336,000 Surnames; 132,000 Antilleans and Arubans; 387,000 Indonesians; 112,000 Belgians and 380,000 Germans.<sup>156</sup>

What are considered to be the most important ethnicised, racialised, and linguistic divisions politically (e.g. Roma/non-Roma, Black/White, citizen/migrant, language communities)?

Non-western allochthonous versus autochthonous (not really citizen/migrant, because these allochthonous persons have Dutch nationality). More recently Islamic/non-Islamic.

Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)?

Yes, the division Islamic/non-Islamic is getting more politicised in recent years (Moroccan and Turkish population)

Prioritise the ones that have been the most important in the development of gender+ equality policies.

Non-western allochthonous/autochthonous (instead of 'allochthonous' the term 'ethnic minority groups' is used frequently as well, so then the division would be: ethnic minority groups/ethnic Dutch majority group). See also question 2.1 on national gender (+) equality plans to get an idea of the amount of attention paid to ethnic minority women in gender equality plans.

After the 2002 elections, the LPF (List Pim Fortuyn) won 26 seats in the Second Chamber. The LPF had a high profile on issues like migration and crime. Integration of Muslim migrants was problematised in relation to issues such as law-and-order. Since 2002, the LPF discourse on these issues has become mainstream for other right-wing parties. In this discourse, only migrant and minority women are oppressed and need to be helped (focus on emancipation and integration), while it is suggested that gender inequality among autochthonous Dutch no longer exists.<sup>157</sup> In recent years the political party LPF has almost disappeared from the political arena, however new similar parties have entered the political arena: Geert Wilders's "Freedom Party" (Partij voor de Vrijheid) currently has 9 seats in the Second Chamber of Parliament (House of Representatives). Rita Verdonk who was an MP for the Liberal Party (VVD) but recently left that party, has launched her own political party called "Be Proud of the Netherlands" (Trots op Nederland, TON). The next parliamentary election will be the party's first.

<sup>156</sup> <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=37296ned&D1=a&D2=0,10,20,30,40,50,57-58&HDR=G1&STB=T&VW=T>

<sup>157</sup> Outshoorn, J. and J. Oldersma, 'Dutch Decay: the Dismantling of the Women's Policy Network in the Netherlands', in Outshoorn, Joyce and Johanna Kantola. 2007. *Changing State Feminism*. Houndmills/Basingstoke: Palgrave Macmillan, page 182-200

What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?

There is no minority group that specifically lacks certain citizenship rights. Refugees and asylum seekers do have a different citizenship status. For example, as long as it is not decided whether or not they will receive a residence permit, they are not allowed to work. They do not receive social assistance, but instead they receive a weekly allowance of 15 Euros. They reside in a reception centre (no right to housing). They do not have a vote in elections.

In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research).

There is a large amount of organisations of ethnicised and racialised groups in the Netherlands. There are regional and national organisations. Below, the most important *national* organisations are mentioned.

- National Consultation on Minorities [Landelijk Overleg Minderheden, LOM]: the National Consultation on Minorities is collaboration between seven minority organisations that work together to look after the interests of their support groups (Chinese, Moroccan, Turkish, Southern-European, Caribbean and Surinam groups). They deliberate at least three times a year with the cabinet on policy measures and developments.<sup>158</sup> The seven minority organisations also work intensively with each other and with other organisations such as trade unions and the elderly union.
- Refugee Organisations Netherlands [Vluchtelingen Organisaties Nederland, VON]: national representative body for refugees. More than 400 refugee organisations are gathered in the Refugee Organisations Netherlands. The organisation gives advice to government (through the National Consultation on Minorities); organises debates, conferences and events; participates in the public debate; emits publications; makes information available for refugees; extends the network of refugees organisations in the Netherlands and Europe.<sup>159</sup>
- FORUM: institute for multicultural development. Forum gives (invited and uninvited) advice to the government on policy proposals and legislation; disseminates information through, amongst other things, training and conferences; organises public debates; obtain knowledge on the developments concerning multicultural issues.<sup>160</sup>
- Tiye International: umbrella NGO of 21 national organisations of Black, Migrant and Refugee (BMR) women in the Netherlands. Tiye International sets up (voluntary) working groups, participates in external workgroups and boards; and develops and/or carries out projects.<sup>161</sup>
- KEZBAN: foundation to prevent and stop domestic violence in migrant communities.
- The foundation gives information through information films; gives support to victims of domestic violence and to social workers who need information; and takes part of national consultation with the government on the issue of domestic violence.<sup>162</sup>
- Support Group for Women without a Residence Permit [Steungroep Vrouwen Zonder Verblijfsvergunning, SVZV]: the support group works on improving the position of women without a valid residence permit. They organise a weekly office hour to offer support on practical issues such as housing, medical and judicial issues and education.<sup>163</sup> See also above in 7.1.
- Comensha: Comensha is a foundation that supports women victims of trafficking as well as men that are exploited. Comensha collects information on victims of human trafficking; supports victims; organises education, conferences and workshops; brings together (new) collaborations between organisations on trafficking.<sup>164</sup>
- BlinN (programme 'Bonded Labour in the Netherlands'): initiative of Humanitas and Oxfam to support persons, mainly women, who become victim of trafficking. BlinN helps with handling trauma's, supports victims with education and work and offers training for independent living.<sup>165</sup>
- Self-organisations: there is a large amount of self-organisations, such as the Moroccan Women's Organisation Netherlands. A self-organisation can have various different strategies,

---

<sup>158</sup> <http://www.minderheden.org/>

<sup>159</sup> <http://www.vluchtelingenorganisaties.nl/wat/watdoetvon.asp>

<sup>160</sup> <http://www.forum.nl/organisatie/index.html>

<sup>161</sup> <http://www.tiye-international.org/profile/index.html>

<sup>162</sup> <http://www.st-kezban.nl/pages/doel.htm>

<sup>163</sup> <http://www.svzv.nl/>

<sup>164</sup> <http://www.mensenhandel.nl/>

<sup>165</sup> <http://www.blinn.nl/>

from organising activities and events for the support group to deliberations with the government on policy plans.

### In what way are women engaged in these organisations? Do minoritised women organise separately within or outside of such organisations?

The first three organisations are 'general' ethnicized organisations; the six organisations that follow (the self-organisations not included) are mainly aimed at women.

- National Consultation on Minorities: it is difficult to determine in what way women are engaged in the organisation, because it is not clear which persons are delegated from the seven minority organisations. When looking at the board members of the seven affiliated organisations, the number of women in management functions is approximately 35%. One of the seven organisations has a separate division on women. In half of the other organisations there is a focus on 'women's' issues such as domestic violence, honour violence, women's emancipation.
- Refugee Organisations Netherlands: only one of the four members of the board is a woman. Within the Refugee Organisations Netherlands, there is deliberation with the Platform of Women's Organisations two times a year. In this platform the organizations for refugee women that are member of Refugee Organisations Netherlands are gathered.<sup>166</sup>
- FORUM: four of the seven members of the board of Forum are female. There is no separate division for women in the organization. In the annual report of 2006, there is attention for the emancipation of allochthonous girls and female old comers (allochthonous women that lived in the Netherlands for a longer period)

Because the following organisations are predominantly aimed at women, comments are only made in what manner women are engaged in the organisation.

- Tiye International: There is no information known as to the way in which women are engaged, but because the organisation is directed at Black, Migrant and Refugee women, it can be expected that women participate actively in the organisation.
- KEZBAN: there are only allochthonous women engaged in KEZBAN.
- Support Group for Women without a Residence Permit: not known. .
- Comensha: no information.
- BlinN: a woman and a man were the founders of BlinN. There is no other information known as to how women are engaged in this organisation.

#### o Are there EU, bilateral or other international links for these organisations?

Only organisations with known EU or international links are mentioned below. .

- Refugee Organisations Netherlands: without further specification, it is stated that the RON takes part in European conferences concerning the issue of refugees. The RON plans to take the initiative to establish a European umbrella of refugee organisations.<sup>167</sup>
- Tiye International: Tiye participates in the European Women's Lobby. The delegate of TIYE is a board member of the EWL. On the International level, Tiye is an affiliate of CONGO (Council of NGOs) that works in close cooperation with the United Nations and other NGOs worldwide. Tiye is also a member of the International Cross Cultural Black Women's Institute. Furthermore, Tiye has Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations.<sup>168</sup>
- BlinN: is active member of the Global Alliance Against Traffic in Women (GAATW). Furthermore, because BLinN is an initiative of Humanitas and Oxfam Novib, it uses their network of partners around the world.<sup>169</sup>

#### o Are there any groups organised against certain ethnic groups?

There are several political parties and/or movements that are organised against ethnic groups:

- Freedom Party of Geert Wilders: political party that won 9 seats in the Second Chamber after the 2006 elections. The party has an action plan of 18 measures to decrease immigration.

<sup>166</sup> <http://www.vluchtelingenorganisaties.nl/activiteiten/overzicht.asp>

<sup>167</sup> <http://www.vluchtelingenorganisaties.nl/activiteiten/overzicht.asp#6>

<sup>168</sup> <http://www.tiye-international.org/profile/index.html>

<sup>169</sup> <http://www.blinn.nl/?c=project9>

- Extreme right parties or movements such as the National People's Movement [Nationale Volksbeweging], Dutch Peoples-Union [Nederlandse VolksUnie], New Right.

### 7.3.2 Religion/belief/faith

#### What is the composition of the national population by religion / faith

In 2007, 28% of the population was Catholic. 19% of the population is Protestant.<sup>170</sup>

In 2004, 5.8% of the population was Muslim, 0.6% is Hindu.

#### What proportion of the population are practising members of an organised religion?

7% of the population are practising members of the Catholic religion. 19% of the population are practising members of the Protestant religion. No data on Muslims and Hindu is found.

#### What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Roman Catholic Church Community [Rooms Katholiek Kerkgenootschap, RKK]: There is no main strategy formulated by the Catholic Church.

Protestant Church in the Netherlands [Protestante Kerk in Nederland, PKN]: merged in 2004 between the Dutch Reformed Church [Nederlandse Hervormde Kerk], the Reformed Church [Gereformeerde Kerk] and the Evangelical Lutheran Church.<sup>171</sup> Again there is no main strategy formulated by Protestant Church.

Council of Churches: The Catholic Church and the Protestant Church, together with ten other Church organisations are organised in the Council of Churches [Raad van Kerken]<sup>172</sup>. This organisation aims at uniting those churches, and pursuing joint interests. While this was quite successful in the 70s and 90s, the last decades have seen a decline of interest, especially from the Catholic Church.

Contact Organisation Muslims and Government [Contactorgaan Moslims en Overheid, CMO]: the CMO is an umbrella organisation of ten Muslim organisations. In 2004 it was acknowledged as an official consultation partner by the Minister of Aliens Affairs and Integration. The organisation periodically deliberates with the minister on topical issues that are relevant for the Muslim community. The CMO has started projects in different areas, such as on religious education, imam education and broadcasting time on television and radio.<sup>173</sup>

Contact group Islam (CGI): organisation of Muslims that did not feel represented by CMO. In 2005 it was acknowledged as official consultation partner by the Minister of Aliens Affairs and Integration.

#### How are women represented or not within them?

Catholic Church: there is a Union Dutch Catholic Women's Movement [Unie Nederlandse Katholieke Vrouwenbeweging, UNKV]. This movement contains three organisations; Conference Dutch Religious, the Catholic Women's Society and SheActive Catholic Women Network.<sup>174</sup> In a recent article that was published in one of the major Dutch daily newspapers, it is stated that the influence of women in the Catholic Church is decreasing. Female pastoral workers are less and less allowed to preach. Women cannot become chairperson of a Church board. Moreover, female members of the parochial board feel that the bishop prefers men in the board. They fear that they will lose their position in the parish.

Protestant Church: there is a Protestant Women's Organisation [Protestantse Vrouwen Organisatie]. In the Dutch Reformed Church women were allowed to become pastor starting from 1967, in the reformed church this was 1969. In the first years women lost this position when they married. This was later abolished.

Contact Organisation Muslims and Government [CMO]: the organisation has 10% women on its board. When looking at the ten organisations that fall under the CMO, there are two organisations that refer to a separate women's council or federation (without giving any further information). None of the member organisations mentions issues that are related to women.

#### Do they oppose gender equality in general and in our three issues?

Catholic Church: The Dutch Catholic Church has a tradition of feminist activism going back to the 70s and 80s (feminist theology and active membership for change towards gender equality). While this has

<sup>170</sup> <http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=37944&D1=a&HD=080616-2328&HDR=T&STB=G1>

<sup>171</sup> <http://www.pkn.nl/>

<sup>172</sup> <http://www.raadvankerken.nl/?b=27>

<sup>173</sup> [http://www.cmoweb.nl/index.php?option=com\\_frontpage&Itemid=1](http://www.cmoweb.nl/index.php?option=com_frontpage&Itemid=1)

<sup>174</sup> <http://www.knr.nl/documenten/studiedag%2002042008.pdf>

dwindled, their position is still influenced by this historical legacy. One of the organisations affiliated with the Union Dutch Catholic Women's Movement states, without further specifying, that it is especially important to decrease the power inequality between men and women and to increase the right to consultation for women in church and in the whole society.<sup>175</sup>

It is not possible to label whether the Catholic Church opposes gender equality in general or in our three issues because they are not very active and outspoken about this.

Protestant Church: the Protestant Church is a combination of three Churches that (could) differ in their views on gender equality. Here, as with the Catholic Church, the more liberal parts of the protestant Church have had a tradition of feminist activism (including feminist theology) that has declined in the past decade. Some parts of the Protestant Church are more progressive, while others are more conservative. It is not possible to label whether the protestant Church opposes gender equality in general or in our three issues, because they are not very active and outspoken about this.

Contact Organisation Muslims and Government (CMO): Some of the organisations in the CMO are actively in favour of gender equality (Milli Gorus for example has sermons against honour killings and advocating equal value of men and women). Time and again newspapers also report on Islamic imams taking positions against gender equality<sup>176</sup>. These organisations are probably as diverse as the Christian churches. .

Contact group Islam (CGI): said by some to be more liberal than the CMO.<sup>177</sup>

#### What is their preferred model of womanhood?

Catholic Church: women and men are naturally different, women as carers

Protestant Church: women and men are naturally different, women as carers

Contact Organisation Muslims and Government: women and men are naturally different, women as carers

#### Do they support or oppose the other equalities issues?

Catholic Church: sexuality: depends on specific church community, disability: support, age: support, ethnicity: support

Protestant Church: sexuality: depends on specific church community, disability: support, age: support, ethnicity: support

Contact Organisation Muslims and Government: sexuality: problematic<sup>178</sup>, disability: support, age: support, ethnicity: support

#### Are they in alliance with any other inequalities or not?

Catholic Church: no information available

Protestant Church: not much information on this, but the Protestant Church has a Foundation to financially support allochthonous churches.

Contact Organisation Muslims and Government: although the organisation is clearly established from a religious point of view, it cannot be separated from ethnicity. They issued a joint declaration with the Council of Churches on the occasion of the Wilders movie.<sup>179</sup>

#### Are there any groups organised against certain religious groups?

Against Protestant and Catholic Church or population: NO. Against Islamic Church or population: see question "Are there any groups organised against certain ethnic groups" in section 7.3.1 above.

#### Are there EU, bilateral or other international links for these organisations?

Catholic Church: there is of course the link with the Vatican. The Catholic Church is also member of the World Council of Churches

Protestant Church: there are at least eight European/international links for the Protestant Church. Some examples: member of the World Council of Churches, member of the World Alliance of Reformed Churches<sup>180</sup>

---

<sup>175</sup> [http://www.knr.nl/pagina.asp?pagina\\_id=174](http://www.knr.nl/pagina.asp?pagina_id=174)

<sup>176</sup> Douwes, Dick Martijn de Koning, Welmoet Boender. 2005. Nederlandse moslims: van migrant tot burger. Amsterdam: Amsterdam University Press.

<sup>177</sup> Douwes, Dick Martijn de Koning, Welmoet Boender. 2005. Nederlandse moslims: van migrant tot burger. Amsterdam: Amsterdam University Press.

<sup>178</sup> Douwes, Dick Martijn de Koning, Welmoet Boender. 2005. Nederlandse moslims: van migrant tot burger. Amsterdam: Amsterdam University Press.

<sup>179</sup> [http://www.cmoweb.nl/index.php?option=com\\_content&task=view&id=2&Itemid=2](http://www.cmoweb.nl/index.php?option=com_content&task=view&id=2&Itemid=2)

Contact Organisation Muslims and Government: NO, CMO has no EU or international links. Some of their member organisations have links to an international organisation (World Islamic Mission, Milli Gorus).

### 7.3.3 Sexual orientation

Are there gay/lesbian/trans/bisexual/queer organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

There are many LGBT organisations and networks in the Netherlands. Service provision is strong. Lobbying for gay marriage has been done mostly by the GayKrant, a magazine. There is also commercialisation. Amsterdam University and Radboud University Nijmegen have Gay and Lesbian/ Sexuality Studies offering courses and doing research. There are less autonomous institutions than in the past, as integration has increased, but there are still some (also Gay and Lesbian Archives). There is also the Dutch Expertise Centre on LGBT Issues that is now part of MOVISIE. The Dutch Expertise Centre on LGBT Issues collects good practices on lesbian, bisexual and gay policy and projects, informs and supports authorities and organisations in developing policy and projects and functions as a catalyst of policy and implementation.<sup>181</sup>

Do they have a national organisation? COC Netherlands<sup>182</sup> is the only main national organisation, uniting many local groups. COC Netherlands is marked by highly visible public campaigns, domestic coalitions, close cooperation with local government in policy implementation, and transnational networking<sup>183</sup>. They engage in many alliances (Amnesty International, sports organisations, and commercial banks) and have a strong focus on transnational advocacy.

In what way are women engaged in and represented in these organisations? They are integrated, but certainly not dominating the organisation.

Do they work in alliance with other inequalities or not? Yes, they have many projects on diversity (working on age (both the young and the old)/ religion (all religions, but special attention for Islamic LGBT)/disability).

Are there any groups organised against gay / lesbian / trans-people?

No major ones.

### 7.3.4 Disability

Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

General Dutch Handicapped Organisation [Algemene Nederlandse Gehandicapten Organisatie, ANGO]: an organisation for people with function limitations and chronically ill people. The organisation, with 17,500 members, offers service provisions, such as judicial advice, advice on taxes and financial aid. It publishes an information magazine and organises meetings for disabled to meet each other.<sup>184</sup>

Chronically ill and Handicapped Council [Chronische zieken en Gehandicapten Raad, CG Raad]: umbrella organisation for 113 organisations for people with a chronic illness and disabled people. The main focus is to realise a society where they are treated as valuable citizens based on equal rights, duties and opportunities. The Council is a collective representative for the 113 organisations in consultation with government, service providers and business communities.<sup>185</sup>

In what way are women engaged in and represented in these organisations?

The General Dutch Handicapped Organisation: there are two women, of a total of ten persons, in management functions. There is no separate division for women and there are no issues mentioned that specifically concern women.

---

<sup>180</sup> <http://www.pkn.nl/5/default.asp?rIntNavStepMotherNavId=0&rIntNavMotherNavId=3601&inc=info&rIntNavId=4062&rIntId=727>

2

<sup>181</sup> <http://www.homo-emancipatie.nl/english/index.html>

<sup>182</sup> [http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen\\_id=274](http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen_id=274)

<sup>183</sup> Ronald L. Holzhaacker. The Europeanization and Transnationalization of Civil Society Organisations Striving for Equality: Goals and Strategies of Gay and Lesbian Groups in Italy and the Netherlands.

Paper presentation at the European Consortium for Political Research (ECPR), Pisa, Italy, September 6-8, 2007.

<sup>184</sup> <http://www.ango.nl/>

<sup>185</sup> <http://www.cg-raad.nl/organisatie/mission.html>

Chronically Ill and Handicapped Council: of the twelve members of the management, only one of is a woman. The Council participated in a European Conference on Women with a Handicap. One of the recommendations was that women should be more represented in organisations for the disabled.<sup>186</sup> The Council accepted the recommendations and promised to take steps, but so far there is no sign that changes are made. Further, no issues are mentioned that specifically concern women.

[Are there EU, bilateral or other international links for these organisations?](#)

Both organisations have no international links.

### 7.3.5 Age

[Are there organisations of / for older people? What are their main strategies \(i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research\)](#)

Expertise centre age and life course [Expertise Centrum LEEFtijd]<sup>187</sup>: Started as an organisation (National Bureau Age Discrimination) to address and prevent age discrimination. Since 2005, the organisation is much more oriented towards the market. Therefore the public functions have decreased. There is no more attention paid to research. Public functions that are performed are: offering policy advice; taking part of the social debate, offer general information on several websites, taking part of (international) networks on equal treatment and non-discrimination.<sup>188</sup>

Central Cooperating Elderly Organisations [Centrale Samenwerkende Ouderen organisaties, CSO]: umbrella organisation of four organisations for the elderly (including an organisation for elderly migrants). These four organisations have in total 550,000 members. The Central Cooperating Elderly Organisation is the only organisation recognised by the government as a consulting party on policy concerning the elderly.<sup>189</sup>

[How are women engaged in and represented in these organisations?](#)

Expertise centre age and life course: 4 of the 6 members of the management are women. It is difficult to determine in what manner issues concerning women are mentioned in the public part of the organisation.

Central Cooperating Elderly Organisations: has 8 management members, two of them are women. The organisation itself has no separate women's division. When looking at the four organisations that fall under the cooperation organisation, only one of them mentions the special interests that elderly ethnic women have. The other three organisations do not mention women.

[Are there EU, bilateral or other international links for these organisations?](#)

Expertise centre age and life course is member of Age Platform Europe. The Expertise centre is involved with the expert group age discrimination. One of the main focus points is the implementation of Directive 2000/78/EC and its consequences on the national level.

Central Cooperating Elderly Organisations: is in contact with two European organisations, the European Federation of Older Persons and the Age Platform Europe.<sup>190</sup>

## 7.4 Hotspots and Alliances

[Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others \(if so, which\)? For example is gender/religion or sexuality/religion a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?](#)

The current anti-Islam forces are often playing the gender card, creating an image of a 'backwards Islamic culture'. Some feminists are taking a similar position; others pay more attention to various positions within the Islamic culture and to Islamic women's agency. This leads to heavy debates. In general, (orthodox) protestant organisations (some of them political parties represented in parliament, one small party currently in government) question or debate sexual orientation rights. So both gender/religion and sexuality/religion is a hotspot.

<sup>186</sup> <http://www.cg-raad.nl/gelijkebehandeling/20071129.html>

<sup>187</sup> <http://www.leeftijd.nl/>

<sup>188</sup> <http://www.leeftijd.nl/doc/jaarplan%202006%20externen.pdf>

<sup>189</sup> <http://www.ouderenorganisaties.nl/site/>

<sup>190</sup> <http://www.ouderenorganisaties.nl/site/index.html?pagina=links.html>

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

They are rather adhoc, except for those organisations that have an intersection as their organising base. This is mainly the case for black, migrant and refugee women's organisations.



## WIDER SOCIAL INSTITUTIONS

### 8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

#### *Population, economic development, economic inequality and state welfare*

	Country	EU
GDP per capita in PPS (Purchasing Power Standards) in 2006 (Malta Statistical Office) <sup>191</sup>	31000	
GDP per capita in PPP 2006 (OECD stats)	36550	
PPP (Purchasing Power Parity) 2006 (OECD stats)	0.89	
Population size 2006 (Eurostat 2006)	16.3	460
% of workforce in agriculture 2005 (World Bank 2006)	3.2	
Longevity 2005 (World Bank 2005)	79.3	
Gini (measure of economic inequality) 2005 (Eurostat 2007)	27	31
% GDP/gov. expenditure on social expenditure 2005 (OECD 2007)	28.2	
% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)	1.33	
% GDP/government expenditure on childcare 2003 (forthcoming OECD)	0.2	
% GDP/Government expenditure on military (World Bank 2005)	1.6	

#### *Gender Regime*

		Female	Male
Employment rate (2005, Eurostat) <sup>192</sup>		66.4	79.9
Unemployment rate (2005, Eurostat) <sup>193</sup>	4.7	5.1	4.4
Share of women in adult labour force % (2003, UN) <sup>194</sup>	44		
Women's share of part-time employment % (2004, UN) <sup>195</sup>	76		
Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2005 Eurostat) <sup>196</sup>	18		
School enrolment tertiary % gross (2004, World Development Indicators) <sup>197</sup>	59.2	61.5	56.9
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (UN 2007) <sup>198</sup>	36.7		
Women's share of legislators and managers % (UN 2005) <sup>199</sup>	26		
% one parent families (dependent children) <sup>200</sup>	18		
Mean age at first marriage (Eurostat, 2003) <sup>201</sup>		28.4	30.8

<sup>191</sup> [http://www.nso.gov.mt/statdoc/document\\_file.aspx?id=2088](http://www.nso.gov.mt/statdoc/document_file.aspx?id=2088) page 19, accessed on 12 June 2008

<sup>192</sup> Employment rates:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996.39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em012](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996.39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em012)

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996.39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em013](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996.39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em013)

<sup>193</sup> Unemployment rates:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996.39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em072](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996.39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em072)

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996.39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em073](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996.39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em073)

<sup>194</sup> Share of women in adult labour force: percentage of the economically active who are women:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

<sup>195</sup> Women's share part-time employment:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

<sup>196</sup> Gender pay gap:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996.39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em030](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996.39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030)

<sup>197</sup> World Development Indicators, World Bank (September 2006)

<sup>198</sup> Women in parliament:

<http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

<sup>199</sup> Women's share legislators and managers:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5d.htm>

<sup>200</sup> <http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=37312&D1=a&D2=a.!1-4.!6-7&HD=0806101526&HDR=G1&STB=T>

<b>Marriage rate (2005, UN)</b> <sup>202</sup>	4.36		
<b>Divorce rate (2005, UN)</b> <sup>203</sup>	2		
<b>Fertility rate (2005 , World Development Indicators)</b> <sup>204</sup>	1.7		

---

<sup>201</sup> Mean age at first marriage:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=Yearlies\\_new\\_population&root=Yearlies\\_new\\_population/C/C1/C13/cab11024](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_new_population/C/C1/C13/cab11024)

<sup>202</sup> Marriage rate, table 23: <http://unstats.un.org/unsd/demographic/products/dyb/dybsets/2003%20DYB.pdf>

<sup>203</sup> Divorce rate:

<http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

<sup>204</sup> World Development Indicators, World Bank (September 2006)

## 9. SUMMARY

### 9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

Issues	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
<b>1 Equal pay/equal treatment</b>	Mostly: YES, but currently infringement procedure regarding 2000/78/EC and see critical remarks by experts in table on transposition (section 1.2)	Both (see relevant table in section 1.2)	Several (see relevant table in section 1.2)	Less, equal and beyond (see relevant table in section 1.2)	NO	Yes, sometimes
<b>2 Sexual harassment and discrimination</b>	YES	Both (see relevant table in section 1.2)	Several (see relevant table in section 1.2)	Equal	NO	Yes, sometimes
<b>3 Equality bodies</b>  <b>Netherlands: ETC</b>	YES	Before	Current ETC body: 1994	Beyond: ETC operates on more discrimination grounds than required	NO	Not applicable
<b>4 NGO/civil society dialogue</b>	Not applicable	Before and after	-	Difficult to assess (directives require 'encouragement' and 'taking appropriate measures'): at least equal	NO	Not applicable
<b>5 Parental leave</b>	YES	Both (see relevant table in section 1.2)	Several (see table 1.2)	equal	NO	In current regulation: NO
<b>6. Organisation of working time (Part-time Work Directive)</b>	YES	Before	1996	beyond	NO	NO (adopted before Directive)

## 9.2 Plans and programmes

<b>National general gender equality plan (current)</b>	<b>Yes</b>	<b>No</b>		
Reference to Lisbon targets	X (multi-year emancipation policy plan 2008-2011)			
Reference to Barcelona targets			X (multi-year emancipation policy plan 2008-2011)	
Targets and indicators	<b>None</b>	<b>Weak</b> X	<b>Moderate</b>	<b>Strong</b>

<b>National plan: Gender-based violence (current)</b>	<b>Yes</b> X (But no integral plan: several separate plans, see 2.1.3)	<b>No</b>		
Targets and indicators	<b>None</b>	<b>Weak</b> X	<b>Moderate</b>	<b>Strong</b>

<b>Focus on gender</b>	<b>No</b>	<b>Yes</b>	<b>Weak</b>	<b>Moderate</b>	<b>Strong</b>
<b>Employment plan</b> (general assessment)		X		X	
<b>Social protection and social inclusion plan</b> (general assessment)		X		X	
Reference to gender based violence in social protection and social inclusion plan		X	X (very weak)		

## 9.3 Gender machineries

<b>National gender machineries</b>	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister	X (but with attention for ethnicity)			Department for Emancipation Policy (DE) and senior minister with responsibility for emancipation issues. See section 3 for more info on (gender) equality machinery
Independent equality body (research, monitoring, and enforcement)		X		Equal Treatment Commission (ETC)
National consultative / representative body linking state and women's NGOs			X	See section 3 for more info

Any other body / bodies (e.g. parliamentary committees) Please name: 1. Interdepartmental Coordination Committee Emancipation (ICE)	X			See section 3 for more info
---	---	--	--	-----------------------------

#### 9.4 Policy

	No -Not at all	Yes / Low	Yes / Moderate	Yes / High
<b>General</b> To what extent is gender mainstreamed throughout policies?			X	
<b>Non-employment (4.1)</b>				
Extent to which mothers can be legitimately non-employed		X		
<b>Intimate citizenship (4.2)</b>				
Extent to which women have access to abortion (in country of residence)				X
Extent to which state policies are highly heteronormative		X		
<b>Gender-based violence (4.3)</b>				
Extent to which policies on GBV go beyond domestic violence			X	
Strength, resources and co-ordination of GBV policies			X	

#### 9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)		X (DE now)	X (DCE early Quing period)	
Extent to which the women's NGOs participate in policy making		X (now)	X (early Quing period)	
Extent to which women's NGOs are close to state				X
Extent to which women's NGOs engage with intersecting inequalities			X (foremost ethnicity/religion)	
Extent to which women's NGOs are state funded			X	
Extent of influence of trade union body on policy making				X
Extent of power of women within trade union body		X	X	