



Quality in Gender+ Equality Policies

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Sophie Lauwers

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1 General gender+ equality policies history

Although demands for emancipation existed in the Netherlands since the end of the 19th century (since the so-called first feminist wave) when the struggle for female suffrage took place, it is only since 1974 that the Dutch government started to develop emancipation policies (Benschop, 1993). Encouraged by a combination of factors – the political pressure of the women’s movement, the growing support in Parliament and the upcoming UN Women’s Year in 1975 – the Dutch government decided to install a temporary advisory group of experts to explore the possibilities for developing a so-called ‘emancipation policy’. Until 1981, this ‘Emancipation Commission’ played a central role in formulating a conceptual framework and designing an organisational infrastructure for the Dutch emancipation policies. The commission’s moderate way of translating various women’s movement demands into policy goals contributed to a broad acceptance of emancipation as a relevant area of government intervention. This was endorsed by the following Christian-liberal coalition that replaced the former left-wing cabinet in 1977 (Verloo and Van Lamoen, 2003).

The first Dutch policy plan on emancipation, issued by the Ministry of Culture, Recreation and Welfare in 1976, largely resembled the policy plans as set out in the Emancipation Commission’s first report. The broad aim was to increase the freedom of choice for women and men to shape their own lives. This aim was elaborated in three policy goals: (1) breaking role patterns that limit the behavioural repertoire of women and men; (2) addressing the presence of women in public life and men in private life; (3) promoting the higher valuing of characteristics and activities that are traditionally associated with women. From the beginning, 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’ was developed in which the issue emancipation was meant to be integrated in different policy areas as a sector-crossing issue (Verloo and Van Lamoen, 2003).

Emancipation policies in the 1980s and the first half of the 1990s

At the start of the 1980’s a new Secretary of State for Emancipation (Hedy d’Ancona, one of the country’s prominent feminists then) pleaded effectively for shifting the policy focus from the realm of changing attitudes towards resolving structural power inequalities between women and men (Verloo and Van Lamoen, 2003). Violence against women (covering a broad range from sexual assault, domestic violence to sexual harassment) was added to the agenda as a result of pressure from the women’s movement. Even if d’Ancona was only in function for less than a year –as the government that she belonged to was very short lived – she set the state agenda for many years to come (and, as she moved on to the European Parliament in 1984-1989, and became Chair of the Committee on Women’s Rights, she continued to direct attention to sexual violence against women from there).

In 1985 - along with the momentum of the UN Conference on Women in Nairobi – a policy document was adopted that would serve as the major reference point for emancipation

initiatives until the early 90s: the Interdepartmental Policy Plan on Emancipation. Officially this plan again confirmed the conceptualization of emancipation as a matter of structural power inequality as in the early 1980s. It presented not only a redistribution of public positions as its goal, but also a change in the social organization of sexuality (Benschop 1993). However, in practice, the new government that was inaugurated in 1986 – a coalition of Christian democrats and conservative liberals - gradually reduced this broader focus towards measures promoting women's participation on the labour market. The growing association of emancipation with social-economic issues was partly related to DCE's (Directorate for the Coordination of Emancipation Policy, for further information on DCE see section B1 below) institutional re-location in the Ministry of Social Affairs and Employment. Above all, it reflected the government's general pursuit of economic growth at the time (Verloo and Van Lamoen, 2003).

In the beginning of the 1990s, a new Secretary of State on Emancipation – appointed in 1989 by a cabinet composed of Christian and social democrats - made an effort to extend the scope of emancipation policies beyond the sphere of the labour market. Partly this happened in reaction to criticism from women's studies circles. In a short-term policy plan that was adopted in 1992 three new priority areas were identified: women's participation in public decision-making, the redistribution of unpaid labour, and breaking with the prevailing images on femininity and masculinity in Dutch society. However, these priorities proved to be short-lived as a few years later the first 'purple cabinet' (a coalition between social democrats, conservative liberals and progressive liberal democrats) that governed the Netherlands from 1994 to 1998 confined the scope back to labour market issues again (Verloo and Van Lamoen, 2003)

Emancipation policies during the QUING research period: 1995-2007

In 1995 a new policy plan was presented in which other issues were dealt with as well, such as sexual violence, distribution of power and influence, and poverty. These issues were in line with the agenda of the Fourth UN World Conference on Women in Beijing. However, these topics were merely summed up without any in-depth analysis of the problem. In practice the policies (still) reflected a liberal-conservative emphasis on labour and economic independence, despite the fact that more attention than before was paid to the combination of paid and unpaid labour. Reaching a society of 'double-earner-households' became the standard that continues to underpin government action until this day. Partly because of this focused attention, the 'purple cabinet' managed to adopt a few relatively forceful measures that had been longstanding issues on the feminist agenda, such as the equalisation by law of part time and full time workers, and the formal acknowledgement of registered partnerships which opened the way to the 'gay marriage'. Shops were allowed to extend their opening hours making it possible to do shopping in the evenings, and eventually even on Sundays. The government intervened in the private sphere more strongly than before by for example obliging mothers receiving welfare with children over 5 years old to apply for a paid job. The focus on promoting women's participation in paid labour has been joined by a focus on the

responsibilities of the social partners, with child care facilities as the obvious solution to the problematic combination of paid labour and care (Verloo and Van Lamoen, 2003).

The Short and Medium Term Policy Plan on Emancipation for the years 2000-2010 (Ministry of Social Affairs and Employment 2000 'Meerjarenbeleidsplan Emancipatie, het emancipatiebeleid voor de korte en middellange termijn) identifies five priority issues for action. Apart from the 'old' theme of labour and care, four issues are marked as priorities: daily routine (work-life balancing), power and decision making, human rights, and women's position in the knowledge-based society. In line with the Dutch tradition, most of the measures proposed are 'soft' measures (see also below on this Dutch tradition), such as setting target figures (women in decision making), providing information (work-life balancing facilities), and developing codes of behaviour (sexual harassment and equal treatment in the work place). A new policy 'hype' is interactive policy making using digital discussions and information platforms to collect opinions from citizens (Verloo and Van Lamoen, 2003).

It seems that the government's strong emphasis on the organizational aspects of gender mainstreaming have overshadowed the need for well-founded, coherent policy concepts. Illustrative in this respect is the fact that the Short and Medium Term Policy Plan on Emancipation provides a confusing mixture of definitions in which concepts such as 'emancipation', 'gender equality', and 'diversity' are being used interchangeably without any further explanation. Paradoxically, since the official enhancement of gender mainstreaming the government silently withdrew from its more transformative goals: emancipation is no longer defined as a matter of removing obstacles in the structure of society, it is now re-defined in terms of "creating pre-conditions"(Verloo and Van Lamoen, 2003). Despite the protests of civil society organisations and gender studies practitioners, the notion of structural power differences seems to have been removed from the emancipation policy agenda. A new dimension - diversity – has been added in 1997, emphasising the connection between gender and other mechanisms of inclusion and exclusion in society. Accordingly, the 2000 goal is defined as "creating preconditions for a heterogeneous society in which everyone, regardless of sex – in interaction with other social structuring principles such as ethnicity, age, marital status, physical abilities and sexual preference, has the opportunity of living an independent life in which men and women can achieve equal rights, opportunities, freedom, and (social) responsibilities" (Short and Medium Term Policy Plan on Emancipation for the years 2000-2010, Ministry of Social Affairs and Employment, November 2000).

In the Dutch Multi-year Emancipation Policy Plan 2006-2010 which is titled 'Emancipation: Self-evident but not yet self-supporting!' (Ministry of Social Affairs and Employment, 2005) the Short and Medium Term Policy Plan 2000-2010 is being evaluated and updated for the coming 5 years. In the annex to this 2006-2010 Plan the same five priority issues (daily routine, power and decision making, human rights, and women's position in the knowledge-based society) are identified and for each of the sub priorities and accompanying measures the degree of implementation until 2004 is identified. Without explicit reference to it, however, the central body of the text shows some shifts in the priorities for the upcoming five years. The primary objectives that are being identified are: increasing the attention for the emancipation effects of policy (read: gender mainstreaming); a new heading of 'security' focusing on preventing and combating violence against women and girls; increasing the economic independence of women; and a new heading of 'social

participation' explained as preventing social exclusion of women in vulnerable and underprivileged positions. In the introduction to the plan the government states that "at the heart of the emancipation policy is, and remains, the goal of having more women work more hours and to bring about better utilization of their talents and qualities' (p. 3). According to government only one really new objective has been added in comparison to the 2000-2010 policy plan, namely that of social participation. On the issue of violence against women and girls a new focus on honour related violence can be identified. Basically, the changes made are all connected to a stronger focus on migrant women (Roggeband and Verloo 2007). This focus is linked to strong turbulences in Dutch politics and society in the period 2001 till 2007, that put migration and integration issues centre stage across all domains. The landslide in the 2002 elections after Pim Fortuyn, the leader of a new Islamophobic party, was murdered, still resonates in the political landscape and has resulted in a polarization that is still visible in the appearance and disappearance of new parties (LPF and Fortuyn party, PVV, all right wing, and thriving on islamophobia), and in the rise of existing fringe parties (SP, radical left). For gender equality policies this period was a lost period, as the political responsibility was quasi absent (Phoa era, Balkenende I) or extremely weak (de Geus era's, Balkenende II and III).

The main impulse has since come from a new institution that was planned already in 2001, the VCE. This independent external auditing committee (Visitatie Commissie Emancipatie; Netherlands Emancipation Review Committee) was installed in 2004 by the Minister of Social Affairs and Employment (coordinator of the emancipation policy) to review the effectiveness of the emancipation policy and of gender mainstreaming in each of the Ministries. The VCE has assessed the quality and the results of concrete actions and judged whether the embedding of the emancipation issues into regular government policy is making sufficient progress (Theisen, Spoden, Verloo and Walby 2005). The position of black, migrant and refugee women and girls is a specific point of focus for the Committee. The VCE has published its final report at the beginning of 2007. This final report is very critical, especially about the lack of knowledge on gender and on gender equality policies in theory and practice and the lack of commitment of civil servants and top bureaucrats at the ministries. Moreover, the Committee identifies a tendency to replace attention for gender equality with attention for 'diversity', and concludes that this happens in the absence of expertise on the interrelatedness of various axes of inequality, and therefore has a negative impact on the quality of gender equality policy. Institutional mechanisms that could counter the fragmentation of policies across Ministries are seen to be lacking, as well as mechanisms to address vertical fragmentation of policies across different levels of government. According to the VCE, there are some good instruments (e.g. gender impact assessment, gender budget analysis), but these are rarely used, and knowledge about these instruments in the bureaucracy is lacking. The Committee concludes that there has been no progress in the Netherlands since the 90s, and that there is rather a serious decline in the quality of gender equality policies (VCE, 2007). In a supplementary report to this final report it is also stated that there has been a too strong emphasis on the economic benefits of gender equality to the detriment of attention to the unequal power relations between the sexes. The VCE concludes

¹ In the final recommendations of TECENA, the Committee that succeeded the Emancipation Council from 1997-2000.

that there is a necessity for stronger efforts on gender equality policies (VCE, 2007). It remains to be seen whether the new government that started in 2007 will address the criticisms of the VCE and will make a new start.

In the latest multi-year policy plan (more opportunities for women. Emancipation policy 2008–2011: 2007) the Dutch government wants to pay attention to five main topics: increase labour market participation of women; create more opportunities for women and girls from ethnic minorities; prevent and combat violence against women and girls; education on sexuality and relationships for girls and boys; and contribute to the worldwide elimination of discrimination against women and the promotion of the advancement of women.

Gender mainstreaming 1970s- 2007

Gender mainstreaming is not a new strategy in Dutch emancipation policy making. As described above, the government already chose to follow a two-track approach in dealing with emancipation matters when “the women’s issue” was put on the national policy agenda in the 1970s. Apart from specific measures to improve women’s positions and participation in certain policy sectors – commonly known as ‘sector policy’ – a ‘facet policy’ was developed in which emancipation was to be integrated in different policy areas as a sector-crossing issue (Verloo and Van Lamoen, 2003).

In 1986 the government made an effort to materialize the ‘facet’ policy by also bringing the notion of integration into the institutional emancipation infrastructure. A high status Cabinet Committee for Emancipation was installed to coordinate the spreading of emancipation responsibilities over all ministries (see also section B1 below). This seemed to be a forceful initiative. However, its impact was undermined by the fact that the administrative bodies lacked the power to effectively support the implementation of the facet policy. Though at that time a broad political consensus existed on the aims pursued by the facet policy– except among the small right-wing Christian parties - in practice this support faded away as soon as concrete action had to be undertaken (Verloo and Van Lamoen, 2003).

The Netherlands played an important role in the promotion of gender mainstreaming at the UN Fourth World Conference on Women in Beijing in 1995. At the time it was one of the few countries that had already developed a mainstreaming instrument (Verloo and Roggeband, 1996). And in fact, it was the only one actually applying it. Although the instrument’s name - ‘Emancipatie Effect Rapportage’ (EER) - refers to the traditional Dutch notion of ‘emancipation’, it is fully grafted on the principles of gender mainstreaming. It entails a gender impact assessment designed for government actors to be applied in the first (planning and preparatory) phase of policymaking. Despite the country’s early experiences with gender mainstreaming (or maybe because of it) the concepts underpinning the policy often appear to be poorly elaborated, sometimes even multi-interpretable. It is not clear whether these vague formulations are merely a feature of the Dutch polder model² and its

² ‘Polder model’ is a catch phrase describing a specific Dutch type of neo-corporatism that combines effectiveness with extensive consultation between the social partners.

drive towards creating consensus or if they do reveal a more generally shared problem in the implementation of gender mainstreaming (Verloof and Van Lamoen, 2003).

The 2000 Short and Medium Term Policy Plan on Emancipation (SZW 2000) adheres to the same two-track policy approach as before, but the 'facet' track is now renamed into gender mainstreaming. Like before, much emphasis is put on the need to spread gender mainstreaming responsibilities over all departments. The plan proposes to charge an Interdepartmental Working Group on Gender Mainstreaming with the task of "developing an (inter)departmental strategy and structure for gender mainstreaming". The working group's final report (Interdepartementale Werkgroep Gender Mainstreaming 2001) and the according Cabinet Position on Gender Mainstreaming (Gender Mainstreaming. A Strategy for quality improvement, 2001), obliges all departments to produce a report regarding five gender mainstreaming prerequisites: (1) commitment at the top, (2) concretely formulated targets, (3) clearly assigned responsibilities, (4) gender expertise, and (5) formation, budget and instruments. A newly installed steering group of coordinating officials - attached to ICE – was charged with assessing the reports. The 2001 Cabinet Position paper can be seen as a further development of the Plan of Action on Gender Mainstreaming 1998 – 2002 (House of Representatives, 1998-1999, document 26206, no 11).

De facto, the 2000 Short and Medium Term Policy Plan on Emancipation can be seen as responsible for the dilution of the coordinating responsibilities of DCE, by giving more responsibility to the various Ministries, but without adequate follow up. It is no surprise then that the analysis of the Emancipation Review Committee VCE reveals that in many cases attention to gender mainstreaming within the departments has dropped in the absence of central stimulation and support for it within the departments. The VCE shows that somewhere in the first years of the new century the existing infrastructure (ICE) has gone dormant. As a result, little remains of the efforts to integrate emancipation objectives within regular policies. Furthermore the Committee notes that the interdepartmental supporting structure has weakened substantially in quality and intensity. These developments are seen as interrelated. The Committee finds that in many departments necessary provisions for emancipation policy and gender mainstreaming are either absent or are scarcely functioning. For instance: clear and listed departmental emancipation objectives, the setting-up of an internal emancipation committee or a network of contact persons, the listing of responsibilities and attention to the development of expertise among policy officials. All this has resulted in a situation in which many policy-making officials are in fact not aware of their responsibilities to implement where possible the emancipation objectives of the Cabinet in their own work. In the majority of departments the required knowledge and expertise are restricted to a too limited number of civil servants.

Favouring soft policies over law enforcement

The Dutch emancipation policies are a clear product of the consensus model/democracy that characterizes 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, communication, setting norms, establishing preconditions,

or monitoring. Enforcement by law only becomes an option if all other measures have failed (or succeeded). There is not a wealth of specific gender equality legislation. Within the field of 'general gender equality policies' (law in the issue specific fields of 'non-employment', 'gender-based violence' and 'intimate citizenship' will not be discussed now) – but falling outside the QUING research period - there is the Equal Treatment Act for Men and Women (1980). However, this Act was endorsed in order to implement EU Directive 76/207/EEC (gender equality Directive). Falling within the QUING period is the Act altering the Equal Treatment Act for Men and Women in order to implement EU Directive 2002/73/EC. This Act entered into force in January 2007. See for laws on other (in)equalities the next sub section. Looking at some 'soft' policy documents in the Netherlands on general gender + equality policies one can identify the following: the multiple year plans (the last one on 2006-2010), 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 Emancipation monitoring reports (bi-annual since 2000), and 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). All in all, a multitude of policy documents – other than law – on general emancipation policies can be found in the Netherlands.

Other (in)equalities

Legislation

Besides the following listing of Dutch equal treatment law, it is important to note that the constitutional system of the Netherlands adheres to a "monist theory" of international law. This means that international equality and anti-discrimination provisions/obligations automatically filter into the national legal system. This is provided in Articles 93 and 94 of the Constitution (Gijzen, 2004). In practice international obligations are not always taken into consideration, because relevant actors often lack of information about international obligations (VCE 2007).

- Article 1 of the constitution
- Civil code: Sections 7:646 through 7:649 of the Civil Code (Burgerlijk Wetboek) on equal treatment of women and men in employment.
- Civil Servants act Sections 125g and 125h of the Civil Servants Act (Ambtenarenwet) prohibiting the discrimination of civil servants on the basis of labour time.
- Criminal law articles: Article 90quater (Definition of discrimination), Article 137c (insulting people because of their race, religion or belief, sexual orientation, or handicap), Article 137d (instigate to hate or discrimination), Article 137e (spreading of hate or discrimination), Article 137f (granting support to discriminating actions), Article 137g (race discrimination as a civil or religious servant, a professional or a company), Artikel 429quater (discrimination on the basis of race, religion, belief, sex, sexual orientation or handicap as a professional or as a company). (Source: website of the anti-discrimination organization 'Article 1': www.art1.nl)

- 1980: Equal Treatment in Employment (men and women) Act (Wet gelijke behandeling mannen en vrouwen, WGB) in order to transpose Directive 76/207 into the Dutch law
- 1989: Decree on vocational activities with regard to which sex can be a deciding factor [Besluit (amvb) beroepsactiviteiten waarvoor het geslacht bepalend kan zijn]
- 1994: General Equal Treatment Act (Algemene wet gelijke behandeling, AWGB)
- 1994: Decree on equal treatment [Koninklijk besluit gelijke behandeling van 18 augustus 1994, Stb. 657, houdende nadere omschrijving van gevallen waarin het geslacht bepalend is van gevallen waarin het de bescherming van de vrouw betreft, van gevallen waarin uiterlijke kenmerken die samenhangen met het ras van een persoon bepalend zijn en van gevallen waarin de nationaliteit bepalend is]
- 1996: Equal Treatment (working hours) Act (Wet verbod op onderscheid naar arbeidsduur, WOA)
- 2002: Equal Treatment Temporary and Permanent Employees Act (Wet Onderscheid Bepaalde en Onbepaalde Tijd, WOBOT) in order to transpose Directive 99/70/EC into national law
- 2003: Equal Treatment (Disability or Chronic Illness) Act (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ) in order to transpose certain obligations under directive 2000/78/EC (Employment Equality Directive) into Dutch law
- 2003: Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid, WGBL) in order to transpose certain obligations under directive 2000/78/EC (Employment Equality Directive) into Dutch law (uitoefening van een beroep of bedrijf)

Soft policy

Similar to the parliamentary/cabinet dossier on 'emancipation policies' there are also dossiers on some of the other grounds of discrimination such as the dossiers on 'homosexual policies', on 'minority policies', on 'labour market policies for ethnic minorities', and on 'integration policies for ethnic minorities'. The exact terms used in the titles of these dossiers can however vary slightly from year to year. Apart from the legislation mentioned above, no legislation/laws are made in the field of (most of) these dossiers. Foremost, the dossiers concern action plans, letters, debates, motions and questions and answers.

It is remarkable that in recent years quite a lot of activity has taken place within the field of emancipation, integration and participation of ethnic minority women or 'allochthonous women' (a term used very often in the Netherlands). Under the Cabinet Balkenende II, migrant women have become one if not the central subject of gender equality policy. This is accentuated by a similar move in integration policy. Since this time the barriers for emancipation, integration and participation are more and more seen to be located in the migrant (Muslim) culture instead of in systems and practices of education, the labour market and so on (social structural problem) (Roggeband and Verloo, 2007).

Major controversies and shifts in (gender) equality policies, competition between different inequalities

Even though the government still adheres to its two-track approach (sector policy and facet policy), several conceptual shifts can be identified in the history of Dutch policies on emancipation. The first policy plan on emancipation (1977) primarily aimed at breaking role models and re-valuing “female characteristics and activities”. In the early 1980s, the attention widened from consciousness raising and changing mentality towards breaking structural power differences between women and men. According to its long-term policy plan of 1985, the government did not only pursue a redistribution of public positions, but also a change in the social organisation of sexuality and pre-destined models of femininity and masculinity. In practice, however, the government’s policies were mainly targeted towards promoting independent lives for women (read: economic independence). Throughout the 1980s and 1990s, the Dutch emancipation policies focused primarily on increasing women’s labour market participation (Verloo and Van Lamoen, 2003, p. 1). Looking back, the policies have certainly stimulated women’s labour participation in the Netherlands, but still most of the jobs held by women today are part time jobs concentrated in sectors traditionally associated with women, such as health and child care. Men’s emancipation – in terms of increasing their participation in caring responsibilities and the household – has been neglected for years. Consequently the Dutch labour market developed towards a “one-and-a-half job model”, with men working full time and women working part time (Visser and Heijmerijck 1997). In the late 1990s several measures were implemented that were warmly welcomed by feminists, such as an increase in child care centres and a policy offering more opportunities for part time work for everyone. But the sad consequence of the government’s two-decade-long focus on the labour market was that the facet policy shrunk to almost nothing (Verloo and Van Lamoen, 2003, p. 11). Repeated attempts - in the 1980s as well as the 1990s - to integrate gender equality in the regular policies of ministerial departments largely appeared to be in vain. As the Dutch Emancipation Review Committee report 2007 shows, gender mainstreaming is hardly implemented.

Another shift that should be mentioned is the introduction of the concept of ‘diversity’ in 1997, emphasizing the connection between gender and other mechanisms of inclusion and exclusion in society. It seems that since that time and under this diversity heading vulnerable women (read allochthonous women) have received increasing attention. Especially in the period 2000-2005, Dutch gender equality policy has shifted to an almost exclusive focus on migrant women (Roggeband and Verloo 2007). Problems of migrant women moreover have been increasingly attributed to their problematic culture (read: Muslim culture). While this has meant some much needed attention to the problems faced by migrant women, it has also contributed to a higher degree of antagonism between different groups of women in the Netherlands.

2 General gender+ equality machinery history

Short history of institutionalisation of gender equality in government before 1995

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' played a key role in formulating a conceptual framework and designing an organisational infrastructure for emancipation policies. In 1981 – with the inauguration of a new cabinet composed of Christian democrats, social democrats, and progressive liberal democrats - the Emancipation Commission was replaced by a permanent advisory body called the Emancipation Council (Verloo and Van Lamoen, 2003, p.4). Next to this advisory body, the institutional infrastructure designed for emancipation policies - the foundations of which were established during this first phase – reflected the two-track approach adhered to by the Dutch government (facet policy and sector policy). In 1976 an Interdepartmental Coordination Commission on Emancipation Policy (ICE) was installed 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. The Directorate for the Coordination of Emancipation Policy (DCE, founded in 1978) - a civil servant's unit located in the Ministry of Culture, Recreation and Welfare - was charged with the task of coordinating the implementation of both sector and facet policies. One year before, a Secretary of State in the same Ministry had been assigned to emancipation. Within parliament, emancipation issues were dealt with by a "Parliamentary Standing Committee on Emancipation Policy" (1979). At the beginning of the 1980s the civil servant's unit DCE was removed from the Ministry of Culture, Recreation and Welfare to be installed in the Ministry of Social Affairs and Employment (Verloo and Van Lamoen, 2003, p. 4).

In 1986 the government made an effort to materialize the facet policy by extending the notion of integration to the institutional infrastructure. A high status Cabinet Committee for Emancipation was set up to co-ordinate the spreading of emancipation responsibilities over all Ministers. This seemed to be a forceful initiative but its impact was undermined by the fact that the administrative bodies lacked the power to effectively support the implementation of the facet policy. Though a broad political consensus existed on the aims pursued in the facet policy– except within the small right-wing Christian parties - in practice this support faded away as soon as concrete action had to be undertaken (Benschop 1993). Due to its troubled relationship with the women's movement and the Emancipation Council, the civil servant unit DCE had never been a powerful actor. In 1986, it lost the guidance of the Secretary of State on Emancipation; the issue had been integrated in the portfolio of the Minister on Social Affairs and Employment. ICE's impact was undermined by the fact that the officials assigned tended to be replaced often, and hardly ever occupied senior functions within their own ministries. Except in a few areas like Development Cooperation, developing an 'iron triangle' between governmental departments, politicians and women's organisations proved to be difficult (Verloo and Van Lamoen, p.5).

Meanwhile, the government continued its 'integrative strategy' regarding the institutional infrastructure. With more and more emphasis, policy documents – including the 1992 and 1995 policy plans – stated that all government departments had to take their own independent responsibility concerning the implementation of emancipation tasks within their policy area. This pursuit went along with a dismantling of existing bodies. In the early 1990s a vain attempt was made to abolish DCE, causing quite some turbulence and loss of professionalism. In 1991 the Cabinet Committee for Emancipation, set up several years before with the task of streamlining this process, was abolished. The same happened to the Parliamentary Standing Committee on Emancipation Policy in 1994; since then, emancipation issues are being dealt with by the Standing Committee for Social affairs and Employment (Verloo and Van Lamoen p.6).

QUING research period: 1995-2007

In 1998 the formal responsibility for emancipation was transferred to the Secretary of State for Social Affairs and Employment, which implied a disappearance of the separate State Secretary on Emancipation (Verloo and Van Lamoen, 2003, p.6). Until 2007, the political responsibility for the coordination of emancipation policies resided either with a coordinating Minister (until 2007 the Minister of Social Affairs and Employment) or with a coordinating State Secretary (of Ministry of Social Affairs and Employment until 2007). This changed from Cabinet to Cabinet (see overview below). Under the previous administration period that has just finished in February 2007, the Minister of Social Affairs and Employment performed this role.

In the current government, 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 responsibility for the emancipation of homosexuals was transferred from the Ministry for Health, Welfare and Sports to the Ministry of Education, Culture and Sciences too. Equal treatment in employment and equal pay are still the responsibility of the Ministry of Social Affairs and Employment. In the interests of gender mainstreaming, the other ministers and state secretaries are also expressly responsible for emancipation policy in their own areas of competence. The Directorate for Emancipation policy (DE) seems to have lost the C (Coordination) in its name as a result of the transfer to the Ministry of Education, Culture and Sciences, and is now focusing on agenda setting, support and monitoring, and adequate evaluation and reporting to Parliament.

Interdepartmental coordination is among others facilitated by the Interdepartmental Committee for Emancipation Policy (ICE), which is chaired by the director or deputy director of the Directorate for the Coordination of Emancipation Policy and brings together representatives from all the ministries. A number of ministries have an internal coordinating body. These advise their own ministers on emancipation issues relating to their ministries' area of competence. This is usually an emancipation committee. The authority and practical

influence of these bodies differs from ministry to ministry. While the ICE has never been a strong institution, it has become especially weak in the period 2000-2007.

Until 2007, general emancipation policy is 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.

While the Netherlands had a special advisory body for gender equality, the Emancipation Council installed in 1981, this body was abolished in the course of a general cutting down on Advisory bodies in 1997. 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 VCE, who reviewed the Dutch gender mainstreaming efforts in 2004-2007.

Since the late 1980s the Dutch government made repeated efforts to spread responsibilities for implementing emancipation policies over all departments, with varying degrees of success. At first sight some good initiatives have been developed, such as the implementation of several gender impact assessments within ministerial departments (EER-pilots), the adoption of an Action Plan on Emancipation Tasks of Departments (1998-2002), and the publication of a Manual on Gender Mainstreaming for civil servants (2000) (Verloo and Van Lamoen, 2003, p. 1). The Dutch Review Committee (VCE) provides rich data for the period 2004-2007 on the coordination of gender equality policies at the level of the national government and on the success of this attempt to spread responsibilities over all departments. In their 2007 report the VCE observes that the general feeling that the individual ministries have about the interdepartmental coordination functions of the DCE and the ICE is rather negative. The ministries feel that they are on their own concerning gender equality policies. The frequency and quality of the ICE meetings have decreased. This promotes the idea that the Cabinet and the member of government who coordinates the emancipation policies do not attach great value to the issue of gender equality. With regard to the DCE the ministries feel that the DCE does not seem to take coordinating/supporting the ministries regarding gender equality policies as its task any longer, since this task has been handed over to E-quality (the Dutch information centre for gender, family and diversity issues) in 2004³. However, the VCE doubts whether E-quality is the most suitable organization to carry this task, since it is an external organization that will not naturally be allowed access to the policy processes within all ministries (VCE, 2005). So it seems that the national gender equality institutions have lost an important part of their coordinating functions

³ The coordinating tasks of DCE were limited / removed by means of the following Decision: Government Gazette no. 208 [Staatscourant no. 208]. 28 October 2004. Organization, mandate and authorization Decision regarding the Department for the Coordination of Emancipation Policy [Organisatie-, mandaat- en volmachtbesluit DCE 2004]. p. 45. <http://www.visitatiecommissie-emancipatie.nl/uploads/images/69/OMV-DCE-vanafmei2004.pdf>

over the last few years. The VCE sees a strong need for more coordinating activities and mechanisms across the Ministries. The Netherlands seems to be one of the few countries where the policy machinery was seriously weakened over the last ten years (Outshoorn, 2007 & VCE, 2005, 2007).

Dutch Cabinets 1995-2007, and the location, level and responsibility for Emancipation

Kok I (Purple I) [Prime Minister Wim Kok]

PvdA, VVD, D66

22 August 1994 - 6 May 1998 (3 August 1998)

1442 days

Emancipation: Minister of Social Affairs and Employment drs. Ad Melkert PvdA

Kok II (Paars II) [Prime Minister Wim Kok]

PvdA, VVD, D66

3 August 1998 - 16 April 2002 - 22 July 2002

1449 days

Emancipation: State Secretary mr. Annelies Verstand-Bogaert (D66)

Balkenende I [Prime Minister Jan Peter Balkenende]

CDA, LPF, VVD

22 July 2002 - 16 October 2002 - 27 May 2003

309 days

Emancipation: State Secretary K.L. Phoa (LPF), 9 September 2002 (Emancipation and family Affairs)

Balkenende II [Prime Minister Jan Peter Balkenende]

CDA, VVD, D66

27 May 2003 - 30 June 2006 (7 July 2006)

1137 days

Emancipation: Minister of Social Affairs and Employment Aart Jan de Geus CDA

Balkenende III [Prime Minister Jan Peter Balkenende]

CDA, VVD 7 juli 2006

7 July 2006 - 21 November 2006 (22 February 2007)

230 days

Emancipation: Minister of Social Affairs and Employment Aart Jan de Geus CDA

Balkenende IV [Prime Minister Jan Peter Balkenende]

CDA, PvdA, ChristenUnie

22 February 2007

Emancipation: Ronald Plasterk, Minister for Education, Culture and Sciences, PvdA (also responsible for the emancipation of homosexual citizens)

National machinery/institutions other inequalities

The Netherlands has separate bodies for gender equality on the one hand (DCE, ICE and coordinating member of the government, see the first part of this section) and for the other grounds of discrimination on the other hand. Regarding these other grounds, the Dutch Equal Treatment Commission is the most important institution. It was installed in 1994 by the Dutch government on the basis of obligations arising from the General Equal Treatment Law.

The Dutch Equal Treatment Commission (CGB) examines complaints about unequal treatment. It investigates whether the equal treatment law has been violated.

Dutch equal treatment legislation stipulates that unequal treatment is unlawful in specific fields and on a limited number of grounds. These grounds are: sex, race, nationality, religion/belief, political conviction, sexual orientation, civil status, part-time or full-time work, temporary contracts, disability or chronic illness and age. Unequal treatment on these grounds is unlawful in certain situations. The Dutch Equal Treatment Commission (CGB) is an independent organisation aiming to promote and monitor compliance with this legislation. Everyone in the Netherlands can ask the Commission for an opinion or advice about a specific situation concerning unequal treatment, free of charge. The CGB can submit only requests for an opinion on one of the so-called discrimination grounds mentioned above.

When the Dutch Equal Treatment Commission (CGB) receives a request for an opinion about alleged differentiation, it investigates whether the equal treatment law has been violated. In some respects, the CGB is similar to a court. An important difference is that the CGB searches for information itself. Other differences are that filing a petition is free of charge and that people do not need a lawyer. The CGB does not necessarily need to receive a petition in order to investigate whether the equal treatment law has been violated. It also conducts so-called 'investigation on its own initiative'. In the course of time, the CGB has acquired a great deal of knowledge. Therefore, it regularly gives advice to the government among others about issues regarding equal treatment. The opinions of the CGB are not of a binding nature. However, in practice most of the time they are acted upon.

The jurisdiction of the Equal Treatment Commission is based on a limited number of equal treatment acts:

- Equal Treatment Act (Algemene wet gelijke behandeling, AWGB)
- Equal Treatment in Employment (men and women) Act (Wet gelijke behandeling mannen en vrouwen, WGB)
- Equal Treatment (working hours) Act (Wet verbod op onderscheid naar arbeidsduur, WOA)
- Sections 7:646 through 7:649 of the Civil Code (Burgerlijk Wetboek)
- Sections 125g and 125h of the Civil Servants Act (Ambtenarenwet)
- Equal Treatment Temporary and Permanent Employees Act (Wet Onderscheid Bepaalde en Onbepaalde Tijd, WOBOT)

- Equal Treatment (Disability or Chronic Illness) Act (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ)
- Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid, WGBL)

This means that the Dutch Equal Treatment Commission cannot directly base its opinions on other relevant (international) non-discrimination provisions, such as Article 26 of the International Convention on Civil and Political Rights (ICCPR) or the United Nations Conventions on Elimination of all forms of Racial Discrimination and Discrimination Against Women (CERD and CEDAW). However, the Dutch Equal Treatment Commission has the opportunity and the duty to interpret Dutch equal treatment law in a way consistent with relevant treaties. In the case of European legislation, the Dutch Equal Treatment Commission has to interpret Dutch legislation in accordance with the standards used by the European Community legislator. In this way, the Dutch Equal Treatment Commission can incorporate certain elements of these treaties in Dutch equal treatment law. This especially applies to the uniform use of definitions (Source: website of the Dutch Equal Treatment Commission: www.cgb.nl).

Political Forces

During the QUING period 1995-2007 five different coalitions governed. From 1995 until 1998 the first “Purple” cabinet took office. This Cabinet consisted of a coalition between the Socialist/Social Democratic Party (PvdA), the conservative liberal party (VVD), and the progressive liberal party (D’66). It was the first Dutch cabinet after World War II that did not include the Christian Democrats (CDA). The Purple cabinet continued for a second period from 1998 to 2002. In 2002, a new right-wing populist party (Lijst Pim Fortuyn ‘LPF’, named after its murdered charismatic leader) entered the Dutch electoral arena and had a major victory in the elections. A major theme in its campaign was the problems that relate to the notion of ‘multiculturalism’ and the ‘policy of toleration’ that accompanied this notion in the Netherlands. After his assassination his supporters claimed that Pim had said what they for long time were not allowed to say. It was the LPF that formed a coalition in 2002 with the Christian democrats and the Liberal party, headed by Prime Minister Balkenende, which only lasted for 87 days. In the following elections the LPF lost votes and a new centre-right coalition of CDA, VVD, and D’66 headed by Prime Minister Balkenende took office in May 2003. This second Cabinet Balkenende did not complete its full term. In June 2006 the three D’66 Cabinet members resigned. As an effect of this the whole Cabinet resigned. However no new elections were held. The VVD and the CDA formed the third Cabinet Balkenende from July 2006 until February 2007. At the end of the year 2006 new elections were held. Since February 2007 a coalition of CDA, PvdA and the Christian Union (CU) headed by Prime Minister Balkenende (the fourth Cabinet Balkenende) governs the country.

Tools and instruments

In the Netherlands several tools and instruments exist in order to implement, monitor and evaluate gender equality policies. Below, one can find a list of the different instruments/tools that are used with a short explanation.

Gender impact assessment

In 1994 the Dutch government had been the first to apply a mainstreaming instrument. In this year Verloo and Roggeband developed a manual on the 'Emancipation Effect Report'. This manual was commissioned by the Directorate for the Coordination of Emancipation Policy (DCE) (Verloo and Roggeband, 1996). The instrument was developed as a result of the early goal of emancipation 'facet' policy (already referred to in section A1), which means the overall integration of emancipation in government policies (Verloo and Roggeband, 2006). Although the instrument's name - 'Emancipatie Effect Rapportage' (EER) - refers to the traditional Dutch notion of 'emancipation', it is fully grafted on the principles of gender mainstreaming. It is an early example of the so-called 'gender impact assessment' (GIA) as it enables an (ex-ante) analysis of the impact of proposed policies on gender. According to Verloo and Roggeband the application of the Dutch GIA has been quite a success as compared to some other countries where similar instruments were developed just as early, but where the actual application of the instrument took much longer (e.g. Canada, New Zealand and Belgium). Since 1994, at least 22 GIA's have been executed at the national level. However, despite a quick start, until today the application of the instrument in the Netherlands has been random and looking at the range of policies analyzed and at the quality and impact of the implementation, one could better speak of a 'relative' success. And if one takes into consideration that hundreds of policy plans are developed every year, the number of GIA's produced so far is very limited (Verloo and Roggeband, 2006). The Dutch Emancipation Review Committee (VCE) that investigated the Dutch emancipation policies and the process of gender mainstreaming within all the Ministries from 2004 until 2007 state in their interim report (VCE, 2005) that on very important policy dossiers no GIA is being applied, unless the Second Chamber of Parliament pressurizes long and persistently. On the whole, in all ministries the instrument of GIA is being insufficiently deployed. The VCE thinks that this 'bad record' can be linked to a major lack of (basic) knowledge in the fields of emancipation and gender mainstreaming. The officials who are in charge of policy making lack the insights needed to see what gender effects policies can have.

Gender budgeting

While the government has started to develop a gender budgeting tool, it seems that the instrument in fact is not been applied yet at the national level in any systematic way. In 2003 a gender budgeting pilot was done in which three Ministries participated (the Ministry of Social Affairs and Employment, the Ministry of Housing, Spatial Planning and the Environment and the Ministry of Finance). However, from the reports of the Dutch Emancipation Review Committee (VCE) one can deduce that the instrument has hardly being used after this pilot.

Monitoring/evaluation

Commissioned by the government the independent (and occasional) Dutch Emancipation Review Committee (VCE) produced a set of extensive independent assessment reports on gender mainstreaming and emancipation policy for each individual ministry during the period 2004-2007. It seems rather exceptional that a government orders such an independent and critical self-evaluation. In this regard the Dutch 'Emancipation Monitor' ('emancipatiemonitor') is a similar research endeavour producing bi-annual reports on progress or decline of gender equality in the Netherlands. While mainly describing the state of affairs (using statistics) in a few selected areas that are deemed important in the light of the emancipation process, the authors of the monitor also try to reflect on the course taken by the government and whether this course should be changed. The monitor is published by the Social and Cultural Planning Office (SCP) and Statistics Netherlands (CBS) and is commissioned by the Ministry of Social Affairs and Employment. The Emancipatiemonitor 2000 (Keuzenkamp and Oudhof) pays attention to education, paid and unpaid labour, income, political and social decision making and violence against women. It also contains critical comments on the availability of data, which are rich on labour, but rather poor on inequality in the private sphere. The Emancipatiemonitor 2002 (Portegijs, Boelens and Keuzenkamp) provides data on the same sections, but also adds a section on daily routine and on the information society. The Emancipatiemonitor 2004 (Portegijs, Boelens and Oldshoorn) adds information on care tasks, on violence against girls, on effectiveness of career policy and on employer support for emancipation. The Emancipatiemonitor 2006 (Portegijs, Hermans and Lalta) adds sections on the economic independence of women. Before the first Emancipation Monitor was published in 2000 an annual 'Emancipation Yearbook' was published for the years 1997-1999 by the CBS in cooperation with the Directorate for the Coordination of Emancipation Policy (DCE). There is a special monitor on the emancipation of women from ethnic minorities. In general, it must be underlined that there is extensive, good quality material monitoring and evaluating the quality of gender equality policies in the Netherlands. The VCE is planning to publish a manual on the methodology of stock-taking workshops. This is an instrument that the Committee itself has been using in each individual Ministry to get the gender and diversity aspects of a certain policy issue 'to the surface'. The manual will be publicly available.

Gender disaggregated statistics

Monitoring tools such as the above described 'Emancipation Monitor' are written and compiled by researchers that work for Statistics Netherlands (Centraal Bureau voor de Statistiek, CBS) and the Social and Cultural Planning Office (Sociaal en Cultureel Planbureau SCP). The reports consist for a large part of statistics. These are all gender disaggregated. However, these monitors do not collect data on all possible policy issues. There is no official policy on extending the gender disaggregation of the data collected in the Netherlands. The reports have to use the data that are available.

International reporting

In the National reports to the CEDAW Committee the government periodically (should be every 4 years) reports on all measures that were implemented in the previous years in order

to comply with the CEDAW Convention. So far, four periodic reports have been written, the last one in 2005 (covering the period 2000-2004).

Furthermore, in the framework of the Beijing Platform for Action, the Dutch government wrote two evaluation reports: one to cover the period 1995-2000 (Beijing + five) and one covering the period 2000-2004 (Beijing +10).

Subsidy schemes and advisory system

In 1997, the Dutch advisory system was subject to a major reorganisation with the aim of reducing public expenditure and promoting efficiency in the governmental apparatus. This resulted in a dramatic reduction of the total number of governmental advisory bodies. In the new system, all advisory bodies were supposed to provide advice on emancipation matters as far as relevant for their own area, which implied the end of the Emancipation Council's (the task of this council was to provide- asked or unasked- advice to Ministers on emancipation policy) existence in the same year. Just before its dissolution the Emancipation Council advised the Cabinet on how to make sure that emancipation issues would still be covered by the new advisory system. One of the points made was that the government should make sure that enough women are represented in the new advisory system. As a consequence a stipulation promoting women's representation in advisory bodies was incorporated in the legislation streamlining the major reorganisation of the advisory system. Initially the advisory bodies received some guidance and support for their new task of integrating the emancipation perspective through the newly appointed temporary committee TECENA. In January 2001, this temporary advisory body, however, was discharged from its task. The developments in the late 1990s signified a declining support for women's emancipation, which was also reflected in a reduction in the government's budget for feminist civil society organisations (Verloo and Van Lamoen, p. 6-7)

In 2001 and 2002, a number of evaluations were conducted on (sections of) the emancipation subsidy scheme to non governmental organizations and projects, both under the auspices of the subsidy provider and under those of the subsidy receivers. Partially based on the findings and recommendations of these investigations, the subsidy scheme has been replaced on 1 January 2004. The biggest part of the budget available for subsidy is exclusively granted to projects and it comprises 3 themes: (i) rights and security, (ii) labour force participation and economic independence, and (iii) decision-making and management. The target groups of the projects are women in a vulnerable position. Institutes are also granted subsidy, in order that the infrastructure in the field of emancipation remains guaranteed. Only two institutions receive these subsidies at the moment: E-quality and the IIAV (International Information Centre and Archives for the Women's Movement) (Beijing report of Luxemburg presidency). The expertise centre E-quality has been given the assignment to support the process of gender mainstreaming in the coming years with expertise, thematic studies, instruments and the distribution of good practices (The Netherlands Ten years after Beijing, 2004). The Dutch Women's Alliance stopped receiving subsidy in 2005.

The presence or absence of systematic consultation with civil society

Even in the post-Fortuyn period, the Dutch political system can still be characterised as a consensus democracy. The pursuit of compromise is deeply rooted in the political culture, which is expressed in the way in which policy processes are organised. In order to promote a broadly shared consensus, a plurality of interests is taken into account during the policy process. Furthermore, Dutch politics are characterized by neo-corporatism. In the 1950s and 1960s an extensive corporate sector developed in which the representation of group interests took place through the institutionalisation of interest groups networks. This institutionalization often took place in the form of officially recognized advisory bodies. While the number of advisory bodies has decreased dramatically during the 1990s, consultation with organisations representing specific interests is often still legally prescribed. The style of policy making in the Netherlands can be described as open. Ministries are not only populated by civil servants, but also connected to external consultants and scientists who contribute to policymaking and legislation. This policy style - with its strong accent on consultation and consensus building - has gained international attention as the 'Dutch polder model'. Policy processes are characterized by a strong tendency to involve different, often contesting, interest groups. A pattern of sponsored pluralism completes the picture. The Dutch emancipation policies are an evident product of this consensus model (Verloo and Van Lamoën, 2003, p. 2).

Since the start of the Dutch emancipation policies, interest groups and women's studies representatives played an important role in influencing the government's policy. In the early 70s the public debate on women's issues was stimulated by the ludicrous actions of the 'Dolle Mina' feminist group. The more moderate organisation 'Man-Vrouw-Maatschappij' [Men-Women-Society] managed to put emancipation on the political agenda by initiating a letter campaign declaring that it was time for a national emancipation policy, making use of the attention generated by the UN Year of Women 1975. From that time on, an increasing number of women's organisations - operating in as different areas as education, information, health care, or violence against women - developed and played a role in influencing the government's policies, either by consultation or by advice or actions unasked for. Many of them received state funding, although usually on a temporary basis. The late 90s marked a decline in the national support for feminist organizations (see also under 'subsidy schemes' in section 2 on instruments and tools), which resulted in reorganisation and mergers after the usual rounds of consultation (Verloo and Van Lamoën, 2003, p. 9-10).

All in all, one can certainly state that in the Netherlands there is quite a lot of room for consultation with civil society. It really belongs to the Dutch way of policy making. However, an interesting question would be how open the system really is or in other words, which minority groups are excluded despite this openness? Also some shifts in the way this openness is being put into practice can be identified. In the 80s most of the time civil servants were organising consultation rounds with women's movement organizations, using their commentaries as an input into the policy making process. Nowadays a typical way of doing things is to organize so-called 'expert meetings' in which primarily experts (instead of

women's movement organizations) are being invited. Increasingly those 'experts' can also be experts in areas other than gender. Sometimes the expert meetings themselves are not even being organized by civil servants but by consultants or experts that were hired by civil servants. On the basis of the expert meetings, they then write a report addressed to the government/ Ministry. This, of course, is still a way of consulting civil society actors. However, the civil society actors involved differ and the process seems to be somewhat more indirect.

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1 Non-employment

1.1 Introduction

In this introduction the relative relevance and presence of sub issues within the broader non-employment issue will be discussed. Key topics within non-employment in the Netherlands have been the sub issue fields of *reconciliation of work and family life* and of *Tax-Benefit policies*.

Regarding **reconciliation of work and family life** one can distinguish between three different topics around which groups of laws/policies have been developed.

Firstly, these are the introduction of several laws that concern enhancing labour market flexibility by making flexible working hours and by making part-time work a more attractive possibility (with more employment rights and possibility of progression). During the Quing research period some major legislative steps have been made in this regard. In 1995 the Act on Working Hours (Arbeidstijdenwet) was adopted, making it easier to diverge from the 9 to 5 working day. One year later the Equal treatment (Full-time and Part-time workers) Act (Wet Verbod op Onderscheid naar Arbeidsduur, WOA) was adopted, guaranteeing against discrimination based on working hours or contract type and in that sense going beyond European anti-discrimination legislation in this field. The Working Hours (Adjustment) Act (Wet Aanpassing Arbeidsduur, WAA) of 2000 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 of employment. An Act that stands a little bit apart from the three previous acts is the Act on Flexibility and Security of 1998 (Wet Flexibiliteit en Zekerheid) also known as the 'Flex Act' which applies to temporary contracts of employment. It aims to make fixed employment more flexible and flexible employment more secure. In 2007 a new and simplified Act on Working Hours (replacing the 1995 one) entered into force that allows less restrictive practices as to the length of the working day and scope of the working week.

This group of measures with its focus on labour market flexibility and employability has resulted in a record number of part-time employees (of which the vast majority are women, especially women with children) and has 'normalised' part-time working. The Netherlands was called the first part-time economy in the world. Part-time work is now dominant among working women (the Netherlands has the highest female part-time employment rate in Europe, 68% in 2005 [Emancipatiemonitor 2006]) and in this sense it is primarily a gendered option, normalized for women rather than for men. The Dutch society still seems to disapprove of families in which both parents work full-time. The ideology used to be that the mother stays at home taking care of the children (strong male breadwinner

⁴ In the timelines on non-employment, intimate citizenship and gender-based violence reference to certain Parliamentary/governmental documents is made very frequently. These references usually do not contain a link that leads you to the text on internet, but they do contain a document number. On the websites www.overheid.nl and <http://parlando.sdu.nl/cgi/login/anonymous> one can download these documents by entering the document number and year.

model). Now this has changed into a one and a half earner system. This 1.5 model is often the starting point of government policies. While part-time work options may have worked to increase women's work-life balance, it raises issues about the economic independence of women, career progression (gender gap in working hours can be a hindrance) and quality of life. All in all, one can question whether these policy shifts have led to real solutions for Dutch women, because the policies have not removed women's socio-economic disadvantage (Plantenga, 2002; Widener, 2006; Wattis, 2006; Sjerps, 2006, De Boer and Wijers, 2006).

Secondly, several laws were introduced that relate to the 'national debate on labour and care' (which in fact was already going on from as early as 1995) aiming at bringing about a new/workable balance between labour and care. Most importantly in this regard are the 2001 Act on Labour and Care (Wet Arbeid en Zorg, WAZO) which joins all previous legislation in the field of leave arrangements and adds new provisions (in 2005 the Act is extended to include long term care leave) and the 2005 Act on a Life Course Savings Scheme/ Life Course Arrangement (Wet op de Levensloopregeling) which makes it possible for individual employees to save a part of their income to be spent on several forms of leave at a later date. Before the introduction of these two acts the regulations on parental leave were extended in 1997 (but they are now replaced by the Act on Labour and Care) and an Act on the Financing of Careerbreaks (Wet financiering loopbaanonderbreking, finlo) was adopted in 1998. Currently a Bill on an 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 expected to be published soon in the Bulletin on Acts and Decrees. One can, however, wonder whether the Act on Labour and Care and the one on the Life Course Savings Scheme can really be regarded as an effective policy to ensure a more balanced division of paid work and unpaid care. According to the GIA that was executed on the Life Course Savings Scheme, the Scheme will not be very effective in this regard. Next to laws, a lot of commissioned research on the topic of balancing labour and care was executed, several Cabinet notes were written and several working groups (like the Commission on Day Planning) were installed.

Thirdly, and least important, there has been some soft policy on life long learning.

Regarding **Tax-Benefit policies** there have been some changes in social security legislation (most importantly legislation on social assistance and on occupational disability) and on income taxation. In the fields of pensions and unemployment benefits only relatively small changes took place. For the self-employed an Invalidity Insurance (Self-Employed persons) Act was adopted in 1997. It is striking that despite the major changes that have taken place in social security legislation no gender impact assessments have been conducted prior to the adoption of the relevant acts. On the General Social Assistance Act a GIA was conducted afterwards on the experiences of municipalities with implementation of the Act and also on the Act on Working Hours a GIA was executed afterwards.

The (new) General Social Assistance Act (Algemene Bijstandswet) was adopted in 1995. The legislative process in preparation of the Act falls outside of the Quing period. An important element in this Act is the emphasis on improving what is called the 'activating effect'. The obligation to work also applies to women with children. A general exemption is made, however, for a parent who has to care for one or more children under the age of five.

In 2004 the General Social Assistance Act was replaced by the Act on Work and Social Assistance. At several points between these two laws and after the 2004 one, discussions surfaced on mothers on welfare and primarily about whether they should work or be obliged to work. Despite this fact, under the new Act single parents (mostly women) of young children (up to 5 years of age) are obliged to look for a job. If they do not co-operate, their welfare allowance is reduced. Although recent figures show that more single mothers are entering the labour-market, the overall effects of this measure are not known. The fact that women no longer receive the allowance does not automatically mean that their situation and that of their children has improved (De Boer and Wijers, 2006).

The former Occupational Disability Act (Wet op Arbeidsongeschiktheidsverzekering, WAO) was replaced by the Act on Work and Income according to Labour Capacity (Wet Werk en Inkomen naar Arbeidsvermogen, WIA) in 2005. For years a (gendered) discussion already took place on the issue of the high number of women who receive an occupational disability pension. Because the Commission Donner that advised on future changes in the occupational disability pension legislation neglected this gendered dimension of the discussion, a gender impact assessment was conducted on the Commission Donner report. In 2003 an action plan on women and WAO was launched by the government. However, on the Bill for the new Act, no gender impact assessment has been made. During the years before the Act was replaced, the rules on entering the scheme were made more stringent each time. However one can wonder whether preventing women from using the Invalidity Insurance scheme by altering the rules solves the problem. The real problem is not that so many (young) women are in the WAO, but that so many young women are unfit to work (De Boer and Wijers, 2006). The new WIA Act does not seem to solve this problem because the Act has only sharpened the criteria for entrance and shifted its focus from the degree of incapacity for work to the degree of capacity to work (the name of the Act already makes this clear).

With regard to the income tax system a new Income Tax Act entered into force in 2001 which increased the individualisation of the income taxes by replacing the transferable allowance with an individual levy rebate. The changes that took place in the Income Tax system have weakened the traditional (male) breadwinner aspects that were still in place within the Dutch taxation system.

Another Act that was being adopted in 1998 and abolished again in 2004 is the Invalidity Insurance (Self-Employed persons) Act (Wet arbeidsongeschiktheidsverzekering zelfstandigen, WAZ). Women's organisations have pressed for the introduction of maternity benefits for the self-employed which were also covered by this Act. When the Act was abolished in 2004, the same maternity benefits issue caused a lot of disagreement and discussion. Until today, this issue is still being discussed. Women's movements (Clara Wichmann) together with the trade union FNV have put pressure on government demanding introduction of a maternity leave insurance scheme for self-employed women.

Despite the fact that elderly women (most of whom could not build up a full supplementary occupational pension because they were out of the labour market for years to care for children or because they worked part-time) and refugee, migrant and minority women (who on top of not having built up enough supplementary occupational pension also miss out on the state allowance for elderly people which is based on the number of years a

person has been resident in the Netherlands) are marginalized by the Dutch pension system, the government did not take any measures on this during the Quing research period (De Boer and Wijers, 2006). One thing that changed in 2006 was the minimum age for building up occupational pension which went down to 18 years. This is thought to benefit low educated workers.

The Unemployment Insurance Act (WW) has undergone some changes over the past year. One change that can have a different (and potentially disadvantageous) effect on women is the criteria of '26 weeks out of 36 weeks'. This means that a person must have been employed for at least 26 weeks in the 36 weeks before the first day of unemployment to be eligible for unemployment benefits. Weeks during which a person carried out work as a self-employed person do not count. This means that for example women who re-enter the labour market after some years of taking care of the household are less protected against unemployment.

In a number of years included in the 1995-2007 timeline (see section 1.3) no section on **care work and informal work** is to be found. This clearly indicates that the issue was of less importance during the Quing research period (1995-2007) as compared to the two sub issues that have already been discussed above (reconciliation of work and family and tax-benefit policies). It is only in the most recent years of the timeline that legislative changes take place. After several years (starting from 2000) of discussion and legislative preparations (the Bill was written in 2002) the Childcare Act (Wet op Kinderopvang) was adopted in 2004. In 2006 an Act on long term care (Wet Maatschappelijke Ondersteuning, WMO) is adopted. In 2005 a Gender Impact Assessment is executed analyzing the WMO Bill from a gender perspective. This is the first act covering people who voluntarily take care of family or friends over a long period of time (in Dutch they are called 'mantelzorgers') and people who do voluntary work. However, the Gender Impact Assessment on this Act concluded that the law has negative effects for women, both as care-providers and as care-receivers (De Boer and Wijers, 2006).

The new Act on Childcare changes the way in which child care is financed through state contributions, employer contributions and contributions by the parents themselves. Parents can reclaim an income dependent part of the cost from the government through tax deductions. The new Act has aroused several criticisms. People with higher incomes are confronted with higher costs for child-care; an increase that is not (fully) compensated by the contribution of employers and tax-rebate. The system also discourages women from working more days a week: the costs of child-care will increase, not only because of an extra day of care, but also because the raise in family income raises the parental contribution per day. After the change in the Childcare Act, 7.5 % of parents reduced the use of child-care, 6% terminated it, and only 1.4% increased (or started) the use of child-care. Furthermore the government presents child care solely as a condition for the 'higher economic goal' of women's participation in the labour market. No attention is paid to the educational aspects of good child-care. The government does not set quality standards. (De Boer and Wijers 2006). Lastly, the employers' contribution which the act anticipates to be one sixth of the costs (if both partners work this will add up to one third) is on a voluntary basis. Because research concluded that some employers do not contribute, the Minister of Social Affairs and

Employment came with a Bill in 2006 to make the employers' contribution compulsory. This Bill was, however, withdrawn later on. An initiative Bill written by a Labour party MP that proposes to make childcare a basic provision, primarily funded by government, is still being discussed.

In recent years the Netherlands has witnessed an increase of demand for domestic workers in private households. Migrant women from Asia, Latin America and Africa, and more recently from Eastern Europe, are increasingly filling this demand. However, this work is not seen as official work or as a category for immigration (De Boer and Wijers).

Regarding **access to the labour market** one can mainly distinguish between three groups of (legislative/soft policy) measures. *Firstly*, some of the Dutch equal treatment legislation that was already in place has been amended (or will be amended soon) in order to comply with EU-Directives 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC and two new acts (one on discrimination based on disability adopted in 2003 and one on age discrimination in employment adopted also in 2003).

Secondly, there are the policies and discussions that focus on the labour market participation of ethnic minorities. The Act SAMEN (Act on the stimulation of labour market participation of minorities) which was enforced in 1998 aimed to promote equal representation of people from ethnic minorities in the workforce. This Act, which should mainly be seen as an instrument to raise awareness amongst employers (without punishing them), expired at the end of 2003 and was not prolonged by government. The Act did not specifically focus on women from ethnic minorities. However, this group increasingly became the focus of soft policy measures such as action plans and advisory Commissions. In 2001 The Commission AVEM (Commission on Labour Participation of Women from Ethnic Minority Groups) was installed to be replaced in 2003 with the Commission PaVEM (Participation of Women from Ethnic Minority Groups) which ended its tasks in 2005. All in all, one can witness two shifts: one from a focus on ethnic minority groups in general (men and women) to a focus on women in ethnic minority groups; and another shift from a focus on the labour market participation of these women to a participation concept that is broader than the labour market only.

Finally, some soft policy measures have been taken regarding the reintegration of women into the labour market. In 2001 an action plan was launched, which was updated in 2003.

Concerning **equal pay/gender pay gap** the measures taken within the Quing research period are all examples of soft policy that are located after 2000 on the timeline, such as an action plan on equal pay and the annual progress reports on this Action plan, research, the setting up of an equal pay task force, the development of instruments and awareness raising.

1.2 Description of relevant actors in the field

1.2.1 Government

Ministry of Social Affairs and Employment SZW (Ministerie voor Sociale Zaken en Werkgelegenheid - SZW)

Parliamentary Committee on Social Affairs and Employment This is the standing committee composed of MPs from all the different parties covering all issue fields of the Ministry. Until the elections of 2006, emancipation policy was also being discussed within this Committee. This issue has now switched to the Parliamentary Committee on Education, Culture and Science.

Ministry of Education, Culture and Science Since the most recent election the responsibility for emancipation policies has shifted from the Ministry for Social Affairs and Employment to this Ministry.

Parliamentary Committee on Education, Culture and Science

Direction Coordination Emancipation Policy (DCE)

Interdepartmental Coordination Emancipation Policy (ICE)

Emancipation Council advisory council that was abolished at the end of 1997

Coordinating member of Cabinet on emancipation policy currently Minister Plasterk (Ministry of Education, Culture and Science)

State Council (Raad van State) is the highest advisory body in the Netherlands. Always writes an advisory report on each and every Bill.

Equal Treatment Committee CGB (Commissie Gelijke Behandeling) was installed in 1994 by the Dutch government on the basis of obligations arising from the General Equal Treatment Law. The Commission's role is to promote and monitor compliance with the General Act on Equal Treatment, together with other specific anti-discrimination and equal treatment legislation. The Commission has the power to rule on claims, and can conduct investigations of its own accord and advise the government. The Dutch Equal Treatment Commission (CGB) examines complaints about unequal treatment. It investigates whether the equal treatment law has been violated.

Ministry of Health, Welfare and Sport Ministry that was involved in the discussion around the WMO (Act on Societal Support for voluntary long term carers) and the Act on Labour and Care

Parliamentary Commission on Health, Welfare and Sport

Ministry on Internal Affairs and Kingdom relations

Parliamentary Commission on Internal Affairs and Kingdom relations

Arbeidsinspectie-The Labour Inspectorate monitors collective agreements on discrimination issues <http://www.arbeidsinspectie.nl/>

1.2.2 Employers

VNO-NCW the Confederation of Netherlands Industry and Employers (Vereniging van Nederlandse Ondernemingen-Nederlands Christelijk Werkgeversverbond) largest employers' organisation of the Netherlands

MKB employers of middle and small enterprises de Koninklijke Vereniging MKB-Nederland (MKB),

LTO Federation of agricultural organisations de Federatie Land- en Tuinbouworganisaties Nederland

1.2.3 Trade Unions

Dutch Trade Union Federation FNV (Federatie Nederlandse Vakbeweging) Social Democratic roots

FNV vrouwenbond is the women's federation of the FNV <http://www.fnvvrouwenbond.nl/publicaties>

FNV vrouwensecretariaat the women's secretariat of the FNV

Christian Trade Union Federation CNV (Christelijk Nationaal Vakverbond) Christian democratic roots

1.2.4 Employers & trade unions

Labour Foundation (Stichting van de Arbeid) Established on 17 May 1945, the Labour Foundation is a bipartite national consultative body organised under private law. Its members are the three peak trade union federations and three peak employers' associations in the Netherlands. The Foundation provides a forum in which its members discuss relevant issues in the field of labour and industrial relations. Some of these discussions result in

memorandums, statements or other documents in which the Foundation recommends courses of action for the employers and trade unions that negotiate collective bargaining agreements in industry or within individual companies. Upon request, the Foundation also advises the government on labour-related topics.

The Social and Economic Council of the Netherlands SER (Sociaal Economische Raad) Established in law by the 1950 Industrial Organisation Act (*Wet op de Bedrijfsorganisatie*), the SER is the main tripartite advisory body to the Dutch government and the parliament on national and international social and economic policy. The SER is financed by industry and is wholly independent from the government. It represents the interests of trade unions and industry, advising the government (upon request or at its own initiative) on all major social and economic issues.

1.2.5 Political Forces/ Parties

During the period 1995-2007 five different coalitions governed. From 1995 until 1998 the first “Purple” cabinet took office. This Cabinet consisted of a coalition between the socialist/social democratic party (PvdA), the conservative liberal party (VVD), and the progressive liberal party (D’66). It was the first Dutch cabinet after World War II that did not include the Christian Democrats (CDA). The Purple cabinet continued for a second period from 1998 to 2002. In 2002, a new right-wing populist party (Lijst Pim Fortuyn ‘LPF’, named after its murdered charismatic leader) entered the Dutch electoral arena and had a major victory in the elections. A major theme in its campaign was the problems that relate to the notion of ‘multiculturalism’ and the ‘policy of toleration’ that accompanied this notion in the Netherlands. After his assassination his supporters claimed that Pim had said what they for long time were not allowed to say. It was the LPF that formed a coalition in 2002 with the Christian democrats and the Liberal party, headed by Prime Minister Balkenende, which only lasted for 87 days. In the following elections the LPF lost votes and a new centre-right coalition of CDA, VVD, and D’66 headed by Prime Minister Balkenende took office in May 2003. This second Cabinet Balkenende did not complete its full term. In June 2006 the three D’66 Cabinet members resigned. As an effect of this the whole Cabinet resigned. However no new elections were held. The VVD and the CDA formed the third Cabinet Balkenende from July 2006 until February 2007. At the end of the year 2006 new elections were held. Since February 2007 a coalition of CDA, PvdA and the Christian Union (CU) headed by Prime Minister Balkenende (the fourth Cabinet Balkenende) governs the country.

The Dutch political parties that are currently in Parliament, starting with the three governing ones (from most seats in Second Chamber to least seats):

CDA (Christen Democratisch Appèl- Christian Democratic Party) a centre right Christian democratic party that supports free enterprise and holds the opinion that government should

supplement but not replace communal action by citizens. Party is led by Prime Minister Balkenende. Favours European integration.

PvdA (Partij van de Arbeid- Labour Party) a centre left social democratic party, Its political programme is based on greater social, political, and economic equality for all citizens. In recent years the PvdA has espoused a third way-programme. Generally supportive of European integration.

Christen Unie (Christian Union) A Christian party that primarily focuses on various ethical questions, 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. Generally skeptical about European integration.

Other parties in Second Chamber of Parliament (from most seats to least seats):

SP (Socialistische Partij – Socialist Party) a left-wing (formerly Maoist) party. The party opposes European integration, viewing the EU as a European superstate.

VVD (Volkspartij voor de Vrijheid en Democratie – People’s Party for Freedom and Democracy) is a conservative liberal party. Of the major parties, this party is regarded as most right wing (but the smaller spin off party led by Wilders is the most right wing party). The VVD attaches great importance to the free market and to freedom of the individual in political, economic and social affairs. It is supportive of European economic integration, but less so regarding European political integration.

Partij voor de Vrijheid (The Party for Freedom) was erected by Geert Wilders when he split from the VVD in 2004. It opposes Islamization of the Netherlands, wants to limit immigration and is Euro skeptic.

Groenlinks (Green Left Party) combines green environmentalist and left-wing ideals. It is more left wing than PvdA (could be positioned between SP en PvdA).It is a multiculturalist party in favour of European integration – although very critical of current EU policies.

D66 (Democrats 66) is a centrist left-liberal and (radical) democratic party with strong support among young, urban and professional voters.

SGP (Staatkundig Gereformeerde Partij – Political Reformed Party) is a conservative Christian party with stronger ethical standpoints than the Christian Union. Bases all its views directly on the Bible. Although small, it has important political power in orthodox reformed Dutch municipalities. It opposes European integration.

Partij voor de Dieren (Party for the Animals) a single issue animal rights party.

1.2.6 Civil society actors/ NGO's

E-quality, the Dutch information centre for gender, family and diversity issues (www.e-quality.nl). E-Quality came into being after a merger of several women's organisations (Vrouw en Arbeid, Stichting Arachne, Vrouwenadviesbureau Overheidsbeleid, WEP-I, Aisa). Last year E-Quality merged with the Dutch Family Council.

Centre of Expertise for Women and Law – Clara Wichmann Institute (Expertise centrum voor Vrouwen en Recht, Clara Wichmann Instituut) <http://www.vrouwenrecht.nl/hulp>

Nederlandse Vrouwen Raad NVR – Dutch Women's Council

(<http://www.nederlandsevrouwenraad.nl>). The NVR is an umbrella organisation representing over 50 women's organisations. It functions as a contact point between government and society.

Opportunity in Bedrijf- opportunity in business. Network and knowledge centre for diversity. It has dozens of leading companies, Dutch ministries and non-profit organizations as members, as well as expert organizations and "friends". Opportunity in Bedrijf helps organizations 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.

Bureau on Age Discrimination - Expertisecentrum leeftijd en maatschappij. Investigates the nature and extent of age discrimination, using research, seminars, expert-meeting. <http://www.leeftijd.nl/>

Bureau on Race Discrimination - Landelijk Bureau tegen rassendiscriminatie, LBR

Has been replaced since January 2007 by 'Article 1'.

Art. 1 The name of this organization refers to article 1 of the Dutch Constitution. Since January 2007, the LBR and the regional antidiscrimination bureaus merged into Art.1. Art.1 is a national association that is dedicated to preventing and combating discrimination (sex, race, age, handicap, etc.). Art.1 contributes to the equal treatment of all people in the Netherlands. www.art1.nl

Bureau against Discrimination due to Sexual Orientation (Cultureel Ontmoetingscentrum, COC) www.coc.nl

Tiye international (Platform of the National Organisations of black, migrant and refugee women in the Netherlands)

Forum- Instituut voor Multiculturele Ontwikkeling [Institute for Multicultural development] (<http://www.forum.nl>)

1.2.7 International actors

EU – European Union
ILO – International Labour Organisation
UN/CEDAW

1.3 Timeline

Pre-1995

1960's into 1980's: Dutch women's movements pressurize the government to change its unit of welfare from the family to the individual. This 'individualization' of entitlements paved the way for a shift from a breadwinner model to a dual earner (or perhaps one-and-a-half earner) model (Widener, 2006).

1980: Equal Treatment in Employment (Men and Women) Act (Wet gelijke behandeling mannen en vrouwen, WGB) in order to change the Dutch domestic law to comply with Directive 76/207 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions ('gender equality directive').

1982: Agreement of 'Wassenaar' between the social partners (government, employers and unions). It deregulated the work place. The social partners agreed to cut down on the demand for wage increases in exchange for decreased working hours. The ability to cut down wage hours was accompanied with job protection, equal pay for equal work and the continuation of benefits (Widener, 2006).

1989-1994: The government begins to increase provisions for child care for very young children under pressure of Hedy d'Ancona in her position as Minister of Health and Welfare (Widener, 2006).

1991: The Dutch Government passes the (first) Childcare Act (Wet Kinderopvang). It aimed at making parents, government and employers each responsible for one third of the costs for child care. Before this time, the Dutch policy on Child Care (or non policy) was built around the single male breadwinner model with a housewife at home to take care of the children (Widener, 2006). In 2005 this system of childcare subsidizing changed (see timeline 2005).

1991: Unpaid parental leave is introduced

1994: General Equal Treatment Act (Algemene Wet Gelijke Behandeling) This Act contains general rules to provide protection against discrimination on the grounds of religion, belief,

political opinion, race, sex, nationality, heterosexual or homosexual orientation or civil status (meaning that the original act did not cover age and disability as grounds of discrimination). It was amended in 2004 in reaction to EU Directives 2000/43/EC and 2000/78/EC by means of the EC-implementation act on the General Equal Treatment Act (see below in timeline). At the time of the adoption of the EU framework equal treatment Directive (2000/78/EC), there was no specific legislation on disability and age discrimination in the labour market context and the government was in the process of progressing relevant laws through parliament. In 2003 the Equal Treatment Act Disabled Persons/Persons with Chronic Illnesses and the Equal Treatment in Employment (Age Discrimination) Act were adopted (see timeline below).

1995

Reconciliation of work and family life

In this year the Act on Working Hours (Arbeidstijdenwet) was adopted and published in the Bulletin of Acts and Decrees on 23 November 1995. This Act makes it easier to diverge from the 9 to 5 working day. In 2007 the act on working hours was simplified and entered into force from April 2007 (see timeline '2007'):

- Act on Working Hours (Arbeidstijdenwet). 1995.
<http://www.arbobondgenoten.nl/wetgvng/divers/atw2208.pdf>

There were ongoing discussions on the issue of combining labour and care and on flexibility and security in employment (including the security of temporary employees).

On the issue of labour and care a Cabinet note was launched:

- Cabinet note concerning the reconciliation of paid labour and other responsibilities titled 'Because of the quality of labour and care: investing in leave', 5 September 1995, (no 24332, 2) [Kamerstuk 1994-1995 Combineerbaarheid van betaalde arbeid met andere verantwoordelijkheden; Nota «Om de kwaliteit van Arbeid en Zorg: investeren in verlof»]

Regarding the issue of flexibility and security in employment, the Cabinet presented a Cabinet Note. When preparing this note, advice written by the Emancipation Council and the Labour Foundation (Stichting van de Arbeid) was taken into consideration. This is the start of a discussion that leads to the adoption of an Act on Flexibility and Security in 1998:

- Letter of the Minister for Social Affairs and Employment including the Cabinet note entitled 'Flexibility and Security' (Flexibiliteit en Zekerheid) (24543, 1)

Tax-Benefit policies

In this year the new Act on General Social Assistance (Algemene Bijstandswet) Act was adopted and published in the Bulletin of Acts and Decrees on 12 April 1995. The legislative process in preparation of this Act started before the Quing research period.

- Act on General Assistance (Algemene Bijstandswet). 1995. <http://www.st-ab.nl/1-95199-abw.htm>

An important element in this Act is the emphasis on improving what is called the 'activating effect'. Rather than a safety net, social assistance should be a trampoline to paid work. One consequence of this shift of thinking is that the obligation to work, or to at least apply for work, has been extended to a much larger group of people. In the case of lone mothers for example, care for children is no longer considered a reason for exemption from work. One of the provisions of the act is: 'policy must be aimed at preventing a situation whereby a period of care for young children would represent a structural impediment to achieving economic independence, especially for women'. The obligation to work also applies to other women with children. A general exemption is made, however, for a parent who has to care for one or more children under five (Plantenga, 2000).

In this year there were ongoing discussions on the issue of General Social Assistance on which an Act was being prepared. One of the gendered discussions taking place is whether mothers who receive social assistance can be obliged to apply for a job (and if so, should this be related to a certain age of the child?):

- Questions by MP Bijleveld-Schouten directed at the Minister of Justice concerning the obligation to apply for a job for mothers receiving social assistance, 10 October 1995 (no 4, p. 588-591) [Handelingen 1995-1996 Vragen van het lid Bijleveld-Schouten aan de minister van Justitie, over haar uitspraken over de sollicitatieplicht voor bijstandsmoeders]
- Questions by MP Marijnissen directed to the Minister of Social Affairs and Employment about the application duty for mothers receiving social assistance, 10 October 1995, (no 4, p. 584-588) [Handelingen 1995-1996 Vragen van Marijnissen over de sollicitatieplicht voor alleenstaande moeders, aangewezen op een bijstandsuitkering]

Also the Act was discussed in Parliament:

- Handling of the Bill on a new General Assistance Act (behandeling van de wetsvoorstellen in verband met de Algemene Bijstandswet) in the Second Chamber of Parliament (Handelingen 1994-1995, no. 23, pages 1068-1086 and continuation on pages 1093-1110)

1996

Reconciliation of work and family life

In this year the Act on Working Hours (arbeidstijdenwet), published in the Bulletin of Acts and Decrees on 23 November 1995, entered into force (see timeline 1995).

The Equal Treatment (Full-time and Part-time workers) Act forbidding discrimination on the basis of labour time (Wet verbod op Onderscheid naar Arbeidsduur: WOA) is adopted and published in the Bulletin of Acts and Decrees on 3 July 1996:

- Equal Treatment (Full-time and Part-time workers) Act (Wet Verbod op Onderscheid naar Arbeidsduur WOA). 1996. <http://www.cgb.nl/cgb128.php>

This Act improves the position of part-time workers by prohibiting distinctions between employees in the terms of the employment contract that the employee enters into on the basis of working hours. The Dutch legislation goes beyond European anti-discrimination legislation in this field, which does not guarantee against discrimination based on working hours or contract type.

In this year there was (ongoing) discussion on the issue of careerbreaks. The Minister of Social Affairs and Employment requests research on the possibility of a law on careerbreaks:

- Letter from the Minister of Social Affairs and Employment (24332, 9) about a request for a research into the practical, juridical and financial feasibility of (a law on) career break, 26 April 1996. [Kamerstuk 1995-1996 Combineerbaarheid van betaalde arbeid met andere verantwoordelijkheden; Brief minister over onderzoek naar de praktische, juridische en financiële haalbaarheid van loopbaanonderbreking]

Care work and informal work

In this year there was (ongoing) discussion on unpaid labour. The tripartite advisory Social Economic Council publishes an advice on future scenerios of unpaid labour:

- Social Economic Council (SER). 1996. Advies toekomstscenario's onbetaalde arbeid [Advice on future scenario's of unpaid labour]. Den Haag: SER

Furthermore, the Minister and State Secretary of Health, Welfare and Sport wrote a letter that includes policy plans on homecare (thuiszorg), the position of alpha-helpers (alpha-hulpen) and the subsidy regulation coordination volunteer work:

- Letter from the Minister and State Secretary of Health, Welfare and Sport on homecare, alpha-helpers and volunteer work (23235, 28)

The difference between alpha-helpers and home carers is that the alpha helper is self-employed, while the home carer works for a homecare organization (for an employer). Another difference is that the alpha helper is only allowed to do housekeeping tasks, while the home carer can also care for the person asking for help.

Tax-Benefit policies

In this year the General Assistance Act that was adopted and published in 1995 (see timeline 1995) enters into force.

No Act which should be mentioned here was adopted and published in the Bulletin of Acts and Decrees in this year.

On the issue of the social security system, an advice by the Emancipation Council (which is abolished in the following year) was written:

- Emancipation Council. 1996. Met zorg naar nieuwe zekerheid: Advies over een geemancipeerd inkomens- en sociale zekerheidsbeleid [Carefully towards a new

security. Advice concerning an emancipated social security system]. Den Haag: Emancipation Council. Advice no IV/45/96

1997

Reconciliation of work and family life

The Act on Parental Leave was amended during this year. It extends parental leave to include children up to eight years of age and employees with a job of less than 20 hours a week. It was published in the Bulletin of Acts and Decrees (no 266) on 25 June 1997.

- Act to amend the Civil Code regarding parental leave [Wet van 25 juni 1997 tot wijziging van titel 7.10 (arbeidsovereenkomst) van het Burgerlijk Wetboek met betrekking tot het ouderschapsverlof].1997.

On the issue of career breaks, combining work and care and flexibility and security in employment (ongoing) discussions took place, though not yet progressing to any legislation.

Concerning the issue of careerbreaks; the legislative process in preparation of an Act on the Financing of Careerbreaks started [Wet financiering loopbaanonderbreking finlo]:

- Bill (25477, 1-2);
- Memorandum of explanation (25477, 3);
- Advisory report of the State Council and a report of further explanation (25477, A);
- Report from the Parliamentary Commission on Social Affairs and Employment (25477, 5);
- Note from the government reacting to the October report of the Parliamentary Commission on Social Affairs and Employment (25477, 6);
- Plenary Session of the Second Chamber of Parliament (no 10, pages 2300-2325 and 2351-2357) concerning the Bill for a Act on the financing of career breaks and the bill on changing certain laws to remove obstacles in social security laws concerning unpaid leave, 5 December 1997

[Kamerstukken 1996-1997 omtrent bepalingen inzake de financiering van loopbaanonderbreking (Wet financiering loopbaanonderbreking)]

In many cases, after these 'basis' documents, sometimes 'notes of alteration' are written by the initiators of the Act and a lot of amendments are proposed by MP's. On the basis of these documents and the reading of the Bill by the First Chamber of Parliament, it quite often is the case that a revised Bill will be written that takes into account these notes of alteration, the accepted amendments and potential changes proposed by the First Chamber. So the documents above only represent the starting documents of the legislative process that in the end will lead up to (or not) the enforcement of an Act

Concerning combining labour and care, the Cabinet publishes a new note:

- Letter by the Minister of Social Affairs and Employment informing the parliament about the Cabinet note 'opportunities for reconciliation: work, care and economic independence', 29 September 1997 (25667, 1) [Kamerstuk 1997-1998 Arbeid, zorg en economische zelfstandigheid; Brief minister bij de nota 'Kansen op combineren: Arbeid, Zorg en Economische Zelfstandigheid']

In reaction to this Cabinet note several NGO's/civil society actors/advisory bodies published an advice or made recommendations, including the Social and Economic Council:

- Social and Economic Council (Sociaal Economische Raad SER). 1998. Arbeid, Zorg en Economische zelfstandigheid [Work, care and economic independence]. Advice no. 11/98 presented to the Minister of Social Affairs and Employment. http://www.ser.nl/downloadpdf.asp?filename=/upload/databank_adviezen/b16526.pdf

Regarding the issue of flexibility and security in employment; the legislative process in preparation of an Act on Flexibility and Security started. Below several primary documents are listed (for further information on the Act see timeline 1998):

- Bill (25263, 1-2)
- Memorandum of explanation (25263, 3)
- Advisory report by the State Council and further report of explanation (25263, B)
- Report by the Parliamentary Commission on Social Affairs and Employment (25263, 5)
- Note from the Cabinet in response to the Parliamentary Commission on Social Affairs and Employment report (25263, 6)

One of the gendered discussions taking place in the framework of this bill is on the cases of non-continuation of a temporary contract in case of pregnancy. The Institute on Women and Labour has recommended that the burden of proof should be reversed. Two primary sources that relate to this discussion:

- Letter from the Minister of Social Affairs and Employment regarding the recommendation on reversal of the burden of proof in cases of non-continuation of a temporary contract while a woman is pregnant (24543, 11)
- List of questions and answers regarding the aforementioned letter on the recommendation of the Institute of Women and Labour (24543, 12)

Tax-Benefit policies

In this year the Invalidity Insurance (Self-Employed Persons) Act (Wet arbeidsongeschiktheidsverzekering zelfstandigen, WAZ) is adopted and published in the Bulletin of Acts and Decrees on 24 April.

The Cabinet thought obligated invalidity insurance was necessary (resembling the Act on Occupational Disability WAO for employees) because self-employed persons are inclined to underestimate the risk of becoming incapacitated for work. Also, women's organisations had for some time been calling for the introduction of maternity benefits for the self-employed, referring to the awkward position of self-employed women who wish to keep their business going while having a child and ceasing work for several months. The government appeared sympathetic to these arguments and introduced a new 'substitute benefit' for self-employed

people in the WAZ, which corresponded in length to maternity leave for employees. Also the so-called alpha-helpers (see timeline 1996 and 2000) are covered by this Act.

- Bill 1996 (24758, 1-2);
- Memorandum of explanation 1996 (24758, 3);
- Advisory report of the State Council and a report of further explanation 1996 (24758, A);
- Report from the Parliamentary Commission on Social Affairs and Employment 1997 (24758, 5);
- Note from the government reacting to the October report of the Parliamentary Commission on Social Affairs and Employment 1997 (24758, 6).
- The Act of 24 April 1997:
<http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=WET%20ARBEIDSONGESCHIKTHEIDSVERZEKERING%20ZELFSTANDIGEN>

The first Cabinet Kok publishes an important Cabinet note on the income tax system of the 21st century, which forms a starting point for the income tax revision that enters into force in 2001 (see timeline 2000 and 2001):

- Cabinet note titled 'Taxes in the 21st century: an exploration' (Belastingen in de 21e eeuw; een verkenning), 12 December 1997 (25810, nr. 2)

On the issue of the pension system the Emancipation Council (which is abolished later this year) published an advice:

- Emancipation Council. 1997. Een geëmancipeerd pensioenstelsel [An emancipated pension system]. Den Haag: Emancipation Council. Advice no IV/60/97

Access to the labour market

Legislative preparation of the Act on the stimulation of labour market participation of minorities (Wet SAMEN)

1998

Reconciliation of work and family life

In this year the Act on the Financing of Careerbreaks is adopted and published in the Bulletin of Acts and Decrees (no. 411) on 11 June:

- Act on the Financing of Careerbreaks (Wet financiering loopbaanonderbreking finlo). 1998. <http://www.st-ab.nl/1-98411-wfl.htm>

In this year the aforementioned Act on the Financing of Careerbreaks (Wet financiering loopbaanonderbreking, wet finlo) also enters into force as of 1 October 1998.

This Act aims to stimulate employees to take up time for leave as well as to stimulate the unemployed, persons who reenter and persons who are (partly) incapacitated for work to reintegrate into the labour market. The act only regulates the conditions on the basis of which a financial contribution can be granted in cases of leave for study or care. The Act does not create new or broader forms of leave.

Another Act that is adopted this year is the Flexibility and Security Act (Wet Flexibiliteit en zekerheid, flexwet). It is published in the Bulletin of Acts and Decrees on 14 May 1998. The discussion on this Act had started in 1995 with a Cabinet note on the issue. This Act extends the maximum temporary employment period from 6 months to 3 years (Widener, 2006). Its aim is to create a new balance between employers and employees in the labour market, by means of making fixed employment more flexible and by increasing the security of flexible employees. The practical results are that companies will have more freedom to hire people on temporary employment contracts than in the past, that a chain of consecutive temporary employment contracts will – under certain conditions – lead to a permanent employment contract, and that agreements between employees and temporary employment agencies will now be considered to be employment contracts (EIRO online, the Netherlands, 28 May 1998 ‘Flexibility and security bill adopted by First Chamber of Parliament’):

- Flexibility and Security Act (Wet Flexibiliteit en zekerheid, flexwet). 1998.
<http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=Wet%20Flexibiliteit%20en%20Zekerheid>

On the issues of working hours and reconciliation of labour and care (ongoing) discussions took place, not however leading to legislative measures.

Regarding working hours, an initiative bill by three MP's – Rosenmöller, Van Nieuwenhoven and Bakker – from different political parties (GroenLinks, PvdA and D66) was presented to Parliament. It proposes to change the Working Hours Act to better promote part-time work and more flexible/differential working time schemes. In the end the bill is not adopted as law (it is only in 2007 that the Act is altered):

- guiding letter (25902, 1)
- Bill (25902, 2)
- memorandum of explanation (25902, 3)

[Kamerstukken 1997-1998 omtrent voorstel van wet van de leden Rosenmöller, Van Nieuwenhoven en Bakker houdende wijziging van de Arbeidstijdenwet in verband met de wenselijkheid deeltijdarbeid en differentiatie van arbeidsduurpatronen te bevorderen]

Regarding reconciliation of labour and care; the Commission on day planning that was established at the end of 1996 (see press release Ministry of Social Affairs and Employment: http://home.szw.nl/actueel/dsp_persbericht.cfm?jaar=1996&link_id=89) by the Minister of Social Affairs and Employment with the task to make recommendations and find solutions to solve the most important bottlenecks that currently exist in the Netherlands regarding the issue of combining working tasks with labour tasks, presented its final advice to the government:

- Commission on Day Planning (Commissie dagindeling). 1998. Dagindeling, tijd voor arbeid en zorg: eindadvies van de Commissie dagindeling [Day planning. Time for labour and time for care. Final advice by the Commission on Day Planning]. Den Haag: Commission on Day Planning, Ministry of Social Affairs and Employment

Furthermore, MP Bijleveld-Schouten (CDA) writes an initiative bill for an Act amending several laws in order to regulate the reconciliation of labour and care. However the initiative Bill is never turned into law. In 2005 a letter announcing the withdrawal of the initiative Bill is published (26009, 7, year 2004-2005):

- guiding letter (26009, 1);
- Bill (26009, 2);
- memorandum of explanation (26009, 3);
- Advisory report by the State Council and report of further explanation (26009, A);
- Report from the Parliamentary Commission on Social Affairs and Employment (26009, 6).

[Kamerstukken 1997-1998 omtrent initiatief voorstel van wet van het lid Bijleveld-Schouten houdende wijziging van het Burgerlijk Wetboek en enige andere wetten in verband met het stellen van regels inzake het combineren van arbeid en zorg]

Tax-Benefit policies

In this year the Invalidity Insurance (Self-Employed Persons) Act (Wet arbeidsongeschiktheidsverzekering zelfstandigen: WAZ) is enforced. See timeline 1997.

Access to the labour market

The Act Stimulation of Labour Market Participation of Minorities (Wet SAMEN) enters into force.

1999

Reconciliation of work and family life

In this year the Flexibility and Security Act (Wet Flexibiliteit en zekerheid, flexwet) enters into force as of 1 January.

On the issues of working hours and reconciliation of labour and care (ongoing) discussions took place, however not leading to legislative measures.

Regarding the issue of working hours, the initiative Bill by MP's Rosenmöller, Van Nieuwenhoven and Bakker to alter the Working Hours Act to better promote part-time work and more flexible/differential working time schemes is still being discussed:

- Advisory report of the State Council and a report of further explanation concerning the initiative Bill for an Act to change the Act on Working Hours in order to promote part-time labour and differential working time schemes by the MP's Rosenmoller, Van Nieuwenhoven and Bakker (25902, A) [advies van raad van state en nader rapport omtrent voorstel van wet van de leden Rosenmüller, Van Nieuwenhoven en Bakker houdende wijziging van de Arbeidstijdenwet in verband met de wenselijkheid deeltijdarbeid en differentiatie van arbeidsduurpatronen te bevorderen]

Also regarding the issue of working hours the legislative process in preparation of the Working Hours (Adjustment) Act starts. In the memorandum of explanation to the Bill, the relation of this bill to the two initiative Bills by MP's Rosenmüller, Van Nieuwenhoven and Bakker on the one hand and by MP Bijleveld-Schouten on the other hand is discussed. Both these initiative Bills did not make it into law:

- Bill (26358, 1-2);
- Memorandum of explanation (26358, 3);
- Advisory report of the State Council and a report of further explanation (26358, A); Report from the Parliamentary Commission on Social Affairs and Employment (26358, 4);
- Note from the government in reaction to the March report of the Parliamentary Commission on Social Affairs and Employment (26358, 5);
- Altered Bill for an Act on the right to adjust working hours (26358, 52)

[Kamerstukken 1998-1999 omtrent regels inzake het recht op aanpassing van de arbeidsduur (Wet aanpassing arbeidsduur)]

Regarding the issue of combining labour and care a Cabinet note and a cabinet opinion are presented. These documents can all be seen as preparatory documents for a future Act on Labour and Care. The women's organisation E-quality and the bipartite Labour Foundation (Stichting van de Arbeid) both publish an advice on this future Bill on Labour and Care:

Primary sources:

- Cabinet Note on labour and care titled 'on the road towards a new balance between labour and care', 7 April 1999 (26447, 2) [Kamerstuk 1998-1999 Arbeid en zorg; Nota 'Op weg naar een nieuw evenwicht tussen arbeid en zorg']
- Cabinet's Opinion concerning labour and care, 4 October 1999 (26447, 16) [Kamerstuk 1999-2000 Arbeid en zorg; Kabinetsstandpunt]

Secondary sources:

- Bosker, Jacqueline and Agaath Beuk. 1999. Advies: Diversiteit in de Algemene Wet Arbeid en Zorg. [Advice: Diveristy in the General Act on Labour and Care]. Den Haag: E-quality.
- Labour Foundation (Stichting van de Arbeid). 1999. Advies over voorstellen voor een Algemene Wet Arbeid en Zorg [Advice on proposals for an Act on Labour and Care]. http://www.stvda.nl/publicaties/default.asp?desc=publicaties_adviezen_99_3

Tax-Benefit policies

In this year the legislative process in preparation of a new Income Tax Act (Wet Inkomstenbelasting 2001) started based on the Cabinet note of 1997 (first Cabinet Kok) and the coalition agreement of the second Cabinet Kok:

- First Bill (26727, 1-2)
- Memorandum of explanation (26727, 3)
- Advisory report by the State Council and report of further explanation (26727, A)
- Report by the Parliamentary Commission on Finance (26727, 6)
- Note by the Government in response to the Parliamentary Commission's report (26727, 7)

A gender impact assessment on this Bill was commissioned by the Ministry of Finance:

- Dierx, J.R. and Y.K. Grift and J.J. Schippers. 1999. Emancipatie-effectrapportage verkenning belastingstelsel van de 21ste eeuw: Rapport opgesteld in opdracht van en uitgebracht aan het ministerie van Financiën. [Gender impact assessment on a tax system for the 21st Century. Report commissioned by the Ministry of Finances]. Utrecht: Institute of Economics, University of Utrecht. DU

This GIA is a very rich document that provides a wealth of information on a rather complex subject. It makes it abundantly clear that the fiscal regime can be an important policy tool regarding the promotion of gender equality. The authors conclude that the (further) individualisation of income tax is a step forward; the replacement of the transferable tax free allowance by an individual levy rebate is a particularly big breakthrough in the Dutch fiscal regime. In the legislative process in preparation of a new Income Tax Act the GIA played a role in the changes that took place after the first Bill. In this Bill the employment rebate contained a threshold which would have excluded a large percentage of part-time working women. The combination rebate was also not included in this first proposal. Despite the fact that the financial advantage is limited, the introduction of this combination rebate is quite a breakthrough in Dutch society (Plantenga, 2000). For more information on the content of the Act, see the timeline 2001.

Access to the labour market

On the issue of labour market participation of women ongoing discussion took place, which did not lead to any legislative measures (yet). At the request of the Directorate Coordination Emancipation policy and the Ministry of Social Affairs and Employment, the Social and Cultural Planning Bureau (Sociaal en Cultureel Plan bureau SCP) conducted research into the labour market participation of allochthonous as compared to autochthonous women:

- Hooghiemstra, B.T.J. and J.G.F. Merens. 1999. Variatie in participatie. Achtergronden van arbeidsdeelname van allochtone en autochtone vrouwen [Variation in participation. Backgrounds of the labour participation of allochthonous and autochthonous women]. Den Haag: sociaal en cultureel planbureau. Reserach commissioned by the Directorate Coordination Emancipation policy and the Ministry of Social Affairs and Employment.

The incentive for commissioning this research was concerned with the fact that one of the main aims of the emancipation policy of the Netherlands during these years is to make it possible for women to become economically independent. The increased attention to combining labour and care in recent years is one of the ways in which the government hopes to increase the economic independence of women. However, the government wonders whether all categories of women will equally profit from policies in these fields. To what extent and under which circumstances do migrant women choose (or choose not) to give up their economic independence? This focus on the labour market participation of migrant women receives increased attention in the years to come with the installment of the Commission AVEM in 2001 (Commission on Labour Participation of Women from Ethnic Minority Groups) and the Commission PaVEM (Participation of Women from Ethnic Minority Groups) in 2003.

2000

Reconciliation of work and family life

In this year the Working Hours (Adjustment) Act (Wet Aanpassing Arbeidsduur: WAA) is adopted and published in the Bulletin of Acts and Decrees on 19 February:

- Working Hours (Adjustment) Act. 2000. <http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=Wet%20aanpassing%20arbeidsduur>

This Act makes it a legal right of every employee who works in a firm of more than 10 people to decrease or increase their working hours after they have been employed for one year.

The Working Hours (Adjustment) Act (Wet Aanpassing Arbeidsduur: WAA) also enters into force, as of 1 July.

On the issues of the 1995 Act on Working Hours and (a future act on) labour and care ongoing discussions took place, which did not lead to any legislative measures (yet).

Regarding the Act on Working Hours MP's Bussemaker and Van Dijke presented an initiative Bill to Parliament to amend the Act on Working Hours and the Civil Code in order to widen the authority of employees on working times. While the Working Hours (Adjustment) Act that was enforced this year widens the authority of the employee on the number of working hours this does not apply to the determination of the working times (when the working day starts and finishes). The Bill intends to change this:

- Guiding Letter (27224, 1);
- Bill (27224, 2);
- Memorandum of explanation (27224, 3);
- Advisory report of the State Council and a report of further explanation (27224, A);

- Report from the Parliamentary Commission on Social Affairs and Employment (27224, 6)
- Note from the initiators in reaction to the March report of the Parliamentary Commission on Social Affairs and Employment (27224, 7);

[Kamerstukken 1999-2000 omtrent het voorstel van wet van de leden Bussemaker en Van Dijke tot wijziging van de Arbeidstijdenwet en het Burgerlijk Wetboek ter verruiming van zeggenschap van werknemers over arbeidstijden]

Regarding the issue of labour and care; the legislative process in preparation of an Act on Labour and Care [Wet arbeid en zorg, WAZO] starts. The Cabinet note of 1999 titled 'on the road towards a new balance between labour and care' and E-quality's and the Labour Foundation's advices on this note (also 1999) may also be seen as documents produced in preparation for this Act.

- Bill (27207, 1-2);
- Memorandum of explanation (27207, 3);
- Advisory report of the State Council and a report of further explanation (27207, A);
- Report from the Parliamentary Commission on Social Affairs and Employment on their preparatory research (27207, 4);
- Note from the government in reaction to the March report of the Parliamentary Commission on Social Affairs and Employment (27207, 5);

[Kamerstukken 1999-2000 omtrent de vaststelling van regels voor het tot stand brengen van een nieuw evenwicht tussen arbeid en zorg in de ruimste zin (Wet arbeid en zorg)]

Also on the national debate on labour and care:

- Letter from the Minister of Health, Welfare and Sport and the State Secretary of Social Affairs and Employment concerning progression in the national debate on care and labour, 4 July 2000 26814, 13) [Kamerstuk 1999-2000 Emancipatiebeleid 2000; Brief minister over de voortgang van het 'nationaal debat zorg en arbeid']
- General Meeting of the Parliamentary Commission on Social Affairs and Employment (26447, 36) discussing the evaluation of the parental leave Act, the Act on the financing of careerbreaks and a report on labour and care in collective agreements, 20 September 2000. [Kamerstuk 2000-2001 Arbeid en zorg; Verslag algemeen overleg op 31-8-2000 over evaluatie Wet ouderschapsverlof, Wet fin. loopbaanonderbreking en rapp. Arbeid en zorg in CAO's 1998]

Care work and informal work

On the issue of childcare (ongoing) discussions took place, which did not lead to any legislative measures (yet). A cabinet note was published that could be regarded as a preparatory document in the process leading up to the new Act on Childcare which entered into force in 2005. The Women's organisations E-quality and Vrouwen Alliantie (Women's Alliance) wrote an advice together in reaction to this Cabinet note.

Primary sources:

- Cabinet Note 'Main points of the Act on Basic Services Childcare [WBK]' , 16 June 2000 (26587, 9) [Kamerstuk 1999-2000 Kinderopvang; Nota "Hoofdlijnen Wet basisvoorziening kinderopvang"]

Secondary source:

- E-Quality & Vrouwen Alliantie. 2000. Advies van E-quality en de vrouwen alliantie inzake de kabinetsnota 'hoofdlijnen Wet Basisvoorziening Kinderopvang (WBK) [Advisory report from E-quality and the Women Alliance on the Cabinet Note 'Main points of the Act on basic services Childcare [WBK]'. Den Haag: E-quality.

On the issue of alpha-helpers and within the dossier on emancipation policy 2000, a written consultation took place between the Parliamentary Commission on Health, Welfare and Sport and the State Secretary of Health, Welfare and Sport on the position of alpha-helpers:

- Report of written consultation on position alpha-helpers (26814, 7)

Equal pay/gender pay gap

In reaction to an accepted motion (26 800-XV, nr. 34) written by MP Bussemaker, the government starts to develop soft policy on equal pay by launching an equal pay action plan in order to comply with this motion:

- Ministry of Social Affairs and Employment. 2000. Equal pay action plan [plan van aanpak gelijke belonging].
- <http://parlando.sdu.nl/cgi/showdoc/session=anonymous@3A1023043315/action=doc/pskey=KST45552/KST45552.pdf>
- report of general meeting of Second Chamber of Parliament discussing the equal pay action plan (Document 27099-2)

Soft policy is all that is found on this issue during the quing period, no new law/acts are adopted in the period 1995-2007. The laws that cover equal pay are the Civil Code (article 646) and the Equal Treatment in Employment (Men and Women) Act (paragraph 2). Equal pay as regards to pensions is covered in paragraph 3. Collective agreements between the social partners are also important in this framework. Collective agreements apply to almost all Dutch employees and they normally include pay scales which – since the 1970s – are equal for men and women. Collective agreements rarely contain pay discrimination and when they do this is indirect pay discrimination. Education and/or seniority rules usually define which position the employee will get in the pay scale. However, these pay systems often give employers a wide margin of discretion to appoint the employee to a certain place on the pay scale. The negotiation skills of a (new) employee are therefore very important.

In the years to follow, progress reports on equal pay on the basis of the aforementioned action plan are published. In these documents the focus is not only on the *gender* pay gap, but also on (un)equal pay between allochthonous and autochthonous employees.

Tax-Benefit policies

In this year the Income Tax Act (Wet Inkomstenbelasting) was revised and a new Income Tax Act 2001 was adopted and published in the Bulletin of Acts and Decree on 11 May 2000:

- Income Tax Act 2001 (Wet Inkomstenbelasting 2001). 2000. <http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=Wet%20inkomstenbelasting%202001>

On the legislative process in preparation of this Act (see for other documents timeline 1999):

- Revised Bill (26727, 120)
- Consideration of the Bill by the Second Chamber of Parliament, handelingen 1999-2000 no. 40 pages 3036-3084, no. 41 pages 3112-3171 and 3087-3112 and 3173-3183, no. 42 pages 3185-3204 and 3204-3254

On the issues of the Dutch system of supplementary pensions, lone parents' benefits and their labour market participation, and the effect of fiscal policy on the participation rate of women, (ongoing) discussions took place which did not lead to any legislative measures (yet).

Regarding supplementary pensions a gender impact assessment was executed on possible future changes in pension policy:

- Nelissen, J.H.M. et al. 2000. Aanvullende pensioenen: toekomstige uitkeringen en Emancipatie-Effect-Rapportage [supplementary pensions: future allowances and gender impact assesment]. Den Haag: Elsevier. DU

Regarding reintegration into the labour market of lone parents receiving social assistance:

- General Meeting of the Parliamentary Commission on Social Affairs and Employment about the reintegration into the labour market of lone parents receiving social assistance, 6 December 2000 (26447, 38) [Kamerstuk 2000-2001 Arbeid en zorg; Verslag algemeen overleg over de reïntegratie op de arbeidsmarkt van alleenstaande ouders in de bijstand]

Regarding the influence of fiscal policy on the labour market participation of women:

- Letter from the State Secretary of Finance about the effect of fiscal policy on the labour market participation of women, 21 November 2000 (27415, 7)

In June 2000, the so-called Commission Donner (Advisory Commission on occupational disability, adviescommissie arbeidsongeschiktheid) is installed by the Minister of Social Affairs and Employment and of Internal Affairs and Kingdom Relations. The task of this Commission is to study the problem of labour loss because of illness and occupational disability and to make recommendations on future policy action in this field. In May 2001 the Commission presented its report titled 'Making work of labour capacity' (werk maken van arbeidsgeschiktheid) that makes recommendations on the future of the Act on Occupational Disability Insurance (Wet op de Arbeidsongeschiktheidsverzekering WAO) (see also timeline 2001 and 2002).

Access to the labour market

On the issue of the labour market participation of migrant women (and men) ongoing discussions took place. In this year the government starts to develop soft policy on this issue. An Action Plan on Labour Market Policy for Ethnic Minorities is launched:

- Action Plan 2000-2003 on labour market policy for ethnic minorities, 28 June 2000 (27223, 1) [Kamerstuk 1999-2000 Arbeidsmarktbeleid etnische minderheden 2000-2003; Nota 'Arbeidsmarktbeleid voor etnische minderheden plan van aanpak 2000-2003']

Covering more than one sub issue

A Cabinet note was published on the Dutch Lisbon-agenda for the year 2001:

- Cabinet Note 'Facing the knowledge economy: the Dutch filling-in of the Lisbon-agenda for 2001', (27406, 2) [Kamerstuk 2000-2001 Kabinetsnota «De kenniseconomie in zicht»; Nota 'De kenniseconomie in zicht: de Nederlandse invulling van de «Lissabon-agenda» voor 2001']

2001

Reconciliation of work and family life

In 2001 the Act on Labour and Care (Wet Arbeid en Zorg WAZO) is adopted and published in the Bulletin of Acts and Decrees on 16 November 2001:

- Act on Labour and Care. 2001.
<http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=WET%20ARBEID%20EN%20ZORG>

The Bill had been discussed by the Second Chamber of Parliament in March 2001:

- Consideration of the Bill on an Act on Labour and Care in the Second Chamber of Parliament (first stage). March 2001. Document no. 55, pages 4034 – 4069 [Behandeling van het wetsvoorstel: - Vaststelling van regels voor het tot stand brengen van een nieuw evenwicht tussen arbeid en zorg in de ruimste zin (Wet arbeid en zorg) (27207); - het wetsvoorstel Vaststelling van regels voor Overgangs-, en invoeringsrecht voor de totstandkoming van de Wet arbeid en zorg (Invoeringswet arbeid en zorg) (27208)]

For the most part, this Act gathers previous legislation in the field of leave arrangements into one single law (however, some changes have been added). It regulates pregnancy and maternity leave, parental leave and different forms of care leave. Parents are entitled to 6 months half-time parental leave, but they can request other forms of leave (e.g. several shorter periods). Statutory parental leave is unpaid. Public employers and some private employers, however, provide paid parental leave schemes. Public employers generally pay

75% of the hourly wage for hours during which parental leave is taken. The Act also includes provisions for a two day paid paternity leave, two days annual emergency leave, ten days paid annual leave for care of sick parents, children or partners, and a four week leave for parents adopting a child. The rationale behind the Act is to make reconciliation between work and family more possible and to bring about a new balance between labour and care. It is this Act that now covers Directive 96/34 on parental leave. In 2005 the Act is amended in order to allow long term care leave (see timeline 2005).

The Act on Labour and Care enters into force as of 1 December of this year.

Equal pay/gender pay gap

On the issue of equal pay the first progress report on the equal pay action plan was presented:

- Letter of the state secretary of Social Affairs and Employment including the first progress report (eerste voortgangsbrief) on equal pay (27099, 3)
- Report of general meeting of the second chamber of parliament discussing the aforementioned letter and first progress report on equal pay (27099, 4)

Tax-Benefit policies

In this year the new Income Tax Act 2001 enters into force as of 1 January.

The legislative process surrounding this Act started in 1999. The aim of the revisions to the tax system was to create a robust taxation system with a broader base and lower rates. More concretely, the objects of the revision of the taxation system include: stimulation of employment opportunities, and strengthening of the Netherlands economic structure and international competitive edge; reduction of the burden of taxation on labour; promotion of sustainable economic development; creation of a balanced and just burden of taxation; broadening and strengthening of the taxation base, through reduced and amended deductions; *promotion of emancipation and economic independence* and; simplification of the taxation system.

The Dutch tax system before the introduction of this new Act could be characterised by a so-called progressive graded system based on income brackets with a basic allowance. In principle, the system treated men and women as individuals. However, in cases of marriage or cohabitation, the non-active partner was allowed to transfer the unused part of the allowance to the breadwinner. This transferable allowance provides a reinforcement of the breadwinner role and may discourage labour market (re-) entry among dependent partners (mostly women). Under the new Income Tax Act 2001, each partner is taxed on his or her own income. The current transferable personal allowance will disappear and will be replaced by the Levy Rebate ('heffingskorting'). This is in effect a discount on the amount of tax to be paid. Because the rebate is independent of the incremental tax rate, non-working partners will find it more attractive to seek paid employment. The levy rebate comprises a general rebate to which everyone is entitled. Depending on personal circumstances, the general

rebate may be supplemented by, for example, the employment rebate (for all employed and self employed persons), the child rebate (for families with an income below a certain level and children under 12) and the combination rebate (for working parents with a child under 12) (Plantenga, 2000).

On the issue of occupational disability and the Act on Occupational Disability Insurance (Wet Arbeidsongeschiktheidsverzekering WAO) ongoing discussions take place which mostly focus on the ever increasing amount of people that end up in the WAO-scheme and how this trend could be changed. During the Quing period that the WAO was in place (1995-2004) the Act has undergone many amendments to make the admission criteria more stringent. It was only in 2005 that a totally new Act was adopted (see timeline 2005). Because more women become incapacitated for work and thus more women make use of the WAO scheme these discussions usually have a (implicit or more explicit) gender dimension.

The Commission Donner presented its advisory report in May:

- Advisory Commission on occupational disability (Adviescommissie Arbeidsongeschiktheid). 2001. Making work of labour capacity [werk maken van arbeidsgeschiktheid]. Den Haag: Ministry of Social Affairs and Employment. <http://www.arbobondgenoten.nl/arbothem/verzuim/donner.pdf>

Furthermore, research conducted by Verdonk and Geurts which was commissioned by the Women's Federation of one of the biggest Dutch Trade Unions FNV investigates the higher risk among women to become incapacitated for work:

- Verdonk, Petra and Maria Peeters and Sabine Geurts. 2001. Vrouwen: arbeidongeschikt of arbeidsondergeschikt? Een uitgebreide literatuurstudie naar het arbeidsongeschiktheidsrisico van vrouwen. [Women: incapacitated for work or subordinated in work? An extensive bibliography on women and the risk to become incapacitated for work]. This research was commissioned by the women's federation of the labour union FNV. Nijmegen: wetenschapswinkel van de KUN.

Access to the labour market

On the issues of labour reintegration of women and (discrimination of) migrant women on the labour market (ongoing) discussions took place, which did not lead to any legislative measures.

Regarding the issue of the labour reintegration of women an action plan was launched. Several research reports on this theme preceded the action plan.

Primary sources:

- Letter by the Minister and State Secretary of Social Affairs and Employment (27853, 1) informing the Second Chamber of the Parliament on the action plan on labour reintegration of women (action plan is included in this document), 11 July 2001 [Kamerstuk 2000-2001, Brief minister en staatssecretaris van sociale zaken en

werkgelegenheid met Plan van aanpak herintredende vrouwen 2e Kamer (27853, 1), 11-07-2001]

- General Meeting of the Parliamentary Commission on Social Affairs and Employment (27853, nr. 2) on the letter by Minister July 2001 on action plan on labour reintegration of women and on several research reports (Nyfer, B&A Group, CPB), 7 November 2001 [Kamerstuk 2001-2002 Herintredende vrouwen; Verslag algemeen overleg vaste kamercommissie voor Sociale Zaken en Werkgelegenheid (27853, nr. 2) op 7 november 2001]

Accompanying secondary sources:

- Reserach report by B&A Group titled “(Potentiële) herintreedsters onder de loep Genomen” [Potential reintegrating women investigated]
- Research report by Nyfer titled “Ik ga niet betalen om te werken” [I am not going to pay to work]
- A note by the Central Plan Bureau [Central Planning Bureau] titled “Arbeidsparticipatie van vrouwen” [labour participation of women] (as promised the multiyear emancipation programme)

Regarding the issue of discrimination against migrant women in labour market, there was some discussion on the headscarve:

- Questions by MP Halsema and answers by the Minister of Justice concerning the wearing of headscarves by civil servants, 13 April 2001/ 29 June 2001 (no 1652) [Kamervragen met antwoord 2000-2001 Vragen van het lid Halsema (GroenLinks) aan de minister van Justitie over het dragen van hoofddoeken door ambtenaren. (Ingezonden 13 april 2001); Antwoord]
- Questions by MPs Halsema and Rabbae and answers by the Minister of Justice about a judgement by the Equal Treatment Commission concerning the refusal of a clerk who wears a headscarf, 29 June 2001/ 23 July 2001 (no 1537) [Kamervragen met antwoord 2000-2001 Vragen van de leden Halsema en Rabbae (beiden GroenLinks) aan de minister van Justitie over het oordeel van de Commissie gelijke behandeling inzake de afwijzing van een griffier met hoofddoek. (Ingezonden 29 juni 2001); Mededeling]

Furthermore, in this year the Commission AVEM (Commission on Labour Participation of Women from Ethnic Minority Groups) is set up. The aim of the Commission is to promote the labour participation of women from ethnic minorities. In March 2002 the Commission AVEM presents an advice to the Cabinet. In 2003 the Commission is replaced by the Commission PaVEM.

2002

Reconciliation of work and family life

On the issues of life long learning and the Act on Labour and Care (ongoing) discussions took place.

Regarding the issue of life long learning, the tripartite Social Economic Council was asked in 2001 by the Ministries of Economic Affairs, of Education, Culture and Science and of Social Affairs and Employment to write an advisory report on life long learning. This report was published in June 2002. By this time the Cabinet had already launched its policy agenda on life long learning.

Primary source:

- Letter from the Minister of Education, Culture and Science including the policy agenda on life long learning, 17 April 2002 (28344, 1) [Kamerstuk 2001-2002 Leven Lang Leren; Brief minister met de beleidsagenda Leven Lang Leren]

Secondary source:

- Social and Economic Council (SER). 2002. The new Learning. Advisory report on lifelong learning in the knowledge economy. Den Haag: Social and Economic Council. Research commissioned by the Minister of Economic Affairs.
http://www.ser.nl/downloadpdf.asp?filename=/_upload/databank_adviezen/b20483.pdf

Regarding the issue of (combining) labour and care, during this year the government starts preparing an Act amending the Act on Labour and Care in order to include a right concerning long term care leave. It is only in 2005 that the legislative process around this Act is finished and that the Act is finally adopted (see timeline 2003, 2004 and 2005)

- Bill (28467, 1-2)
- Memorandum of explanation (28467, 3)
- Advisory report of the State Council and a report of further explanation (28467, B)

Care work and informal work

From this date onwards, the legislative process in preparation of the (new) Act on Childcare [Wet Basisvoorziening Kinderopvang, later Wet Kinderopvang]] that enters into force in 2005 starts. The main aims of the law are to regulate the ways in which childcare is financed and to regulate the quality of childcare.

- Bill (28447, 1-2)
- Memorandum of explanation (28447, 3)
- Advisory report of the State Council and a report of further explanation (28447, A)
- Report from the Parliamentary Commission on Social Affairs and Employment (28447, 5)

[Kamerstukken omtrent de regeling met betrekking tot tegemoetkomingen in de kosten van kinderopvang en waarborging van de kwaliteit van kinderopvang (Wet basisvoorziening kinderopvang)]

Women's organisation E-quality writes an advice on the Bill on the Act on Childcare:

- Van Dijk, Ineke. 2002. Het wetsvoorstel Wet Basisvoorziening Kinderopvang (WBK) [The Bill on the Act on Child Care (WBK)]. Den Haag: E-Quality.

Equal pay/gender pay gap

In this year the second progress report on equal pay on the basis of the 2000 action plan is presented:

- Letter from the State Secretary of Social Affairs and Employment including the second progress report on equal pay (27099, 6)
- Report of general meeting of the second chamber of parliament discussing the aforementioned letter and the second progress report on equal pay (27099, 7)

Tax-Benefit policies

On the issues of the tax system, occupational disability and the Commission Donner, and on a life long durable pension system for women, (ongoing) discussions took place.

With regard to the issue of tax system, a gender impact assessment was again written exploring new possibilities on the basis of the 2001 tax system. The GIA was commissioned by the Minister of Finance.

- Pott-Buter, H. and K. Tijdens. 2002. Emancipatie-effectrapportage belastingen en premies. Een verkenning naar nieuwe mogelijkheden vanuit het belastingstelsel 2001 Onderzoek op verzoek van het ministerie van Financiën [Gender impact assessment on taxes and premiums. An exploration of new possibilities in the 2001 tax system. Report commissioned by the Ministry of Finances]. Den Haag: AIAS Research and Amsterdam: Institute for labour studies, University of Amsterdam. Faculteit. DU <http://www.minfin.nl/binaries/minfin/assets/pdf/old/eer2002.pdf>

Regarding the issue of occupational disability a gender impact assessment was executed on the Commission Donner's report that was published in May 2001 (see timeline 2001). In 2001 a motion was adopted in the Second Chamber of Parliament that requested a GIA to be executed on the advisory report written by Commission Donner. Reasons for submitting this motion and for its acceptance are that an increasing number of women end up in the WAO, that women are overrepresented in those sectors (care and education) with high levels of sick leave, and that they are also overrepresented among flex workers; yet the Commission Donner did not pay attention to these issues. The measures that are proposed by the Commission could, however, have major consequences for the labour market position of women. The then State Secretary of Social Affairs and Employment promised to include this GIA in the Cabinet standpoint on the Commission Donner's report:

- Besseling, Jan and Cora de Olde. 2002. Emancipatie-effectrapportage Commissie Donner [Gender impact assessment Commission Donner (on disability pensions)]. Commissioned by the Ministry of Social Affairs and Employment. Executed by: TNO Arbeid and Van DoorneHuiskes Partners http://www.emancipatieweb.nl/uploads/140/60_EERCommissieDonner.pdf

The tripartite Social and Economic Council (SER) wrote an advice on the report by Commission Donner:

- Social and Economic Council (SER). 2002. Advies Werken aan arbeidsgeschiktheid. Voorstellen WAO-beleid [Advice on working on labour capacity. Proposals for the WAO policy]. Presented to the Minister and State Secretary of Social Affairs and Employment, publication no. 5. http://www.ser.nl/downloadpdf.asp?filename=/upload/databank_adviezen/b20332.pdf

Regarding the issue of a life long durable pension system for women, women's organisation E-Quality published an advice in which they not only focus on women in general, but also on black, migrant and refugee women specifically:

- Ipek-Demir, F. 2002. De illusie doorbroken: Noodzakelijke voorwaarden voor een levensloopbestendig pensioen voor (zmv) vrouwen [The broken illusions. Necessary conditions for a life course resistant pension for (black, migrant and refugee) women] Den Haag: E-Quality <http://www.e-quality.nl/assets/e-quality/publicaties/pensioenen.pdf>

Access to the labour market

On the issue of the labour market participation of ethnic minority women, ongoing discussions took place which did not lead to any legislative measures.

The Commission AVEM, which was installed in 2001, published a report with policy recommendations:

- Commission AVEM (Labour Market Participation of Women from Ethnic Minority Groups/ Arbeidsdeelname Vrouwen uit Etnische Minderheidsgroepen). 2002. Aanbevelingen op Maat [Tailored recommendations]. http://docs.szw.nl/pdf/35/2002/35_2002_3_2427.pdf

Listed below is the Cabinet reaction to this report, the response by the Parliamentary Commission of Social Affairs and Employment, and a Plenary Session in Parliament on the subject:

- Letter from the Minister and State Secretary of Social Affairs and Employment including a reaction by the Cabinet on the recommendations done by AVEM in March 2002 on the labour participation of women from ethnic minorities, 17 May 2002 (27223, 23) [Kamerstuk 2001-2002 Arbeidsmarktbeleid etnische minderheden 2000-2003; Brief minister en staatssecretaris met kabinetsreactie op aanbevelingen van commissie AVEM van maart 2002 over arbeids- en maatschappelijke participatie van vrouwen uit etnische minderheidsgroepen]
- General Meeting of the Parliamentary Commission on Social Affairs and Employment on the reaction of the Cabinet on the recommendations by AVEM, 3 December 2002 (27223, 30) [Kamerstuk 2002-2003 Arbeidsmarktbeleid etnische minderheden 2000-2003; Verslag algemeen overleg over de kabinetsreactie op het advies van de commissie AVEM en de convenanten herintredende vrouwen]
- Plenary Session Second Chamber of Parliament about the labour market participation of women from ethnic minority groups and on labour market reintegration of women, 27 November 2002 (no 26, p. 1789-1794) [Handelingen 2002-2003 Debat naar aanleiding van een algemeen overleg op 6 november 2002 over arbeidsdeelname van vrouwen uit etnische minderheidsgroepen en over herintredende vrouwen]

Reconciliation of work and family life

The Act (on the initiative of MP's Bussemaker and Van Dijke) to amend the Act on Working Hours and the Civil Code in order to widen the authority of employees on working times (Wet tot wijziging van de Arbeidstijdenwet en het Burgerlijk Wetboek ter verruiming van zeggenschap van werknemers over arbeidstijden) was adopted and published in the Bulletin of Acts and Decrees on 14 March 2003:

- <http://www.eerstekamer.nl/9324000/1/j9vvgh5ihkk7kof/vqf7el28f106/f=x.pdf>

The Act enters into force as of 1 June of this year.

On the issues of amending the Act on Labour and Care to include long term care leave, life long learning, and the future life course savings scheme Act (ongoing) discussions took place, which did not lead to any legislative measures (yet).

Regarding the Act on Labour and Care, the legislative process to amend the Act so as to include a right on long term care leave continued:

- Report from the Parliamentary Commission on Social Affairs and Employment (28467, 6)
Note from the government in reaction to the report of the Parliamentary Commission on Social Affairs and Employment (28467, 7)

Regarding the issue of life long learning, the Cabinet reacted to the 2002 Social and Economic Council's (SER) advisory report:

- Letter from the Minister of Economic Affairs including the Cabinet reaction to the SER [Social Economic Council] research report 'the new learning: advice on life long learning in the knowledge economy', 3 March 2003 (27406, 3) [Kamerstuk 2002-2003 Kabinetsnota «De kenniseconomie in zicht»; Brief minister met een kabinetsreactie op het SER-advies "Het nieuwe leren: advies over een leven lang leren in de kenniseconomie"]

Finally, during this year the legislative process in preparation of an Act introducing the so-called life course savings scheme (levensloopregeling) is started. In 2002, the centre-right coalition government led by Prime Minister Balkenende proposed the introduction of a 'leave purse' scheme, which would enable employees to save a certain amount of money under favourable conditions (i.e. with tax advantages and a government contribution) in order to subsequently finance a period of unpaid leave from work. This idea was introduced within the context of developing government policy that would help workers to reconcile their work and care responsibilities. Only later, it was decided to link this scheme with the overall issue of a so-called 'life course savings scheme' (levensloopregeling). This is "an integrated set of measures aimed at enabling workers to manage their working time and leave during their entire working lives in order to balance their work and family/care responsibilities". (...) A

broad-based consensus existed “across various political parties and between the social partners that work and care issues had evolved into a question of lifelong organization of working time and leave”. Opinions differed, however, as to the precise form that such a 'life-span regulation' should take and as to the extent to which the respective parties have to contribute financially (EIRO online, the Netherlands, 1 May 2003, 'SER to advise government on an integrated lifelong working time and leave scheme'). In 2003 a first Bill is introduced and discussed. In 2004 this Bill is replaced by a second Bill that is broader, including some other related issues like early retirement regulations. Primary sources on the first Bill:

- Bill for the Act (29208, nr. 1-2)
- Memorandum of explanation [memorie van toelichting] (29208, nr. 3),
- Advisory report of the State Council [Raad van State] (29208, nr. 4)
- Report from the Parliamentary Commission on Social Affairs and Employment (29208, 5) [Kamerstukken 2003-2004 omtrent wijziging van de Wet inkomstenbelasting 2001, de Wet op de loonbelasting 1964 en enkele sociale zekerheidswetten c.a. (Levenslooptregeling), voorstel van wet, memorie van toelichting en advies van Raad van State]

In the framework of preparing the act on a life course savings scheme, the Ministry of Social Policy and Employment requested research (including policy proposals) which was executed by the forum for economic research 'Nyfer':

- Van Oosterhout, Dianne. 2003. Even pauze in de levensloop. Internationale ervaringen met verlofregelingen en lessen voor Nederland [Take a life-span break. International experiences with leave regulations and lessons for the Netherlands]. Breukelen, Nyfer. Research commissioned by the Ministry for Social Affairs and Employment <http://www.nyfer.nl/Publicaties/Even%20pauze%20in%20de%20levensloop.pdf>

From this research report it can be concluded that the Netherlands, as compared to other countries in western Europe (especially in Scandinavia), invests relatively little in terms of helping employees with their care responsibilities, while the labour market participation of women is now equal to the European average. This result is that tensions develop between the obligations that arise from paid employment and those stemming from relationships in which caring plays a role. This is manifested in a high rate of absence from work, rising numbers of occupational disability benefit claimants and a very high number of extremely small-scale jobs occupied by mothers. To solve these problems, the report proposes the creation of an integrated leave scheme in the form of a life-span regulation and 'insurance'. Employees would accumulate leave entitlement throughout their working lives by means of an individual voucher system. The government and employers should be responsible for 60% of the input. Since employees with higher incomes would tend to save leave more quickly, the option of compensating employees in lower-income brackets is raised. It is also proposed that employees could have a negative balance in their leave account. The proposed life-span regulation would also cover the end-of-career period, with further cuts in very favourable early retirement schemes and the possibility of partial retirement (EIRO online, the Netherlands, 1 May 2003, 'SER to advise government on an integrated lifelong working time and leave scheme').

Care work and informal work

On the issues of (the future Act on) Childcare and on the relationship between social assistance and voluntary long term caring (ongoing) discussions took place.

Regarding childcare, the legislative process in preparation of a new Act on Childcare continued:

- Note from the government in reaction to the report of the Parliamentary Commission on Social Affairs and Employment (28447, 7)

Other 2003 Primary sources on childcare:

- Letter from the State Secretary of Social Affairs and Employment including a note on some future scenarios concerning financing the costs of child care, 18 April 2003 (28680, 5) [Kamerstuk 2002-2003 Emancipatie en Familiezaken 2003; Brief minister en staatssecretaris met notitie over een aantal toekomstscenario's rond de tegemoetkoming voor kosten van kinderen]
- General Meeting of the Parliamentary Commission on Social Affairs and Employment about child care, 15 July 2003 (28680, 6) [kamerstuk 2002-2003 Emancipatie en Familiezaken 2003; Verslag algemeen overleg van 26 juni 2003 over kinderopvang]

Regarding the relationship between social assistance and voluntary care a letter on how the intended Act on Work and Social Assistance (Wet Werk en Bijstand) relates to voluntary long term caring for friends and family was written by the State Secretary (see below under 'Tax-Benefit policies' for the Bill on Act on Work and Social Assistance):

- Letter from the State Secretary of Social Affairs and Employment concerning the relationship between the Act on Work and Social Assistance and voluntary long term caring for family and friends, 9 December 2003 (28870, 97) [Kamerstuk 2003-2004 Vaststelling van een wet inzake ondersteuning bij arbeidsinschakeling en verlening van bijstand door gemeenten (Wet werk en bijstand); Brief staatssecretaris over de relatie tussen de WWB en mantelzorg]

Tax-Benefit policies

The Act on Work and Social Assistance (Wet Werk en Bijstand WWB) was adopted and published in the Bulletin of Acts and Decrees on 9 October 2003. The main aim of the new Act is activating people to participate on the labour market and getting more people out of the social security scheme. Under this new Act the social category of single parents with young children are, for example, no longer being exempted 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 security, it is up to the individual municipalities to what extent they expect these single parents to actually work.

- Act on Work and Social Assistance. 2003. <http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=Wet%20werk%20en%20bijstand>

Regarding the legislative process on the Act on Work and Social Assistance (Wet Werk en Bijstand WWB) which replaces the (former) General Social Assistance Act (Algemene Bijstandswet):

- Bill (28870, 1-2)
- memorandum of explanation (28870, 3)
- Advisory report from the State Council (28870, A)
- Report from the Parliamentary Commission on Social Affairs and Employment (28870, 7)
- Note from the government in reaction to the report of the Parliamentary Commission on Social Affairs and Employment (28870, 13)
- Motion MPs Rouvout and Van Der Vlies demanding the deletion of the exemption from the application duty for lone parents receiving social assistance with children under the age of five, 21 July 2003 (28870, 8) [Kamerstuk 2002-2003 Vaststelling van een wet inzake ondersteuning bij arbeidsinschakeling en verlening van bijstand door gemeenten (Wet werk en bijstand); Amendement inzake schrappen vrijstelling sollicitatie- en arbeidsplicht voor alleenstaande bijstandsgerechtigde ouders met kinderen tot vijf jaar] checken of de motie ook aangenomen is!

[Kamerstukken omtrent vaststelling van een wet inzake ondersteuning bij arbeidsinschakeling en verlening van bijstand door gemeenten (Wet werk en bijstand)]

Also on the Act on Work and Social Assistance:

- Letter from the State Secretary of Social Affairs and Employment concerning the relationship between the Act on Work and Social Assistance and voluntary long term caring for family and friends, 9 December 2003 (28870, 97) [Kamerstuk 2003-2004 Vaststelling van een wet inzake ondersteuning bij arbeidsinschakeling en verlening van bijstand door gemeenten (Wet werk en bijstand); Brief staatssecretaris over de relatie tussen de WWB en mantelzorg]

The Alliance for Social Justice publishes a book titled 'Between the right to income and the duty to work. Searching for the backgrounds of the Act on Work and Social Assistance'. In this volume the Director of the Women's Alliance writes a small chapter on the feminization of Poverty:

- Osch, Thera van (Women's Alliance – Vrouwen Alliantie). August 2003. Feminization of poverty [Feminisering van de armoede]. In Between the right to income and the duty to work. Searching for the backgrounds of the Act on Work and Social Security [Tussen recht op inkomen en plicht tot werken. Op zoek naar de achtergronden van de Wet Werk en Bijstand], ed. Raf Janssen and Jan Schrauwen and Evelyn Schwarz, 109-111. Utrecht: Alliance for Social Justice [Alliantie voor Sociale Rechtvaardigheid]. http://www.socialealliantie.nl/Bijstand/WWB_boek.pdf

Regarding the issue of the number of women who are receiving a occupational disability pension under the Act on Occupational Disability Insurance (Wet op Arbeidsongeschiktheidsverzekering WAO) there is an ongoing discussion taking place (see also gender impact assessment in 2002):

- Letter from the Minister of Social Affairs and Employment concerning measures to decrease the number of women who are receiving a occupational disability pension/ plan of action on women and occupational disability (WAO), 2 October 2003 (28333, 3) [Kamerstuk 2003-2004 WAO-stelsel; Brief minister over maatregelen om de instroom van vrouwen in de WAO te verkleinen/plan van aanpak vrouwen in de WAO]
- General Meeting of the Parliamentary Commission on Social Affairs and Employment concerning (among other things) women who are receiving a disability pension (WAO), 18 November 2003 (28333, 12) [Kamerstuk 2003-2004 WAO-stelsel; Verslag algemeen overleg op 4 november 2003, over de Wet instroomcijfers WAO, Sociale Zekerheid en zorg en over Vrouwen in de WAO]

Access to the labour market

In this year the Equal Treatment (Disability or Chronic Illness) Act (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ) in order to transpose certain obligations under directive 2000/78/EC (Employment Equality Directive) into Dutch law and add force to Article one of the Dutch Constitution (anti-discrimination Article) was adopted and published in the Bulletin of Acts and Decrees.

- Equal Treatment Act Disabled Persons/Persons with Chronic Illnesses was adopted (Wet Gelijke Behandeling op grond van Handicap of Chronische Ziekte – WGBH/CZ). 2003. <http://www.cgb.nl/cgb123.php>

Also an Act that specifically focuses on discrimination on the basis of age was adopted, the Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid - WGBL) in order to transpose 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). 2003. <http://www.cgb.nl/cgb122.php>

The proposed legislation on age discrimination which was already before parliament when the Directive was adopted differed from the EU framework Directive on two major points, and was thus revised, with the government submitting a new Bill to the Second Chamber of parliament on 18 December 2001. The earlier Bill listed a restrictive set of exceptions to the ban on age discrimination, while EU Directive takes a more open approach; the new Bill takes a middle way, with the listed exceptions acting only as examples. Furthermore, the Directive has a wider scope than the initial Dutch Bill in terms of the aspects of employment to which it applies (the Dutch draft was limited to recruitment and training); the new Bill follows the Directive's approach.

On the issues of the labour market participation of women from ethnic minorities, the reintegration of women and on altering the General Equal Treatment Act in order to comply with EU Directives, (ongoing) discussion took place.

Regarding the labour market participation of women from ethnic minorities:

A discussion was held regarding whether the Act SAMEN (Act on the stimulation of labour market participation of minorities) should be prolonged or not. Many civil society organizations such as the National Bureau on Race Discrimination (Landelijk Bureau Racisme Bestrijding) opposed the decision that was taken to let this Act terminate:

- Cabinet's Opinion on the Act on the stimulation of labour market participation of minorities (The Act SAMEN), 26 September 2003 (27223, 48) [Kamerstuk 2003-2004 Arbeidsmarktbeleid etnische minderheden 2000-2003; Kabinetsstandpunt over de Wet SAMEN]

The Act SAMEN stopped existing as of December 2003.

Furthermore, during this year the Commission PaVEM (Participation of Women from Ethnic Minority Groups) was installed. It replaced the Commission AVEM and has a broader working field (not only focused on *labour market* participation). This advisory Commission, operating between 2003 and 2005, aimed at enhancing the societal participation of women from ethnic minority groups.

Regarding the reintegration of women into the labour market an updated action plan was launched:

- Letter by the State Secretary of Social Affairs and Employment (27853, 3) about the updated action plan on reintegrating women (updated action plan included in this document), 16 July 2003 [Kamerstuk 2002-2003 Herintredende vrouwen; Brief staatssecretaris bij toegezegd geactualiseerd plan van aanpak Herintredende Vrouwen]
- General Meeting of the Parliamentary Commission on Social Affairs and Employment (27853, 5) about the updated action plan on labour reintegration of women that took place on 1 October 2003 [Kamerstuk 2003-2004 Herintredende vrouwen; Verslag algemeen overleg op 1 oktober 2003]

Regarding the General Equal Treatment Act; in this year the legislative process in preparation of an Act to alter the General Equal Treatment Act in order to implement Directives 2000/43/EC and 2000/78/EC (Wijziging van de Algemene Wet Gelijke Behandeling AWBG en enkele andere wetten ter invoering van richtlijn 2000/43/EG en 2000/78/EG: EG-implementatie Wet) starts.

- Bill (28770, 1-2)
- Memorandum of explanation (28770, 3)
- Advice by State Council and further report of explanation (28770, A)
- Report by the Parliamentary Commission on Internal Affairs and Kingdom relations (28770, 4)
- Note by the Cabinet in reaction to Parliamentary Commission on Internal Affairs and Kingdom relations report (28770, 5)
- Letter from the Minister that includes an overview of the provisions that reach beyond the Directives (28770, 9)
- Report of legislative deliberation with the Minister of Internal Affairs and Kingdom Relations (28770, 10)

Reconciliation of work and family life

On the issues of an intended Act on a Life Course Savings Scheme, the reconciliation of labour and care, the Equal Treatment (Full-time and Part-time workers) Act and the Working Hours (Adjustment) Act and life long learning, (ongoing) discussions took place.

Regarding the life course Savings Scheme, a second bill is introduced in 2004 (Wet aanpassing fiscale behandeling VUT/prepensioen en introductie levensloopregeling). This is necessary because the regulations regarding the life course savings scheme will be integrated in a broader Act that also deals with early retirement. This second Bill absorbs the first one.

- Bill for an Act (29760, 2)
- memorandum of explanation (29760, 3)
- Advice from State Council (29760, 4)
- Report from the Parliamentary Commissions on Financial Affairs and on Social Affairs and Employment (29760, 7)
- Note from the government in reaction to the report of the Parliamentary Commissions on Financial Affairs and on Social Affairs and Employment (29760, 10)
- Handling of the Bill by Parliament (handelingen tweede kamer 2004-2005, no. 27 pages 1713-1735 and continuation in no. 28, pages 1814-1844)

Also on life course savings scheme:

- Letter from the Minister of Social Affairs and Employment about the usefulness of a gender impact assessment on the life saving course scheme that will be developed, 5 March 2004 (27061, 22) [Kamerstuk 2003-2004 Meerjarennota emancipatiebeleid; Brief minister over het nut van een Emancipatie Effect Rapportage op de te ontwikkelen levensloopregeling]
- Keuzenkamp, Saskia, ed. 2004. Een EER voor de levensloopregeling. [A gender impact assessment on the Life-course saving scheme]. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.
- Motion MPs Vendrik/Bussemaker and De Wit demanding a new gender impact assessment on the changed bill on the life course saving scheme, 25 November 2004 (29760, 50) [Kamerstuk 2004-2005 Wet aanpassing fiscale behandeling VUT/prepensioen en introductie levensloopregeling; Motie met het verzoek om een nieuwe Emancipatie Effect Rapportage over het gewijzigde wetsvoorstel VPL]

The main conclusion of the GIA on the life course savings scheme was that, all in all, the scheme is more important for the possibilities it offers for funding pre-pension arrangements (particularly for the higher income groups) than for combining work and care. The Scheme does virtually nothing to bring closer the government's emancipation objectives. The

Assessment further states that if the government wants the life course savings scheme to contribute to the goals of emancipation policy, more substantial measures are needed. In particular, it would help to make its use financially more attractive: a structurally advantageous arrangement for both parental leave and care leave is legitimate. The government reacted to this Gender Impact Assessment by saying it saw no reason to adjust the life course savings scheme (Boer and Wijers, 2006).

Regarding the issue of reconciliation of labour and care:

The legislative process around the Act to amend the Act on Labour and Care to include a right on long term care leave continues:

- Note from the government in reaction to the report of the Parliamentary Commission on Social Affairs and Employment (28467, 7)
- Letter by the Minister of Social Affairs and Employment regarding the Bill to amend the Labour and Care Act and how this Act relates to the Cabinet position regarding the life course savings scheme (levensloopregeling) (28467, 9)

In the framework of reconciling labour and care, discussion on the concept of 'day planning/programming' seems to be revived after the Commission on day planning had published its final advice in 1998:

- Cabinet's Opinion on the issue of 'programme for the day', 24 September 2004 (29769, 1) [Kamerstuk 2003-2004 Arbeid en zorg; Kabinetsstandpunt dagindeling]
- General Meeting of the Parliamentary Commission on Social Affairs and Employment about the Cabinet's opinion on the issue of 'programme for the day' [dagindeling], 24 December 2004 (29769, 4) [Kamerstuk 2004-2005 Arbeid en zorg; Verslag algemeen overleg op 24 november 2004]
- Letter from the Minister of Social Affairs and Employment including a reaction to the Motion Weekers and answering questions that were asked as a result of the Cabinet's opinion on the issue of 'programme for the day', 8 December 2004 (29769, 3) [Kamerstuk 2004-2005 Arbeid en zorg; Brief minister met reactie op motie Weekers (kamerstuk 27061, nr. 31) en antwoorden op vragen n.a.v. kabinetsstandpunt Dagindeling]

Also on reconciliation:

- Letter from the Minister of Social Affairs and Employment presenting the research report 'Working Fathers, Caring Men, Reconciliation of Working Life and Family Life' (ESF-EQUAL project), 24 September 2004 (29769, 2) [Kamerstuk 2004-2005 Arbeid en zorg; Brief minister bij aanbidding onderzoeksrapport 'Working Fathers, Caring Men, Reconciliation of Working Life and Family Life' (ESF-EQUAL project 'Werkende Vaders, Zorgende Mannen)]]

Accompanying secondary source:

- Duyvendak, J.W. and M.M.J. Stavenuiter, eds. 2004. Working fathers, caring Men. Reconciliation of working life and family life. Den Haag: Department for the Co-ordination

of Emancipation Policy / Utrecht: Verwey Jonker Institute. http://www.verwey-jonker.nl/images/dynamisch/D9433292_def.pdf

The Equal Treatment (Full-time and Part-time workers) Act (WOA) and The Working Hours (Adjustment) Act (Wet Aanpassing Arbeidsduur WAA) are both being evaluated:

- Letter from the minister of social affairs and employment concerning the 2002 evaluation of the Equal Treatment (Full-time and Part-time workers) Act by the Equal Treatment Commission (evaluation is included) (29518, 1) [Kamerstuk 2003-2004 Evaluatie Wet verbod op onderscheid naar arbeidsduur; Brief minister bij het verslag inzake de evaluatie van de Woa door de Commissie gelijke behandeling]
- Letter from the Minister of Social Affairs and Employment on the evaluation of the Working Hours (Adjustment) Act [Wet Aanpassing Arbeidsduur WAA] (this document includes the Cabinet's opinion concerning this evaluation), 2 April 2004 (29503, 1) [Kamerstuk 2003-2004 Evaluatie Wet aanpassing arbeidsduur; Brief minister met het kabinetsstandpunt over de evaluatie van de Wet aanpassing arbeidsduur]

Regarding life long learning there is a second Cabinet reaction to the SER advisory report:

- Letter from the Minister of Economic Affairs including the second Cabinet reaction to the SER [Social Economic Council] research report 'the new learning: advice on life long learning in the knowledge economy' 16 January 2004 (27406, 7) [Kamerstuk 2003-2004 Kabinetsnota «De kenniseconomie in zicht»; Brief minister met de tweede kabinetsreactie op het SER-advies 'Het nieuwe leren: Advies over een leven lang leren in de kenniseconomie']

Care work and informal work

After years of discussion and preparation, in this year the Childcare Act is adopted and published in the Bulletin of Acts and Decrees on 9 July:

- The Childcare Act (De Wet Kinderopvang). 2004.
http://www.minocw.nl/documenten/De_wet_kinderopvang.pdf

The Act changes the way that childcare will be subsidized and focuses on the quality of childcare. Parents are now responsible for the complete payment to childcare centres initially. Afterwards they can reclaim an income dependent part of the costs from government through tax deductions and a contribution from employers (which is on a voluntary basis, although the intent is that employers will contribute one third of the costs).

Other documents relating to the Act on Childcare:

- Letter from the Minister and State Secretaries on the concrete consequences of the Act on Childcare (Wet Basisvoorziening Kinderopvang WBK) February 2004 (28447, 21)
- Consideration of the Bill on an Act on Basic Services Childcare [Wet Basisvoorziening Kinderopvang] in the Second Chamber of Parliament. April 2004. Document no. 69, pages 4495-4509 and (continuation of the debate) pages 4513 – 4548. [Behandeling van het wetsvoorstel Regeling met betrekking tot tegemoetkomingen in de kosten van

kinderopvang en waarborging van de kwaliteit van kinderopvang (Wet basisvoorziening kinderopvang) (28447)]

On the issues of an intended act on long term voluntary carers and on the informal sector / black market for personal services discussion takes place and/or research conducted.

Regarding long term voluntary care:

- Letter from the Minister and State Secretary of Health, Welfare and Sport, 23 April 2004 (29538, 1) on the act on societal support for long term voluntary carers [WMO] [Kamerstuk 2003-2004 Zorg en maatschappelijke ondersteuning; Brief minister en staatssecretaris over o.a. de nieuwe Wet Maatschappelijke Ondersteuning]

Regarding the informal sector: as the sector for personal services primarily takes place in the (black) informal market, the Directorate Coordination Emancipation Policy commissioned research (that was conducted by SEOR) with the aim to provide insights into the magnitude and composition of the markets for personal services and to try to answer the question concerning the way in which these markets can be turned into formal markets:

- Nes, Peter van and José Gravesteyn-Ligthelm and Linda van den Boom. 2004. De Markt voor de persoonlijke dienstverlening [The Market for personal services]. Research commissioned by the Ministry of Social Affairs and Employment (Directorate Coordination Emancipation policy), executed by SEOR. DU
<http://www.emancipatieweb.nl/uploads/1267/UB004227.pdf>

Equal pay/gender pay gap

In this year two progress reports on equal pay are published.

The third one is published in January:

- Letter from the Minister of Social Affairs and Employment including the third progress report on equal pay (27099, 10)

In December the fourth progress report on equal pay is published in which it is being announced that the policy will be intensified:

- Minister of Social Affairs and Employment. 2004. Fourth progress report on equal pay.
http://www.emancipatieweb.nl/uploads/1266/Voortgangsbrief_35_2004_3_6681.pdf

The Minister of Social Affairs and Employment states that the government, the social partners and the Equal Opportunities Committee (Commissie Gelijke Behandeling) have been “intensively engaged in combating unequal pay practices since the drafting of the equal pay action plan in 2000. However, in recent years, the adjusted unlawful pay discrepancy between men and women and between Dutch nationals and employees of foreign extraction has remained practically the same. Further, the adjusted pay discrepancy between full-time and part-time employees has even risen. The minister believes that a new policy is called for, especially in view of the Dutch National Action Plan (NAP) for employment and the EU’s

response to it which states that the Netherlands must address the causes of the gender pay gap” (EIRO online, the Netherlands, 14 April 2005, ‘Gender equality process falling short of targets’).

In this fourth Progress Report, the Minister gives an overview of the results and his new initiatives. In the first years of the action programme, a number of instruments were developed. These comprised: an *equal pay checklist*, produced by the national representatives of the social partners with the support of the Ministry of Social Affairs. This checklist can be applied by individual employers, works councils, union representatives and individual employees, in order to establish whether pay systems are discriminatory; an *Equal Pay Quick Scan*. This software programme has been developed by the Equal Treatment Commission (CGB). With the help of this programme, the CGB can analyse the pay-data of a company to see whether an investigation into the pay system of a company is required. This quick scan will be applied by the Labour Inspectorate in an investigation of several sectors in the second half of 2005. A simplified version of the quick scan will be developed for use by individual employers; the *Equal Pay Management tool*. Pay differences can be analysed with the help of this tool, to establish whether these differences are discriminatory or not; a *Guide on sex-neutral job evaluation* was developed. This guide has been sent to the 12 owners of the most frequently used job evaluation systems of the Netherlands. Out of these 12, 8 have applied the guide on their job evaluation system. The vast majority of all employers and employees are covered by these 8 systems. They all came to the conclusion that their systems are sex-neutral; and lastly, the *Wage Indicator* (Loonwijzer; www.loonwijzer.nl). This internet tool, an initiative of the University of Amsterdam, was subsidized by the Ministry of Social Affairs. Individual men and women can use this Indicator to see whether their wages are higher, lower or equivalent to those of others in the same branch, the same job (level) and with the same education and years of job experience. It also gives advice on how to negotiate for a higher wage.

The new initiatives that are proposed by the Minister include: an equal pay investigation of several sectors by the Labour Inspectorate in 2005. The establishment of an Equal Pay Force (The Committee ‘equal pay, that works!’, werkgroep ‘Gelijke beloning, dat werkt!’). In this Equal Pay Force representatives of social partners and of the Equal Treatment Commission, supported by representatives of the Ministry of Social Affairs, will participate over the year. The objective of this EPF is to stimulate knowledge about equal pay legislation, enhance the implementation of this legislation, give information about the above mentioned instruments, stimulate the education of social partners, members of works councils etc on equal pay issues, do research and make recommendations (Sjerps, 2006, pages 63-64).

Tax-Benefit policies

In this year, the Act on Work and Social Assistance (Wet Werk en Bijstand WWB) that replaces the General Social Assistance Act of 1996 (Algemene Bijstandswet) enters into force.

On the issues of occupational invalidity insurance for self employed persons and on the Occupational Disability Insurance Act (WAO) discussions take place.

The Invalidity Insurance (Self-Employed Persons) Act (Wet Arbeidsongeschiktheidsverzekering Zelfstandigen: WAZ) of 1997 is abolished. "While the repeal of the WAZ was undergoing parliamentary scrutiny, some members of parliament expressed concern about the abolition of maternity benefits for the self-employed. It was argued that pregnancy is not simply a 'risk' to be insured by conventional means - it could indeed be argued that it is not a risk at all. There was also a fear that there would be a problem in finding private insurers willing to provide the relevant insurance to self-employed people (as there had been before the WAZ came into force). Also, in terms of equality, it was seen as worrying to be repealing a measure designed to promote equal opportunities in the labour market for men and women. Last but not least, it was seen as questionable as to whether such a backward step is permissible in terms of international and EU law. In response to these concerns, the minister promised parliament that the measure's acceptability in terms of international and EU law would be assessed by referring the matter to two authoritative bodies. The ILO will assess it in terms of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women and the Dutch Equal Treatment Commission (Commissie Gelijke Behandeling, CGB) will examine possible complications in relation to EU law. The questions were referred to these two organisations in mid-2005 - around a year after parliamentary acceptance of the repeal. Various interest groups announced that they were not planning to wait for the ILO and CGB to complete their deliberations, and were calling for the maternity benefit scheme for the self-employed to be reinstated. The Dutch Trade Union Federation (Federatie van Nederlandse Vakbonden, FNV) and the Centre of Expertise for Women and Law (Expertisecentrum voor Vrouwen en Recht, Clara Wichmann Instituut) prepared proceedings against the government seeking reinstatement of the benefits. (...) A court recently ruled against Movir (an insurance company) because it imposed a waiting period before letting a female customer have the risk of pregnancy included in her current occupational disability insurance. The court ruled that this was unlawful, as EU Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services prescribes that the insurer must accept this risk without imposing any further conditions" (EIRO online, the Netherlands, 5 January 2006, 'Calls for reinstatement of public maternity benefits for self-employed'). See also timeline 2007 under 'tax-benefits'.

For reasons of clarity, the Advice by the Equal Treatment Commission is included here, although it is issued in 2006:

- Equal Treatment Commission (CGB). 2006. De afschaffing van de publieke regeling voor zwangerschaps- en bevallingsuitkering voor zelfstandigen in relatie tot Europese regelgeving [the abolition of the maternity benefits insurance for self-employed women in relation to EU policy]. CGB-advies/2006/06
<http://www.cgb.nl/media/downloadables/advies%202006%2006.pdf> and supplement:
<http://www.cgb.nl/media/downloadables/brief%20WAZ%20aan%20De%20Geus%20060620.pdf>

Plans to reform the Occupational Disability Insurance Act (WAO), were announced by the Dutch government in March 2004. They have been criticised by the social partners, as the proposals differ on a number of points from recommendations made by the tripartite Social and Economic Council (see for the preparations of a new Act on Occupational Disability the timeline for 2005).

Also on the issue of WAO, discussion regarding the high number of women who make use of the WAO-scheme continued:

- Questions from MP Bussemaker directed to the Minister of Social Affairs and Employment concerning women who apply for a disability pension because of reasons having to do with financial appeal, 8 juli 2004 (questions)/ 12 August 2004 (answers) (no 2053) [Kamervragen met antwoord 2003-2004 Vragen van het lid Bussemaker (PvdA) aan de minister van Sociale Zaken en Werkgelegenheid over vrouwen die vanwege de financiële aantrekkingskracht in de WAO gaan, ook wel de hypotheekziekte genoemd. (Ingezonden 8 juli 2004); Antwoord]

Access to the labour market

In this year the Equal Treatment in Employment (Age Discrimination) Act (Wet gelijke behandeling op grond van leeftijd bij de arbeid - WGBL) enters into force as of 1 May.

In this year the Act to alter the General Equal Treatment Act in order to implement Directives 2000/43/EC and 2000/78/EC (Wijziging van de Algemene Wet Gelijke Behandeling AWBG en enkele andere wetten ter invoering van richtlijn 2000/43/EG en 2000/78/EG: EG-implementatie Wet) is published in the Bulletin of Acts and Decrees on 21 February:

- Act to alter the General Equal Treatment Act in order to implement Directives 2000/43/EC and 2000/78/EC (Wijziging van de Algemene Wet Gelijke Behandeling AWBG en enkele andere wetten ter invoering van richtlijn 2000/43/EG en 2000/78/EG: EG-implementatie Wet). 2004. <http://www.eerstekamer.nl/9324000/1/j9vvgh5ihkk7kof/vqpczvgvwsf/f=y.pdf>

The Act enters into force as of 1 April 2004.

The Dutch Employment of Minorities (Promotion) Act (Wet SAMEN) which seeks to promote equal representation of people from ethnic minorities in the workforce expires on 1 January 2004 and the government does not intend to extend the Act again. "The stated reason for this is that the original aim of making employers aware of the position of foreign nationals and people from ethnic minorities within their companies has been achieved and that the impact on concrete improvements in the position of such people is not demonstrable. The Ministry of Social Affairs and Employment has arrived at this conclusion on the basis of an evaluation of the Act" (EIRO online, the Netherlands, 7 January 2004, 'Law on promotion of minority employment to be scrapped'). This decision has been supported by employers, but trade unions and the political opposition want to retain some or all of its provisions. This Act was seen as the basis of policy on the employment of people from minority groups, since it delivers the information (from employers) required to formulate the foundations of such a policy. The most important obligations on employers that arise from the Act included maintaining separate personnel registers and drafting an annual report on minority

employment. The Act aimed to achieve equal representation of people from minorities in the workforce. The Act was adopted in 1998 and was originally intended as a temporary measure. It was subsequently extended once until 1 January 2004 (EIRO online, the Netherlands, 7 January 2004, 'Law on promotion of minority employment to be scrapped').

In December 2004 the National Network Diversity Management (Landelijk Netwerk Diversiteitsmanagement, Div) was set up as some sort of successor of the Act SAMEN. It aims to raise awareness amongst employers on the added value of including the idea of diversity within their personnel policy. <http://www.div-management.nl/>

Before the government made its decision not to prolong the Act SAMEN, the women's organization E-Quality wrote a position paper on the upcoming decision:

<http://www.e-quality.nl/e-quality/pagina.asp?pagkey=42568>

2005

Reconciliation of work and family life

In this year the Act amending the Act on Labour and Care in order to include a right on long term care leave is adopted and published in the Bulletin of Acts and Decrees on 28 April:

- Act amending the Act on Labour and Care (Wijzigingswet Wet arbeid en zorg (recht op langdurig zorgverlof)) <http://www.st-ab.nl/1-05274.htm>

This amendment provides employees with a maximum six week leave to care for a partner, child or parent with a life-threatening illness.

The Act entered into force as of 1 June this year.

In this year the Act on the life course savings scheme (Wet aanpassing fiscale behandeling VUT/prepensioen en introductie levensloopregeling) is published in the Bulletin of Acts and Decrees on 24 February (no.115). The Act enters into force (in retroaction) as of 1 January 2005.

- Act on a life course savings scheme (Wet aanpassing fiscale behandeling VUT/prepensioen en introductie levensloopregeling). 2005.
<http://www.eerstekamer.nl/9324000/1/j9vvgh5ihkk7kof/vqzqe0vfgvww/f=y.pdf>

This Act allows individuals to put aside extra money in their current job to save for leave at a later date. Participation in this savings scheme is voluntary and participants can choose whether they use the saved money to take a sabbatical, to take (extra) paid parental leave or early retirement.

On the issue of reconciliation of labour and care, discussions are still continuing and several research reports are published. Also on life long learning discussions continue to take place.

In addition, an initiative Bill on an Act that regulates social assistance to lone parents in the framework of labour and care is presented in this year.

Primary source:

Regarding the issue of reconciliation:

The Cabinet publishes its opinion on the evaluation of the Act on Labour and Care:

- Letter from the Minister of Social Affairs and Employment including the Cabinet's Opinion concerning the evaluation of the Act on Labour and Care [Wet Arbeid en Zorg], 10 February 2005 (29999, 1) [Kamerstuk 2004-2005 Evaluatie Wet arbeid en zorg; Brief minister met het kabinetsstandpunt over de evaluatie van de Wet arbeid en zorg]

The Multimedia campaign 'who does what?' is being evaluated as well:

- Letter from the Minister of Social Affairs and Employment concerning the evaluation of the multi-media campaign 'who does what?' [wie doet wat?] part of the 'men in the leading role' projects, 8 March 2005 (29769, 8) [Kamerstuk 2004-2005 Arbeid en zorg; Brief minister bij de evaluatie van de multimediacampagne 'Wie Doet Wat.nl', onderdeel van de projecten 'Mannen in de Hoofdról']

The Dutch Family Council publishes its research report on the glass dividing wall:

- Letter from the Minister of Social Affairs and Employment with his reaction on the NGR [Dutch Family Council] research report 'The glass dividing wall. The problems that parents are confronted with when dividing labour, care and household', 19 December 2005 (29769, 9) [Kamerstuk 2005-2006 Arbeid en zorg; Brief minister met een reactie op het NGR-rapport 'De Glazen Tussenwand, waar ouders tegenaan lopen bij de verdeling van arbeid, zorg en huishouden']

Accompanying secondary source:

- Nederlandse Gezinsraad [Dutch Family Council]. 2005. De glazen Tussenwand. Waar ouders tegenaan lopen bij de verdeling van arbeid, zorg en huishouden [The glass dividing wall. The problems that parents are confronted with when dividing labour, care and household]. Den Haag: Dutch Family Council. DU

Another research report that is published on the issue of reconciliation is the final report of an EQUAL project:

- EQUAL. 2005. Combineren van arbeid en zorg. Het doorbreken van de genderkloof: Nieuwe kansen voor hardnekkige kwesties. Eindrapport EQUAL [Combining labour and care. Breaking the gender gap. New opportunities for persistent matters. Final report EQUAL]. Den Haag

Regarding life long learning an action plan is launched:

- Letter from the State Secretary of Education, Culture and Science appended to the Action Plan on Life Long Learning, 19 November 2004 (27406, 32) [Kamerstuk 2004-2005 Nota «De kenniseconomie in zicht»; Brief staatssecretaris bij Actieplan Leven Lang Leren]

Regarding lone parents and social assistance, MP Noorman-Den Uyl writes an initiative bill aiming to regulate assistance to lone parents in the framework of labour and care (Wet voorzieningen arbeid en zorg alleenstaande ouders, vazalo). The most important aim of the act will be to provide lone parents that receive social security benefits (bijstand) with incentives to start working part-time. Until today, the Act has not entered into force. It is being envisaged that the Act will enter into force as of 1 January 2009, depending on the results of an experiment with the measures in 15 municipalities that is currently taking place (press release Ministry of Social Affairs and Employment, 13 July 2007, http://home.szw.nl/actueel/dsp_persbericht.cfm?jaar=2007&link_id=123227):

- Guiding letter (29948, 1)
- Initiative Bill by MP Noorman-Den Uyl (29948, 2)
- Memorandum of explanation (29948, 3)
- Advisory report of the State Council and a report of further explanation (29948, 4)
- Report from the Parliamentary Commission on Social Affairs and Employment (29948, 8)
- Report from the initiator (MP Noorman – Den Uyl) reacting to the report from the Parliamentary Commission on Social Affairs and Employment (29948, 9)
- Cabinet Stanpoint regarding the initiative bill of MP Noorman –Den Uyl, 3 June 2005, http://docs.szw.nl/pdf/34/2005/34_2005_3_7580.pdf
- Plenary Session of the Second Chamber of Parliament discussing the private member's (Noorman-Den Uyl) Bill on an Act regulating assistance regarding labour and care to lone parents (first reading). June 2005. Document no. 89, pages 5317-5333 and (continuation of first reading) document no. 91, pages 5437-5454. 35 pages together.

[Kamerstukken 2004-2005 omtrent voorstel van wet van het lid Noorman-den Uyl houdende vaststelling van wet inzake ondersteuning van alleenstaande ouders bij arbeid en zorg (Wet voorzieningen arbeid en zorg alleenstaande ouders)]

Care work and informal work

In this year the Childcare Act enters into force.

On the issues of an intended Act on societal support for long term carers (Act WMO) and the Act on Childcare (ongoing) discussions took place.

Regarding support for voluntary long term carers, in this year the legislative process in preparation of an Act on societal support for long term carers (Wet Maatschappelijke Ondersteuning WMO) starts.

- Bill (30131, 2)
- Memorandum of explanation (30131, 3)
- Advisory report of the State Council and a report of further explanation (30131, 5)
- Report from the Parliamentary Commission on Health, Welfare and Sport (30131, 27)
- Note from the government in reaction to the report of the Parliamentary Commission on Health, Welfare and Sport (30131, 29)

[Kamerstukken 2004-2005 omtrent nieuwe regels betreffende maatschappelijke ondersteuning (Wet maatschappelijke ondersteuning)]

Other sources on long term carers are a Cabinet note, a report of a general meeting of the Parliamentary Commission on Health, Welfare and Sport discussing the issue and a gender impact assessment that was carried out on the Bill:

- Note by the State Secretary of Health, Welfare and Sport titled 'long term voluntary carers in the picture', 17 June 2005 (30169, 1) [Kamerstuk 2004-2005 Mantelzorg; Notitie 'De mantelzorg in beeld']
- General Meeting of the Parliamentary Commission on Health, Welfare and Sport on the Act on societal support for long term voluntary carers, 7 February 2005 (29538, 10) [Kamerstuk 2004-2005 Zorg en maatschappelijke ondersteuning; Verslag algemeen overleg over de Wet maatschappelijke ondersteuning (WMO)]
- Morée Marjolein. 2005. Een EER voor de Wmo Emancipatie-effectrapportage inzake de Wet maatschappelijke ondersteuning [Gender Impact Assessment concerning the Act on societal support for long term voluntary carers]. Utrecht: Nederlands Instituut voor Zorg en Welzijn. DU <http://www.nizw.nl/eiz/docs/word/Emancipatie-effectrapportage%20WMO-rapport.doc>

Regarding the Act on Childcare:

- Questions from MP Tonkens directed to the Minister of Social Affairs and Employment concerning the current problems caused by the Act on Child Care [Wet Basisvoorziening Kinderopvang], 3 June 2005 (no 1928) [Kamervragen met antwoord 2004-2005 Vragen van het lid Tonkens (GroenLinks) aan de minister van Sociale Zaken en Werkgelegenheid over de huidige problemen veroorzaakt door de Wet Kinderopvang. (Ingezonden 3 juni 2005); Antwoord]

Equal pay/gender pay gap

- Letter from the Minister of Social Affairs and Employment including the Cabinet reaction to several advices on equal pay (27099, 13)

Tax-Benefit policies

In this year the Act on Work and Income according to Labour Capacity (Wet Werk en Inkomen naar Arbeidsvermogen WIA) that should replace the former Act on Occupational Disability Insurance (Wet Arbeidsongeschiktheidsverzekering WAO) is adopted and published in the Bulletin of Acts and Decrees on 10 November 2005:

- Act on Work and Income according to Labour Capacity. 2005. <http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=Wet%20werk%20en%20inkomen%20naar%20arbeidsvermogen>

The new Act is no longer geared towards someone's limitations, but towards his or her capabilities. All persons who are incapable of working will remain eligible for full benefits.

Although discussions on introducing a new occupational disability system had been going on for several years (e.g. see timeline 2001 and 2002 for documents related to Commission Donner), it was during this year that the legislative process in preparation of a new Act on Work and Income according to Labour Capacity (Wet Werk en Inkomen naar Arbeidsvermogen WIA) that should replace the old Act on Occupational Disability Insurance (Wet Arbeidsongeschiktheidsverzekering WAO) started.

- Bill (30034,2)
- memorandum of explanation (30034,3)
- advisory report State Council (30034, 4)
- Report from the Parliamentary Commission on Social Affairs and Employment (30034, 9)
- Note from the government in reaction to the report of the Parliamentary Commission Social Affairs and Employment (30034, 11)

On the issue of women who receive social assistance ongoing discussions took place. "In October 2005, the State Secretary of Social Affairs and Employment proposed that single mothers with young children receiving benefits should find employment in an out-of-school-time child care programme. (...) Shortly before this announcement the Minister of Social Affairs and the Minister of Education had said that schools will be obligated to offer out-of-school-time care programmes from 7.30 am to 6.30 pm should parents request such. While the Lower House does support the latter proposal, an overwhelming majority rejected the proposed obligation for single mothers receiving benefits to work in these care programmes" (EIRO online, the Netherlands, 15 November 2005, 'Lower House rejects proposal for single mothers receiving benefits to work in care programmes'):

- Questions from MP De Wit directed to the State Secretary of Social Affairs and Employment concerning his remark that mothers on welfare should be obligated to work in day-care centres, 11 October 2005 (no 10, p. 540-544) [Handelingen 2005-2006 Vragen van het lid De Wit aan de staatssecretaris van Sociale Zaken en Werkgelegenheid over de uitspraak van de staatssecretaris dat bijstandsmoeders verplicht in de kinderopvang zouden moeten werken (mondelijke vragenuur)]
- General Meeting of the Parliamentary Commission on Social Affairs and Employment on deploying mothers on welfare in day-care centres, 9 December 2005 (28870, 147) [Kamerstuk 2005-2006 Vaststelling van een wet inzake ondersteuning bij arbeidsinschakeling en verlening van bijstand door gemeenten (Wet werk en bijstand); Verslag algemeen overleg van 3 november 2005, inzetten van bijstandsmoeders in de buitenschoolse opvang]

Access to the labour market

In this year the Equal Treatment (Disability or Chronic Illness) Act (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ) enters into force as of 1 January.

The legislative process regarding the alteration of the Equal Treatment (Men and Women) Employment Act (Wet Gelijke Behandeling WGB) in order to implement EU Directive 2002/73/EC starts.

Primary documents:

- Bill (30237, 2)
- Memorandum of explanation (30237, 3)
- Advice by State Council and report of further explanation (30237, 4)
- Report from the Parliamentary Commission on Social Affairs and Employment (30237, 5)
- Note by Cabinet in reaction to the Parliamentary Commission on Social Affairs and Employment report (30237, 5)
- Handling of the bill by the Second chamber of Parliament (handelingen 2005-2006, no. 38, pages 2585-2597)

Regarding the issue of labour market participation of ethnic minority women ongoing discussion/activities take place.

The Cabinet reacts to a research report that was commissioned by the Ministry of Social Affairs and Employment in which policy recommendations are also made:

- Letter from the State Secretary of Social Affairs and Employment including the Cabinet Reaction to the research report 'ethnic minorities on the labour market', 12 May 2005 (27223, 66) [Kamerstuk 2004-2005 Arbeidsmarktbeleid etnische minderheden 2000-2003; Brief staatssecretaris met kabinetsreactie op onderzoek 'Etnische minderheden op de arbeidsmarkt']

Accompanying secondary source:

- Klaver, J and J.W.M Mevissen and A.W.M. 2005. Etnische minderheden op de arbeidsmarkt. Beelden en feiten, belemmeringen en oplossingen [Ethnic minorities on the labour market. Images and facts, obstacles and solutions]. Research commissioned by the Ministry of Social Affairs and Employment. Amsterdam: Regioplan Beleidsonderzoek. DU

And the Commission PaVEM (Participation of Women from Ethnic Minority Groups) presents its final report:

- Cabinet reaction to the final report by Commission PaVEM (Participation Agenda 2010), 24 June 2005.

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

The final PaVEM report:

- Commission PaVEM. 2005. Participation Agenda 2010 [participatie agenda 2010]. http://www.kiemnet.nl/binaries/kiem/bulk/publicatie/2005/7/agenda_pavemx1x.pdf

2006

Care work and informal work

The Act on societal support for long term voluntary carers (Wet Maatschappelijke Ondersteuning WMO) is published in the Bulletin of Acts and Decrees on 29 June 2006:

- Act on societal support for long term voluntary carers (Wet Maatschappelijke Ondersteuning WMO). 2006.

<http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=Wet%20maatschappelijke%20ondersteuning/article=4>

On the issue of Childcare and the Act on Childcare of 2004 ongoing discussions take place and two Bills are written during this year.

“The issue of childcare facilities for children featured prominently in the pre-election campaigns of November 2006. Almost all of the major political parties proposed some form of basic day care facility. The Dutch Trade Union Federation (FNV) also put forward its own proposal in October 2006. (...) Among the key points of the plan is the proposal that day care should be available for all children below the age of 13 years, irrespective of whether their parents are in paid employment. (...) An income-related parental contribution would be charged at a maximum of 5% of net income”. (EIRO online, the Netherlands, 4 January 2007, ‘Increasing women’s labour market participation through childcare provision’) Increasing the level of women’s participation in the labour market is an important motivating factor in this context. The proposals have been made against the background of recent studies, which show that career prospects have deteriorated for women who work part time and who take leave to provide care.

- FNV proposal on day care facilities for children 2006

The Minister of Social Affairs plans to make it “compulsory for employers to contribute to childcare costs. The minister believes that the current voluntary scheme is not functioning as intended. (...) In 2005, the Childcare Act stipulated that parents, the government and employers would each pay one third of childcare costs. An agreement was then made with employer organisations and trade unions that, in 2008, up to 90% of all employees would be reimbursed by their employer for a third of these costs for children from birth up to the age of 12 years. In practice, this means that both parents would receive one sixth of the costs from their respective employer” (EIRO online, the Netherlands, 16 October 2006, ‘Employer’s contribution to childcare to be made compulsory’). A recent study of the Ministry of Social Affairs shows that “over one third of employees do not receive a full contribution from their employer for the costs of daycare, lunchtime or after-school care for children” (EIRO online, the Netherlands, 16 October 2006, ‘Employer’s contribution to childcare to be made compulsory’). Therefore, the minister has proposed to make the employer contributions to childcare costs compulsory (EIRO online, the Netherlands, 16 October 2006, ‘Employer’s contribution to childcare to be made compulsory’). However the bill was withdrawn in September 2006 (see primary sources below):

- Bill (30613, 2)
- Memorandum of explanation (30613, 3)
- Letter of the Minister regarding the withdrawal of the Bill (30613, 7)

The biggest opposition party, the Labour Party (pvdA), supports the idea of the trade unions to make childcare a basic provision financed primarily through government funds and has presented an initiative bill to this effect to the Lower House of Parliament. PvdA MP Hamer

writes an initiative Bill on an Act on Basic Provision Childcare and Development stimulation (Wet basisvoorziening kinderopvang en ontwikkelingsstimulering):

- Guiding Letter (30479, 1)
- Initiative Bill by MP Hamer (30479, 2)
- Memorandum of explanation (30479, 3)
- Advice by State Council and reaction to it by the initiator (30479, 4)
- Report from the Parliamentary Commission on Social Affairs and Employment (30479, 7)
- Note from the initiator in reaction to the report of the Parliamentary Commission Social Affairs and Employment (30479, 8)

Equal pay/gender pay gap

At the start of this year the Minister on Social Affairs and Employment established a Committee named 'Equal pay: that works!' (Gelijke beloning, dat werkt!) with the task to formulate policy recommendations aimed at addressing the persistent pay gap in the Netherlands. The Committee consists of both employer and employee representatives as well as experts of the Equal Treatment Commission (Commissie Gelijke Behandeling CGB). The instalment of this equal pay task force was announced in the fourth progress report on equal pay of 2004:

- Letter of the Minister presenting the annual working plan for the Committee 'Equal Pay: that works!' (27099, 14)

Also the sixth progress note on equal pay was published in 2006:

- Letter from the Minister of Social Affairs and Employment including the sixth progress report on equal pay (27099, 16)

Tax-Benefit policies

During this year the Act on Work and Income according to Labour Capacity (Wet Werk en Inkomen naar Arbeidsvermogen WIA) enters into force as of 1 January.

Access to the labour market

On 5 October 2006 the Act altering the Equal Treatment (Men and Women) Employment (Wet Gelijke Behandeling WGB) in order to implement EU Directive 2002/73/EC is published in the Bulletin of Acts and Decrees:

- Act altering the Equal Treatment (Men and Women) Employment in order to implement EU Directive 2002/73/EC (Wet tot wijziging van de Wet gelijke behandeling van mannen en vrouwen en het Burgerlijk Wetboek ter uitvoering van Richtlijn 2002/73/EG). 2006. http://home.szw.nl/navigatie/dossier/dsp_dossier.cfm?set_id=340&link_id=104972

Reconciliation of work and family life

“On 1 April 2007 a new and simplified Working Hours Act (previous one dated from 1995) came into force, providing for less restrictive practices in relation to the length of the working day and scope of the working week. In addition, the concept of overtime has been abolished and the social partners may, within certain statutory limits, reach non-standard agreements. The act has generated mixed reactions from the social partners” (EIRO online, the Netherlands, 26 June 2007, ‘New Working Hours Act places fewer restrictions on working hours’):

- Act on Working Hours 2007. 2007.

<http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=Arbeidstijdenwet>

In March 2007 the private member’s Bill on an Act regulating assistance to lone parents in the framework of labour and care (Wet voorzieningen arbeid en zorg alleenstaande ouders, vazalo) has been adopted by the first chamber of Parliament. The private member’s Bill was submitted by MP Noorman-Den Uyl in December 2004. It departs from the fact that lone parents can only work part time. 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 stays close to the activating aim of the Act on Work and Social Assistance). The target group of the Bill are single parents who are on social assistance and have difficulties in starting work, because the combination of a full-time job and taking care of their children is impossible. The Act regulating assistance to lone parents in the framework of labour and care (Wet voorzieningen arbeid en zorg alleenstaande ouders, vazalo) was published in the Bulletin of Acts and Decrees in August 2007. This Act at the same time belongs to the issue of ‘tax-benefit policies’ (since it is connected to Act on Work and Social Assistance) and to the issue of ‘reconciliation’:

- Act regulating assistance to lone parents in the framework of labour and care (Wet voorzieningen arbeid en zorg alleenstaande ouders, vazalo). July 2007.

<http://www.eerstekamer.nl/9324000/d/299/w29948st.pdf>

Care work and informal work

The Act on societal support for long term voluntary carers (Wet Maatschappelijke Ondersteuning WMO) enters into force on 1 January 2007.

Regarding the topic of Childcare two important new legislative changes came about during this year: 1) since 1 August 2007 the responsibility for the organization of outside-of-school-hours child care lies with the authority of primary schools. If one or more parents wish, the primary school has to make sure that there is extracurricular child care organized from 7.30 a.m to 6.30 p.m. For this purpose the 1992 Act on Primary Education was amended;

2) In the Tax Plan 2007 [Belastingplan 2007] it was laid down that the voluntary employers' contribution for child care as laid down in the 2004 Childcare Act will become a compulsory contribution as of 1 January 2007. The Cabinet had expected that with the entering into force of the 2004 Childcare Act at least 90 percent of the employees would receive a full employers' child care contribution by the year 2008. However, since in 2006 it had already become clear that this expectation would never materialize, the Cabinet has decided to change the voluntary employers' contribution into a compulsory one.

Regarding both of the aforementioned changes little societal discussion took place.

Equal pay/gender pay gap

At the end of January 2007, a conference took place during which the draft recommendations of the equal pay task force 'Equal Pay: that works!' were discussed. However, the committee in which the employers and trade unions are strongly represented failed to reach overall agreement on its draft recommendations. "For example, a recommendation to increase wages in the healthcare and education sectors was abandoned because the employers considered that the measure did not contribute to resolving the issue of wage discrimination" (EIRO online, the Netherlands, 19 February 2007, 'Lack of agreement on proposals to minimise gender pay gap').

In June the final report and recommendations written by the Committee 'Equal pay, that works!' is presented:

- Letter from the Minister of Social Affairs and Employment presenting the final report of the Committee 'Equal pay, that works!'. The final report is titled 'Equal pay, now or never. Final report and recommendations' (Gelijk loon – nu of nooit. Eindrapport en aanbevelingen) (27099, 18)

Tax-Benefit policies

The Dutch Trade Union Federation (FNV) tries to close gaps in social security by negotiating with insurance companies on collective pensions and occupational disability insurance schemes for self-employed individuals without staff. "Since the Occupational Disability Insurance (Self-employed Persons) Act (Wet Arbeidsongeschiktheid Zelfstandigen, WAZ) was scrapped in 2004, arrangements for 16-week maternity benefits for female self employed persons have been left to the private insurance market. Maternity benefits form part of occupational disability insurance. More than half of self employed persons do not have such an insurance" (EIRO online, the Netherlands, 9 January 2007, 'Union advocates better social security cover for self-employed').

Access to the labour market

In this year, the Act altering the Equal Treatment (Men and Women) Employment (Wet Gelijke Behandeling WGB) in order to implement EU Directive 2002/73/EC enters into force as of 1 January 2007.

In this year the legislative process regarding the Act to alter the General Equal Treatment Act in order to implement EU Directive 2004/113/EG regarding equal access of men and women to goods and services (Wijziging Awgb ter uitvoering van richtlijn 2004/113/EG inzake gelijke toegang tot en het aanbod van goederen en diensten) starts:

- Bill (30967, 2)
- Memorandum of explanation (30967, 3)
- Advice from State Council and report of further explanation (30967, 4)
- Report from the Parliamentary Commission of Internal Affairs and Kingdom Relations (30967, 5)
- Note from the Cabinet in reaction to the Parliamentary Commission of Internal Affairs and Kingdom Relations report (30967, 6)

2 Intimate citizenship

2.1 Introduction

In this introduction the relative relevance and presence of sub issues within the broader issue of intimate citizenship will be discussed. Although a distinction is made between three sub issues, some topics that are present within the 'divorce, marriage and separation' sub issue are associated with topics that are present within the sub issue of 'civil partnership and gay marriage, discrimination on the basis of sexual orientation'. To give some examples: an important incentive to start with a process to revise the Dutch matrimonial property regime was given when the Bill on registered partnership was discussed in Parliament. And the Act that makes possible same-sex civil marriages unintentionally created the option of so-called 'flash divorces' (flitsscheidingen). This was an incentive for the government to present a Bill in 2005 that will abolish this possibility. The sub issue of 'divorce, separation and marriage' and the sub issue of 'civil partnership and gay marriage, discrimination on the basis of sexual orientation' seem to be equally present, although the pioneering changes that have taken place in the latter sub issue probably makes this sub issue (civil partnership and gay marriage) the one with most relative relevance. If one also takes into consideration that it was changes in this sub issue that caused certain developments to happen in the area of 'divorce, marriage and separation' this conclusion indeed seems to be correct. The sub issue of 'reproductive rights' has been least present and relevant during the QUING period.

Regarding **divorce, separation, marriage** legal measures were taken and/or debate has taken place on pensions, on divorce, on 'crossing border' issues and on matrimonial property law. The topics that were most extensively discussed are the topic of 'crossing borders' (I use this as a generic term that covers several sub topics) and the topic of matrimonial property law.

Between 1995 and 1997 the income requirement as a criterion for family reunion is discussed as a result of changed regulations in 1993. The Clara Wichmann Institute is active in this field trying to convince the government of the fact that the income requirement is indirectly discriminating against women. From 2000 onwards discussions on various topics concerning crossing borders for reasons of family reunion and marriage migration start and continue until 2006. Within the context of a more and more stringent immigration policy, certain issues regarding the position of women in this policy field tend to surface from time to time. Key topics being discussed in this regard are: income requirement and minimum age requirement concerning family reunion and marriage migration (in 2004 both these requirements are restricted, that means a higher income requirement and a higher minimum age are demanded), the legal status of women with a dependent residence permit in Dutch immigration law (on the basis of the criteria for receiving an independent residence permit, e.g. relationship breakdown or if victim of intimate partner violence), the return of women who were forced to remigrate, Moroccan women and children who are left behind in the country of origin, and the Integration Abroad Act and its impact on women. E-Quality and Clara Wichmann are active in bringing attention to the possible negative effects that (changes in) Dutch immigration/family reunion policies have on women.

While the Netherlands might be regarded as a pioneer in certain fields of family law (e.g. introduction of same-sex marriage in 2001), at the same time it is lagging behind a lot of other countries on the issue of matrimonial property rights. In 2007 it is one of the last countries in the world where the universal community of property is the applicable matrimonial property regime. However, already from 1995 the matrimonial property regime is in a transitional state. Nevertheless, the 2003 Bill that should modernize the regime has still not become law. When discussing the Bill on registered partnership (see timeline on the issue 'civil partnership and gay marriage') in 1995 the impulse for revising the matrimonial property law was provided during a parliamentary debate. Subsequently, the government has decided that the revision of matrimonial property law should proceed in several steps. Among other things a Commission on the Rights and Obligations of spouses was installed in order to investigate revisions to the regime in the light of the option of registered partnership; extensive comparative research was commissioned, a gender impact assessment on the future revision of matrimonial property law was commissioned and finally in 2003 the Bill for an Act revising the Legal Community of Property was finally presented to Parliament.

Regarding pensions, an Act on the Settlement of Pension Rights in case of Divorce (Wet Verevening Pensioenrechten) was enforced in 1995. In 2006 this Act becomes the subject of debate when a motion is adopted that demands a solution to the problem that a group of persons (most of them women) are falling outside the provisions of this Act. Furthermore an act on the interpretation and application of article 2b of the Pension and Saving Funds Act (Pensioen en Spaarfondsen Wet) that deals with equal treatment of men and women in pensions irrespective of form of living is adopted in 2000.

Concerning divorce, an Act is currently being considered by the First Chamber of Parliament (already adopted by the Second Chamber) that will abolish the possibility of 'flash divorces' that have been made possible when the Act on the opening of civil marriage made it very easy to transform registered partnership into marriage and the other way around (meaning that one can divorce in 24 hours without the involvement of a judge or court).

Two other issues on which legislation was enacted are the General Surviving Relatives Act (Algemene Nabestaanden Wet) of 1995 and the Surname Act of 1997.

Regarding **Civil partnership and gay marriage, discrimination on the basis of sexual orientation** some pioneering changes have taken place during the investigated period, most notably the introduction of registered partnership in 1998 and the opening of civil marriage for same-sex couples in 2001. Although discussions on the necessity of introducing registered partnership originally started from the idea that registered partnership would be an alternative (with equal legal status) to marriage for same-sex couples in order to treat them equally in the framework of the General Equal Treatment Act and international law (most notably the ECHR), in the end this option was open to both same-sex couples and heterosexual couples. Seen from the principle of equal treatment this prompted the question as to why marriage should not also be open to homosexual couples as well as to heterosexual couples.

The registered partnership has the same effect as marriage on every aspect except for the fact that it excludes divorce and that a registered partnership creates no relationship of filiation between the child of one partner and the other partner. The consequences of same-sex marriages are for the most part the same as heterosexual marriages. There is no

difference regarding the laws regulating the surname of spouses, maintenance, general community of property, pensions, legal transactions, and inheritance. Also the rules for entering into, concluding and dissolving the marriage are the same as well as the obligations towards each other. The only big differences relate to children/parentage. Unintentionally, the government not only created the possibility of same-sex marriage it also created the possibility of a simplified divorce, because the Act foresees an uncomplicated procedure to transform a registered partnership into a marriage and vice versa. A lot of heterosexual couples wanting to divorce have used this in between step to subsequently dissolve their recently obtained registered partnership by mutual consent.

The changes that took place with regard to registered partnership and same-sex marriage bear implication for numerous other fields that are also situated outside the area of intimate citizenship, such as pensions and social security benefits, parenting and adoption. This meant that next to the Acts on registered partnership and same sex marriage a lot of amendments had to be made to existing Acts in other fields and it also meant that several new Acts had to be developed in order to provide same sex spouses with the same rights and duties as heterosexual ones. An issue that, for example, was dealt with at the same time as the Act on same-sex marriage was an Act that makes adoption by same-sex couples possible. However this Act does not include interstate/foreign adoption, because at that time it was not accepted by foreign countries that same-sex couples adopt children. In the framework of an Act that is being prepared on the conflicting rights regarding inter state adoptions a discussion developed in 2003 (and continuing in 2004 and 2005) on same-sex couples and interstate adoption. In 2006 a Bill was presented that aims to alter certain adoption regulations. It aims to shorten the adoption procedure for single parents. Furthermore, it is proposed to change the Act on foreign adoption (Wet opnemng buitenlandse kinderen ter adoptie, Wobka) in order to make possible interstate adoption by same sex spouses. The Bill is currently being considered by the First Chamber of Parliament.

A last relevant topic is so-called 'homo-emancipation' policy that was introduced in 2001 when the government launched a note announcing their plans with regard to the homo and lesbian emancipation policy for the years 2001-2006.

In the timeline only during half of the thirteen investigated years did something happen in the field of **reproductive rights**. On the basis of this rather clear sign, it can be concluded that the sub issue of reproductive rights has been of less relevance and presence during the Quing research period. Although some of the topics included in the sub issue of 'civil partnership and gay marriage, discrimination on the basis of sexual orientation' (for example the Act on adoption by same-sex couples) are clearly related to the sub issue of 'reproductive rights'. Two topics that were of relevance during the Quing research period should be mentioned here. Firstly, in 1998 an Act Revising the law on Parentage and Adoption [Wet tot herziening van het afstammingsrecht alsmede van de regeling van adoptie] is adopted. A gender impact assessment has been written on the Bill. At this point, it suffices to say that the Act strengthens the position of the biological father with regard to parentage. With regard to adoption the old limitation of restricting adoption to married couples is set aside and adoption is now also available to cohabiting and single persons. It excludes,

however (despite the fact that the Act on registered partnership allowing for registered partnership of same-sex couples had already been adopted and published by this time) the possibility of adoption by same-sex couples. Secondly, there has been some discussion on the possible discriminating access policies of IVF-clinics on the basis of sexual orientation and civil status. In 2000 the Equal Treatment Commission investigated this and published its opinion which is as follows: the refusal of clinics to provide treatment to lesbian women infringes the General Equal Treatment Act (*Algemene Wet Gelijke Behandeling*). However the Commission does not denounce the refusal to treat single women because of conflicting research concerning the influence of being raised in a one-parent family. In her reaction to the Opinion of the Equal Treatment Commission, the Minister's standpoint differs from that of the Commission. She maintains that lesbian *and single* women should not be placed in a more disadvantaged position than women with male partners on the sole ground of being lesbian or single.

2.2 Description of relevant actors in the field

2.2.1 Government

Ministry of Justice main governmental actor on the sub issue of divorce, separation and marriage and on the sub issue of civil partnership and gay marriage, discrimination on the basis of sexual orientation

Parliamentary Commission on Justice

WODC – Scientific Research and Documentation Centre of the Ministry of Justice

Commissie Kortmann II

Staatscommissie voor het Internationaal Privaatrecht – State Commission on International Private Law this Commission was set up by law in 1998

Ministry of Health, Welfare and Sport important actor in the sub issue 'reproductive rights' and on policies in the field of sexual orientation (so-called homo-emancipation policies)

Parliamentary Commission on Health, Welfare and Sport

Minister of Aliens Affairs and Integration Does not have its own Ministry, is attached to the Ministry of Justice. Actor in the field of all matters concerning intimate citizenship and migration/immigration

ACVZ – Advisory Committee on Aliens Affairs

Minister of Social Affairs and Employment

Parliamentary Commission on Social Affairs and Employment actor in the field of pensions, General Surviving Relatives Act and transgender

Direction Coordination Emancipation Policy (DCE)

Interdepartmental Coordination Emancipation Policy (ICE)

Emancipation Council advisory council that was abolished in 1997

Coordinating member of Cabinet on emancipation policy currently Minister Plasterk (Ministry of Education, Culture and Science)

State Council (Raad van State) is the highest advisory body in the Netherlands. Always writes an advisory report on each and every Bill.

Equal Treatment Committee CGB (Commissie Gelijke Behandeling) was installed in 1994 by the Dutch government on the basis of obligations arising from the General Equal Treatment Law. The Commission's role is to promote and monitor compliance with the General Act on Equal Treatment, together with other specific anti-discrimination and equal treatment legislation. The Commission has the power to rule on claims, and can conduct investigations of its own accord and advise the government. The Dutch Equal Treatment Commission (CGB) examines complaints about unequal treatment. It investigates whether the equal treatment law has been violated. www.cgb.nl

2.2.2 Political Forces/ Parties

See section 1.2.5 in the chapter on non-employment

2.2.3 Civil society actors/ NGO's

Dutch Family Council merged with E-Quality since 1 January 2007

E-quality, the Dutch information centre for gender, family and diversity issues (www.e-quality.nl). E-Quality came into being after a merger of several women's organisations (Vrouw en Arbeid, Stichting Arachne, Vrouwenadviesbureau Overheidsbeleid, WEP-I, Aisa). Last year E-Quality merged with the Dutch Family Council.

Centre of Expertise for Women and Law – Clara Wichmann Institute (Expertisecentrum voor Vrouwen en Recht, Clara Wichmann Instituut) <http://www.vrouwenrecht.nl/hulp>

Nederlandse Vrouwen Raad NVR – Dutch Women's Council

(<http://www.nederlandsevrouwenraad.nl>). The NVR is an umbrella organisation representing over 50 women's organisations. It functions as a contact point between government and society.

Art. 1 The name of this organization refers to article 1 of the Dutch Constitution. Since January 2007, the National Bureau on Race Discrimination (LBR) and the regional antidiscrimination bureaus merged into Art.1. Art.1 is a national association that is dedicated to prevent and combat discrimination (sex, race, age, handicap, etc.). Art.1 contributes to the equal treatment of all people in the Netherlands. www.art1.nl

Bureau against Discrimination due to Sexual Orientation (COC) www.coc.nl 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. As one of the largest lesbian and gay organisations in the world, COC is devoted to a society which does full justice to each individual irrespective of sexual preference.

Kenniscentrum Lesbisch en homo-emancipatiebeleid - Dutch Expertise Centre on LGBT Issues The Dutch Expertise Centre on LGBT Issues collates 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. <http://www.homo-emancipatie.nl/english/index.html>

Platform seksuele diversiteit – Platform for Sexual Diversity

Rutgers Nisso Group <http://www.rutgersnissogroep.nl/English> The Dutch Expert Centre on Sexuality which 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, 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.

Tiye international (Platform of the National Organisations of black, migrant and refugee women in the Netherlands) Umbrella organization. <http://www.tiye-international.org/profile/index.html>

Forum- Instituut voor Multiculturele Ontwikkeling [Institute for Multicultural development] (<http://www.forum.nl>)

Stichting Buitenlandse Partner – Foundation Foreign Partners

<http://www.buitenlandsepartner.nl> This foundation represents the interests of Dutch citizens who have a foreign partner in country outside the EU.

Support Group for Women without a Residence Permit – Steungroep Vrouwen Zonder Verblijfsvergunning (SVZV) <http://www.svzv.nl> This support group was set up in 1995 in response to the deteriorating rights of women without a (independent) residence permit in the Netherlands. It aims to improve the position of these women in our society.

Amnesty international Netherlands www.amnesty.nl

2.2.4 International actors

EU

UN/CEDAW

European Convention on Human Rights (EHCR)

2.3 Timeline

Pre-1995

1980: in the anti-discrimination article 1 of the Dutch Constitution the addition ‘or on any other grounds whatsoever’ was added, including also discrimination on the basis of sexual orientation. The whole article after this change reads: ‘All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted’

1984: The Act on Terminating Pregnancies (Wet Afbreking Zwangerschap, WAZ) enters into force after the Act was adopted in 1981. This Act makes abortion legal when certain requirements are complied with.

1992: Discrimination on the basis of sexual orientation in the exercise of a position, occupation or business is prohibited by the Criminal Code

1994: The General Equal Treatment Act (AWGB) is enforced. The Act prohibits inter alia discrimination on the basis of sexual orientation or civil status.

1995

Divorce, separation, marriage

In 1995 the Act on the Settlement of Pension rights in case of Divorce (Wet verevening pensioenrechten bij scheiding) enters into force as of 1 May. The act was published in the Bulletin of Acts and Decrees on 28 April 1994:

- Act on the Settlement of Pensionrights in case of Divorce (Wet verevening pensioenrechten bij scheiding). 1994.
<http://www.wetten.nl/Wet%20verevening%20pensioenrechten%20bij%20scheiding> (this is the text that is valid today. After 1995 some amendments have taken place that are included in this text).

This Act provides that in case of divorce the pension rights that were saved up during the years of marriage should be equally divided between the spouses. Already in 1981 a court ruling by the Supreme Court (Boon/Van Loon judgement) had decided that the value of pension rights should also be divided upon divorce. The settlement of pension rights on the basis of this judgement, however, brought a lot of problems for the legal practice (and also had some disadvantageous consequences for women according to research done by the Emancipation Council in 1997, see timeline 1997) and thus the government had to regulate this by law. In this law a distinction between three categories of people is made. The ones who divorced before the Supreme Court 1981 judgement (only under certain circumstances the Act provides that women can make a claim to 25% of the pension rights that were saved up during marriage), the ones who were divorced between 1981 and 1995 (the settlement method proposed by the judgement should be applied), and the ones who divorce after the enforcement of the Act (that is 1 May 1995).

In this year the legislative process in preparation of a General Surviving Relatives Act (Algemene Nabestaandenwet) starts:

- Bill (24169, 1-2)
- Memorandum of explanation (24169, 3)
- Advisory report by the State Council (24169, B)
- Report by the Parliamentary Commission on Social Affairs and Employment (24169, 5)
- Note from the government in reaction to the Parliamentary Commission on Social Affairs and Employment's report (24169, 6)
- Consideration of the proposal for an General Surviving Relatives Act by the Second Chamber of Parliament, October 1995 (no 3, p. 389-400, 403-440, 500-528, 529-544, 564-573)

In the same year the General Surviving Relatives Act (Algemene Nabestaandenwet) is adopted and published in the Bulletin of Acts and Decrees on 21 December (no. 690):

- General Surviving Relatives Act (Algemene Nabestaandenwet). 1995.
<http://wetten.overheid.nl/cgi-bin/deeplink/law1/title=ALGEMENE%20NABESTAANDENWET>

This Act concerns national insurance and it replaces the Widow and Orphans Act (Weduwen Wezen Wet) of 1959. Under the new law people who also lived together with the deceased person (but were not married) can make a claim to the pension.

On the issue of family reunion discussion took place during this year. In 1994 the WODC research centre evaluated the changed regulation (of September 1993) regarding the income

requirement. The Ministry of Justice has decided to implement the recommendations made by the WODC in its report. In a letter on this issue the State Secretary states that the Clara Wichmann Institute has pointed out that the income requirement has a discriminating effect on women. On the basis of consultation with this institute a decision will be made on the necessity of a gender impact assessment:

- Letter from the State Secretary of Justice concerning implementation of the recommendations made by WODC (Research and Documentation Centre of the Ministry of Justice) regarding the income requirements in the Dutch family reunion policy, 20 December 1995 (24401, 6)

The WODC evaluation report:

- Bedem, R.F.A. van den, J.C. van den Brink en E.J. Verhagen. 1994. Grenzen aan hereniging : de regels met betrekking tot het bestaansmiddelenvereiste per september 1993 [Limits to reunion: the rules concerning the subsistence requirement of September 1993]. Arnhem: Gouda Quint/WODC.

Already before the Quing research period started, a legislative process in preparation of an Act amending the Civil Code to relax the regulation on choice of surname had commenced. In this year a revised proposal is presented to parliament which proposes that in cases where no choice is being made the child will get the surname of the mother:

- Revised Bill for an Act altering Civil Code to relax the regulation on choice of surname (Surname Act), 8 November 1995 (22408, 13) [Kamerstuk 1995-1996 Wijziging van de artikelen 5 en 9 van Boek 1 van het Burgerlijk Wetboek en in verband daarmee van enige andere artikelen van dit Wetboek; Nader gewijzigd voorstel van wet]

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In this year an important Cabinet note titled 'living arrangements' was presented by the purple Cabinet Kok I in which the intended plans for the development of family law for the coming years are explained. On the basis of a report written by the (research) Commission Kortmann I on living arrangements, the previous Cabinet which also included the Christian Democratic CDA party had already started the legislative preparations for an Act on registered partnership for same-sex couples (this was before the start of the Quing research period). However their Bill had excluded heterosexual couples from registered partnership (since the idea was that registered partnership would be the equivalent of marriage for same sex partners, because marriage would always be exclusive to heterosexual couples). The 1995 Cabinet note on living arrangements announced that this exclusion would be withdrawn from the Bill. This was done through a note of alteration and subsequently a new Bill on registered partnership was written (see timeline 1996) which made it possible for both heterosexual as well as same-sex couples to get a registered partnership. In the parliamentary debate two arguments in defence of this decision were used. On the one hand people who do not want to marry should get the possibility to publicly give expression to their sense of belonging together (see for example Handelingen Second Chamber 38, 12 December, page 3148). On the other hand homosexuals should be treated equally to

heterosexuals (see for example Handelingen Second Chamber 40, 18 December, page 3289). (Boele-Woelki, et al. 2007)

- Cabinet Note on living arrangements in family law, 7 September 1995 (22700, 5) [Kamerstuk 1994-1995 Leefvormen; Notitie]
- Note of alteration of the Bill altering the Civil Code to allow registered partnership, September 1995 (23761, 5) [Kamerstuk 1994-1995 Boek 1 BW en Wetboek van Burgerlijke Rechtsvordering; wijz. ivm opnemng bepalingen voor het geregistreerd partnerschap; Nota van wijziging]

In this year there was also some discussion in Parliament about transsexual persons who seek asylum:

- General Meeting of the Parliamentary Commission on Health, Welfare and Sport concerning the position of transsexual persons seeking asylum, 1 June 1995 (23900 XVI, 69) [Verslag algemeen overleg over positie van transseksuele asielzoekers]

1996

Divorce, separation, marriage

On the issue of name rights, the legislative process in preparation of an Act amending the Civil Code to relax the regulations on the choice of surname continues. An amendment by MP Soutendijk-Van Appeldoorn is made which demands that in case no choice is being made, the child will get the surname of the father. This amendment is accepted:

- Amendment MP Soutendijk-Van Appeldoorn concerning the choice of the surname of a child, 9 May 1996 (22408, 16) [Kamerstuk 1995-1996 Wijziging van de artikelen 5 en 9 van Boek 1 van het Burgerlijk Wetboek en in verband daarmee van enige andere artikelen van dit Wetboek; Amendement inzake keuze van de geslachtsnaam van kinderen]
- Consideration of the Bill for an Act altering the Civil Code to relax the regulation on choice of surname (Surname act) by the second Chamber of Parliament, 29 and 30 May 1996 (no 31, p. 5815-5835 and continuation on pages 5837-5849) [Handelingen 1995-1996 Behandeling van het wetsvoorstel Wijziging van de artikelen 5 en 9 van Boek 1 van het Burgerlijk Wetboek en in verband daarmee van enige andere artikelen van dit Wetboek (22408)]

On the issue of family reunion discussion in Parliament continues:

- Letter from the State Secretary of Justice answering questions that were posed during a general meeting on family reunion (19637, 189), 20 June 1996 (24401, 20) [Kamerstuk 1995-1996 Minderhedenbeleid 1996; Brief staatssecretaris over het gezinsherenigings- en gezinsvormingsbeleid]
- General Meeting of the Parliamentary Commission of Justice about family reunion policy, 3 October 1996 (25001, 3) [Kamerstuk 1996-1997 Minderhedenbeleid 1997; Verslag

algemeen overleg op 10 september 1996 over het gezinsherenigings- en gezinsvormingsbeleid (24401, nr. 20)]

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

As noted in the timeline for the year 1995, a revised Bill on registered partnership (making this possible for both same-sex and heterosexual couples) was presented to the Parliament:

- Revised proposal for an Act to alter book 1 of the Civil Code allowing registered partnership, 28 August 1996 (23761, 9) [Kamerstuk 1995-1996 Wijziging van Boek 1 van het Burgerlijk Wetboek en van het Wetboek van Burgerlijke Rechtsvordering in verband met opnemings daarin van bepalingen voor het geregistreerd partnerschap; Gewijzigd voorstel van wet]

During the debates on registered partnership in the early 1990s the idea of opening up civil marriage for same-sex couples was already being discussed. This aroused fierce debate in Parliament. The then Cabinet (Lubbers III) did not advocate the idea, because it did not want to touch upon the (traditional) character of marriage. In 1996 two motions were accepted by Parliament that would prove very important in bringing into action the debate and legislative actions regarding a future law on same-sex marriage and adoption by same-sex couples. The fact that registered partnership was going to be possible for both same-sex couples and heterosexual couples logically brings up the question whether – from an equal treatment point of view – marriage should be made possible for same sex couples as well. Would with the introduction of registered partnership be enough to comply with the requirements of the principle of equality that is laid down in the General Equal Treatment Act of 1994? Motion 18 submitted by MPs Dittrich and Van den Brug argues that the prohibition of marriage between two people of the same sex should, in accordance with the General Equal Treatment Act, be abolished. The MP's demand that the government will start with the legislative preparations for an Act making possible same-sex civil marriage as soon as possible and that a Commission be installed that will prepare a draft Bill before 1 August 1997. Motion 14 that was submitted by the same MPs demands that in the interest of the child two educators of the same sex should have the possibility to adopt the child and that the government should prepare a Bill on this. Both motions were accepted and included below is also a letter from the State Secretary of Justice regarding the implementation of these motions. In this letter the State secretary decides to consider both motions in connection to each other, because being married brings along with it the possibility to adopt children in the Netherlands and from foreign countries:

- Motion by MPs Dittrich and Van den Burg regarding the drafting of a Bill on same-sex marriage by a Commission of non-officials (22700, 18) [1995-1996, 22700, nr. 18, Tweede Kamer Leefvormen; Gewijzigde motie inzake opstellen wetsontwerp over huwelijk tussen twee mensen van gelijk geslacht door niet-ambtelijke commissie]
- Motion by MPs Dittrich and Van den Burg regarding adoption by single persons and same-sex couples (22700, 14) [1995-1996, 22700, nr. 14, Tweede Kamer. Leefvormen; Motie inzake adoptie door alleenstaanden en homoparen]

- Letter from the State Secretary of Justice regarding the implementation of motions no. 13, no. 14 and no. 18. [Kamerstuk 1995-1996, 22700, nr. 20, Tweede Kamer Leefvormen; Brief staatssecretaris over de uitvoering van de moties nrs. 13, 14 en 18]

In May 1996 the Commission Opening Civil Marriage (Commissie Openstelling Burgerlijk Huwelijk) also called 'Commission Kortmann II' was appointed. The task of the commission would be to map all the different aspects and (dis)advantages that are related to opening up marriage to same-sex couples and also to its relation to parenting and adoption. Furthermore, the Commission was asked to advise on the content of a possible Bill.

The Emancipation Council also contributes to the discussion on living arrangements by writing an advice on a new and emancipatory living arrangement law. The advice distinguishes 3 different scenarios which could have an inspiring and guiding function for the debate:

- Emancipatieraad (Emancipation Council). 1996. Scenario's voor leefvormen. Een advies over leefvormen en recht [Scenarios for living arrangements. An advice on living arrangements and law]. Den Haag: Emancipatieraad.

Reproductive rights

In this year the legislative process in preparation of an Act to revise the current law on Parentage and Adoption (herziening van het afstammingsrecht alsmede van de regeling van adoptie) started:

- Bill (24649, 1-2)
- Memorandum of Explanation (24649, 3)
- Advisory Report by the State Council (24649, B)
- Report by the Parliamentary Commission on Justice (24649, 5)
- revised Bill (24649, 8)

In the framework of the legal preparation of this Act an impact assessment was written that focuses on two aspects of the Bill. Firstly its aim to equalize the possibility of contesting the paternity by men and women and secondly the aim of creating the possibility of an alternative permission by a judge of the recognition of a child by the father in case the mother or the child refuses to give permission:

- Laemers, M. and Th. Miltenburg. 1996. Moeders en de eer van het vaderschap. Emancipatie-effectrapportage Wetsvoorstelsel herziening van het afstammingsrecht alsmede van de regeling van adoptie [Mothers and the honour of fatherhood. Gender impact assessment concerning the bill revising the descent law as well as the adoption regulations] Nijmegen: ITS. http://webdoc.ubn.kun.nl/mono/l/laemers_m/moedendee.pdf

Divorce, separation, marriage

In this year the Act altering articles 5 and 9 of Book 1 of the Civil Code with regard to name rights was published in the Bulletin of Acts and Decrees (no. 161) on 10 April:

- The Act altering articles 5 and 9 of book 1 of the Civil Code [Wijzigingswet artikelen 5 en 9 van Boek 1 Burgerlijk Wetboek]. 1997. the text can be obtained by using the internet site www.overheid.nl

This Act aims to relax the choice of surname for spouses and for their children. The man can now also use the surname of his wife and a child can also get the surname of the mother (but this choice has to be made explicitly).

On the issue of (income requirement with regard to) family reunion and marriage migration ongoing discussion takes place:

- Letter from the State Secretary of Justice concerning the statement by Clara Wichmann Institute that the income requirement would be indirectly discriminating against women, 18 February 1997 (25001, 7) [Kamerstuk 1996-1997 Minderhedenbeleid 1997; Brief staatssecretaris inzake het beleid ten aanzien van gezinshereniging en gezinsvorming]
- General Meeting of the Parliamentary Commission of Justice about family reunion, 3 September 1997 (25001, 30) [Kamerstuk 1996-1997 Minderhedenbeleid 1997; Verslag algemeen overleg over de brieven van 14 februari 1997 en 26 mei 1997 inzake het beleid ten aanzien van gezinshereniging en gezinsvorming]

In this year two research reports are published on pensions which both depart from an equal treatment/gender equality perspective. One is by the Dutch Family Council and the other one is by the Emancipation Council. They each focus on a very different part of Dutch pension law:

- Nederlandse Gezinsraad [Dutch Family Council]. 1997. Gelijke behandeling in pensioenen ongeacht leefvorm: De keuzemogelijkheden van artikel 2b PSW. [Equal treatment in pensions regardless of form of life: Options of article 2b PSW]. Den Haag: Nederlandse Gezinsraad.
- Emancipatieraad [Emancipation Council]. 1997. Pensioenverevening: gescheiden delen. Een verkennend onderzoek naar de werking van de Wet verevening pensioenrechten bij scheiding in de praktijk [Pension rights settlement: separated parts. An explorative research into the working of the Act on the Settlement of Pension rights in case of Divorce in practice]. Den Haag: Emancipatieraad.

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In this year the Act to alter book 1 of the Civil Code allowing registered partnership [Wet tot wijziging van Boek 1 van het Burgerlijk Wetboek en van het Wetboek van Burgerlijke Rechtsvordering in verband met opnemng daarin van bepalingen voor het geregistreerd

partnerschap] is adopted and published in the Bulletin of Acts and Decrees (no 324) on 5 July 1997. The text of this Act can be found by using the website www.overheid.nl

Together with the adoption of the Act on registered partnership, several other laws had to be amended, because the registered partnership and the civil marriage for the biggest part have the same legal status and same legal consequences. That is why, for example, the act on pension rights will from this year also apply to registered partnerships (an Act that enlists all changes that should be made to other Acts – Aanpassingswet Geregistreerd Partnerschap – is published in the Bulletin of Acts and Decrees on 17 on 17 December 1997 <http://www.st-ab.nl/1-97660.htm>)

In October of this year the Commission Kortmann II (on Opening Civil Marriage for same sex couples) publishes its advice on the possible future Bills on same sex marriage and parenting and adoption by same sex couples. The advice is not available on the internet. With regard to adoption the Commission proposes to let the adoption right also apply to children from couples of the same sex (adoption of Dutch children and not of foreign children). The Act on Parenting and Adoption that is adopted this year (see below under 'reproductive rights') also excludes parenting issues as regard to children from same sex partners. The Commission Kortmann also addresses proposals in this framework which meet the non-discrimination principle better than the recently adopted Act which will enter into force as of 1 January 1998 (Van Vliet, 1998). Concerning the opening up of civil marriage to same sex couples the Commission was divided. 5 members were in favour and 3 members were against such marriage. Discussion centred around the meaning of the principle of equality, the societal meaning of marriage and on the implications that the opening up of civil marriage for same-sex couples would have internationally. The majority of the commission was inclined towards the equality principle. The minority was of the opinion that the possibility of registered partnership already complied with the principle of equality. Couples of equal and different sex cannot be seen as 'equal cases'. The societal debate on same-sex marriage was reflected quite nicely in the discord within the Commission Kortmann II.

In reaction to a motion that was put forward (and which was accepted) during the discussion around the Cabinet note on Living arrangements (see timeline 1995) the State Secretary of Justice writes a letter on adoption of foreign children by one parent or by gay couples:

- Letter from the State Secretary of Justice concerning adoption of foreign children by one parent or by homosexual couples, 4 March 1997 (22700, 22) [Kamerstuk 1996-1997 Leefvormen; Brief staatssecretaris inzake adoptie van buitenlandse kinderen door één ouder en door homoseksuele relaties]

Reproductive rights

In this year the Act to revise the law on Parentage and Adoption [Wet tot herziening van het afstammingsrecht alsmede van de regeling van adoptie] is adopted. The Act is published in the Bulletin of Acts and Decrees on 24 December 1997 (no 772).

- http://www.st-ab.nl/wetten/0530_Wet_herziening_afstammingsrecht_en_regeling_van_adoptie.htm

Below some parliamentary documents regarding the preparation of this Act can be found:

- General Meeting of the Parliamentary Commission on Justice discussing the proposal for an Act to revise the descent law as well as the adoption regulations, stenographic report, 28 May 1997 (24649, 35) [Kamerstuk 1996-1997 Herziening van het afstammingsrecht alsmede van de regeling van adoptie; Verslag wetgevingsoverleg op 26 mei 1997 van de vaste commissie voor Justitie met de staatssecretaris van Justitie]
- Consideration of the proposal for an Act to revise the descent law as well as the adoption regulations by the Second Chamber of Parliament, 29 May 1997 (no 30, p. 5973-5983) [Behandeling van: - het wetsvoorstel Herziening van het afstammingsrecht alsmede van de regeling van adoptie (24649); - het wetsvoorstel Wijziging van een aantal wetten in verband met de herziening van het afstammingsrecht alsmede van de regeling van adoptie (25189)]

The Act introduces some new legal concepts such as ‘biological father’, ‘begetter’ and ‘donor’ which are important for its interpretation. Next to this statutory terminology, legal literature and case law developed the concepts of ‘legal’, ‘social’ and ‘physiological’ parentage (Antokolskaia and Boele-Woelki, 2002, page 65) Because of the limited scope of this report it is not possible to discuss all changes that are introduced by this law. However, it is suffice to say that the Act strengthens the position of the biological father with regard to parentage. With regard to adoption the old limitation of adoption to married couples is set aside and adoption is now also available to cohabiting and single persons (Antokolskaia and Boele-Woelki, 2002, page 68). It excludes however (despite the fact that the Act on registered partnership allowing for registered partnership of same-sex couples was already adopted and published by this time) the possibility of adoption by same-sex couples. The 1996 accepted motion no. 14 by MPs Dittrich and Van den Burg and the 1997 report by the Commission Kortmann II (see timeline 1996 and 1997 for the sub issue ‘civil partnership and gay marriage’) almost seem to make this Act – that has yet to enter into force - already ‘outdated’.

In this year some discussion on IVF and surrogate motherhood starts after some years of silence because the government is planning to revise its former so-called ‘planningddecision’ (planningsbesluit) on IVF. It has asked the Healt Council to write an advice on the new planning decision. This advisory report is published in February 1997. The former planning decision dates from 1989. In 1988 the Cabinet Lubbers II publishes a note on IVF and surrogate motherhood in response to the societal discussion on this issue (The women’s movement was deeply divided on the issue; radical feminist circles opposed IVF while other feminists were in favour of it). Questions that are central in this note are whether lesbian women have a right on IVF, whether the anonymity of the sperm donor should stay intact and what should happen to the ‘left over’ embryos. The planning decision of 1989 can be seen as a limited implementation of the Cabinet note. Only a few clinics get the permission to execute IVF treatment. Only one of them is willing to treat lesbian couples:

- Gezondheidsraad [Health Council]. 1997. Advies inzake het planningsbesluit IVF [Advice regarding the planning decision IVF]. The advice is, strangely enough, not to be found on the website of the Health Council.
- Letter from the Minister of Health, Welfare and Sport regarding the recommendations proposed by the Health Council in its advice [Kamerstuk 1996-1997, 25000 XVI, nr. 51, Tweede Kamer Rijksbegroting van het ministerie van Volksgezondheid, Welzijn en Sport voor het jaar 1997; Brief minister inzake de aanbevelingen van de Gezondheidsraad in het advies 'het planningsbesluit IVF' over ideëel draagmoederschap]
- Letter from the State Secretary of Health, Welfare and Sport reacting to the advice from the Health Council [Gezondheidsraad] on IVF, 5 March 1997 (25000 XVI, 54) [Kamerstuk 1996-1997 Vaststelling van de begroting van de uitgaven en de ontvangsten van het ministerie van Volksgezondheid, Welzijn en Sport (XVI) voor het jaar 1997; Brief staatssecretaris met standpunt op het advies "Het Planningsbesluit IVF" van de Gezondheidsraad]
- General Meeting of the Parliamentary Commission on Health, Welfare and Sport concerning surrogate motherhood and concerning the advice on IVF by the Health Council and the State Secretary's reaction to it, 12 May 1997 (25000 XVI, 62) [Kamerstuk 1996-1997 Vaststelling van de begroting van de uitgaven en de ontvangsten van het ministerie van Volksgezondheid, Welzijn en Sport (XVI) voor het jaar 1997; Verslag algemeen overleg over draagmoederschap, het advies "Het planningsbesluit IVF" en standpunt IVF (25000 XVI, nrs. 51 en 54, VWS-97-170)]

On the issue of abortion a research report executed by the chief inspector of the Health Service on the implementation of and compliance with the Act on Terminating Pregnancies (Wet Afbreking Zwangerschap, WAZ) is presented to the Minister. Cause of the commissioning of this research were two occasions in which the media through television reporting paid attention to abuses of the WAZ Act in practice (it was thought that the conditions under which abortion is allowed were being interpreted too flexibly). On the basis of this media attention the Minister received questions from Parliament. In this letter the Minister explains her standpoint regarding the investigation of WAZ-practices:

- Letter from the Minister of Health, Welfare and Sport with her position regarding the research report 'The WAZ in practice: a research into the compliance with the WAZ' [Kamerstuk 1996-1997, 25000 XVI, nr. 64, Tweede Kamer Rijksbegroting van het ministerie van Volksgezondheid, Welzijn en Sport voor het jaar 1997; Brief minister met standpunt inzake onderzoek 'De WAZ in de praktijk: een onderzoek naar naleving van de Wet afbreking zwangerschap']

1998

Divorce, separation, marriage

In this year the Act on the Prevention of Fictitious Marriage [Wet Voorkoming Schijnhuwelijken] of 1994 is being evaluated:

- Letter of the State Secretary of Justice concerning SWOKA evaluation report of the Act on the Prevention of Fictitious Marriage [Wet Voorkoming Schijnhuwelijken], 2 November 1998 (26276, 1) [Kamerstuk 1998-1999 Evaluatie Wet Voorkoming Schijnhuwelijken; Brief staatssecretaris over het SWOKA-rapport over evaluatie van de Wet voorkoming schijnhuwelijken]
- Fonk, G., W. van der Meer en U.H. Oelen (1998), Evaluatie Wet voorkoming schijnhuwelijken. Eindrapport. [Evaluation of the Act on the Prevention of Fictitious Marriages. Final Report] Leiden: SWOKA.

When discussing the Bill on registered partnership (see timeline on the issue ‘civil partnership and gay marriage’) the first impulse for revising the matrimonial property law was provided during a parliamentary debate (Second Chamber 1995/96, 23761, no 7, page 7). The government announced that a Commission would be appointed to investigate whether the article on the rights and obligations of spouses and the articles on the matrimonial property regime in Book 1 of the Civil Code should be revised now the option of registered partnership would start to exist. This Commission is later called the Commission on the Rights and Duties of Spouses. The Netherlands remains one of the last countries in the world where the universal community of property has remained until the 21st century as the legal regime that regulates matrimonial property (Antokolskaia and Boele-Woelki, 2002). Below one can find a plenary session in response to a letter of the minister about a report of the Commission on the Rights and Obligations of Spouses (Commissie rechten en plichten van echtgenoten) and the letter of the Minister itself (however this letter is from the end of 1997):

- Plenary Session of the Second Chamber of Parliament concerning the letter of the State Secretary of Justice about the Cabinet Standpoint on the recommendation of the commission Kortmann in the framework of opening up civil marriage to same sex couples (22700, 23) and concerning the letter of the minister of justice about the report by the Commission on the rights and duties of spouses (23761, 18), 2 April 1998 (no 43, p. 5150-5182) [Handelingen 1997-1998 Behandeling van: - de brief van de staatssecretaris van Justitie t.g.v. het standpunt op hoofdlijnen over de aanbevelingen van de commissie openstelling van het burgerlijk huwelijk (22700, nr. 23); - de brief van de minister van Justitie t.g.v. het rapport van de commissie rechten en plichten van echtgenoten (23761, nr. 18)]
- Letter from the Minister of Justice concerning the report by the Commission ‘rights and duties of spouses’, 23 December 1997 (23761, 18) [Kamerstuk 1997-1998 Wijziging van Boek 1 van het Burgerlijk Wetboek en van het Wetboek van Burgerlijke Rechtsvordering in verband met opnemingsdaarvan bepalingen voor het geregistreerd partnerschap; Brief minister inzake aanbieding van het rapport van de commissie rechten en plichten van echtgenoten]

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

The Act allowing registered partnership [Wet tot wijziging van Boek 1 van het Burgerlijk Wetboek en van het Wetboek van Burgerlijke Rechtsvordering in verband met opnemings

daarin van bepalingen voor het geregistreerd partnerschap] enters into force on 1 January 1998.

Since this date two persons, their sex being irrelevant, can enter into a registered partnership. This partnership hardly differs from marriage. It has the same effect as marriage on every aspect except the fact that it excludes divorce and that a registered partnership creates no relationship of filiation between the child of one partner and the other partner ((Antokolskaia and Boele-Woelki, 2002).

The State Commission on International Private Law (Staatscommissie voor het internationaal privaatrecht) was asked by the Minister of Justice to write an advice on the international private law aspects of a potential act on registered partnership. Originally this advice was meant to be published before any decision on the Bill. However, in the end it was presented only after the Act had already entered into force:

- Advies van de Staatscommissie voor het internationaal privaatrecht over geregistreerd partnerschap [Advice by the State Commission on International Private Law regarding registered partnership] May 1998

http://www.justitie.nl/images/Geregistreerd%20partnerschap_tcm34-17660.pdf

On the issue of same sex marriage, the Cabinet standpoint regarding the 1997 report by the Commission Kortmann is presented to Parliament and discussed in Parliament:

- Letter from the State Secretary of Justice that includes the Cabinet standpoint on the report by the independent Commission Kortmann on the opening up of civil marriage for persons of the same sex and its consequences for descent law and adoption, 8 February 1998 (22700, 23) [Kamerstuk 1997-1998 Leefvormen; Brief staatssecretaris met kabinetsstandpunt over rapport commissie openstelling huwelijk voor personen van hetzelfde geslacht]
- Plenary Session of the Second Chamber of Parliament concerning the letter of the State Secretary of Justice about the Cabinet Standpoint on the recommendation of the commission Kortmann in the framework of opening up civil marriage to same sex couples (22700, 23) and concerning the letter of the minister of justice about the report by the Commission on the rights and duties of spouses (23761, 18), 2 April 1998 (no 43, p. 5150-5182) [Handelingen 1997-1998 Behandeling van: - de brief van de staatssecretaris van Justitie t.g.v. het standpunt op hoofdlijnen over de aanbevelingen van de commissie openstelling van het burgerlijk huwelijk (22700, nr. 23); - de brief van de minister van Justitie t.g.v. het rapport van de commissie rechten en plichten van echtgenoten (23761, nr. 18)]

Reproductive rights

The Act to revise the current law on Parentage and Adoption [Wet tot herziening van het afstammingsrecht alsmede van de regeling van adoptie] enters into force as of 1 April 1998.

In this year the government writes its revised planning decision on IVF. This decision is published in the Government Gazette of 1 April no. 95. In this decision no attention is paid to

the access of IVF by 'nontraditional' families. Seemingly the government leaves this decision to the 13 IVF-clinics that have received permission through this planning decision to execute IVF-treatments. However, see timeline 2000 for debate about clinics which refuse access to homosexual couples and single persons:

- Planningsbesluit IVF [Planning Decision IVF] Staatscourant {Government Gazette} 1998, no. 95. http://www.healthlaw.nl/wbmv_reg_invitro.pdf

1999

Divorce, separation, marriage

In this year the legislative process in preparation of an Act altering the Pension Act and some other acts concerning the right to old people's pension instead of surviving relatives pension and equal treatment of men and women [Wijziging Pensioen- en Spaarfondsenwet en enige andere wetten (recht op ouderdomspensioen in plaats van nabestaandenpensioen en gelijke behandeling van mannen en vrouwen)] starts. In 1994 the Act on Pensions and Saving funds (Pensioen- en spaarfondsenwet PSW) underwent some significant alterations. One amendment that was accepted was the inclusion of an article 2b on equal treatment irrespective of form of living. This article will only enter into force as of 1 January 2000. However on the reach of this article a lot of discussion has taken place (see for example the report by the Dutch Family Council in the timeline of 1997). The Act that is now being prepared aims to provide clarity on this article 2b:

- Bill (26711, 1-2)
- memorandum of explanation (26711, 3)
- Advisory report by the State Council (26711, B)
- Report from the Parliamentary Commission on Social Affairs and Employment (26711, 6)
- Note from the government in response to the Parliamentary Commission's report (26711, 7)

[Kamerstukken 1998-1999 omtrent Wijziging Pensioen- en Spaarfondsenwet en enige andere wetten (recht op ouderdomspensioen in plaats van nabestaandenpensioen en gelijke behandeling van mannen en vrouwen)]

In the process of preparing new law on matrimonial property a prominent role is given to comparative law (Antokolskaia and Boele-Woelki, 2002). The ministry of Justice commissioned a scientific comparative report on matrimonial property law in various European countries in order to learn from foreign experiences and to look for the most suitable models:

- Braat, B and A.E. Oderkerk and G.W.J. Steenhoff and K. Boele-Woelki. 1999. Huwelijksvermogensrecht in rechtsvergelijkend perspectief; Denemarken, Duitsland, Engeland, Frankrijk, Italië, Zweden [matrimonial property law in a comparative perspective: Denmark, Germany, UK, France, Italy and Sweden]. Commissioned by the Ministry of Justice. Utrecht: University of Utrecht, G.J. Wiarda Instituut <http://www2.law.uu.nl/wiarda/publicatie/boele/a-inhoud.asp>

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In this year and after several years of discussion the legislative process in preparation of the Act altering book 1 of the Civil Code in connection with opening up civil marriage to persons of the same sex [wijziging boek 1 van het Burgerlijk Wetboek in verband met de openstelling van het huwelijk voor personen van hetzelfde geslacht] starts (this process continues in 2000):

- Bill (26672, 1-2)
- memorandum of explanation (26672, 3)
- Advisory report by the State Council (26672, B)

The legislative process surrounding the Bill on same sex marriage parallels the legislative process on the Bill to alter Book 1 of the Civil Code (adoption by persons of the same sex) [Wijziging van Boek 1 van het Burgerlijk Wetboek (adoptie door personen van hetzelfde geslacht)], starting at the same time:

- Bill (26673, 1-2)
- memorandum of explanation (26673, 3)
- Advisory report by the State Council (26673, B)

The legislative process in preparation of this Act continues in 2000.

In this year some questions are asked in Parliament on the treatment of transsexual children:

- Questions by MP Kant directed at the Minister of Health, Welfare and Sport concerning the treatment of transsexual children, 8 January 1999 (questions)/ 18 February 1999 (answers) (no 801) [Kamervragen met antwoord 1998-1999 Vragen van het lid Kant (SP) aan de minister van Volksgezondheid, Welzijn en Sport over de behandeling van kinderen voor transseksualiteit. (Ingezonden 8 januari 1999); Antwoord]

2000

Divorce, separation, marriage

In this year the Act altering the Pension Act and some other acts concerning the right to choose the old people's pension instead of surviving relatives pension and equal treatment of men and women [Wijzigingswet Pensioen- en spaarfondsenwet (recht van keuze voor ouderdomspensioen i.p.v. nabestaandenpensioen en gelijke behandeling van mannen en vrouwen)] is adopted and published in the Bulletin of Acts and Decrees on 20 December. The Act postpones the date that the Article 2b (see timeline 1999) will enter into force by one year. For the text of the Act, please visit website: www.overheid.nl

In the first two years of the Quing timeline some discussion could be found on the income requirement regarding family union in response to changed regulations in 1993. From 2000 onwards discussions on various topics having to do with crossing border issues for reasons of family reunion and marriage migration start and continue until 2006. Changing political

forces (in 2002 a Cabinet containing the Christian Democrats and the Liberal party and the anti-immigration part of Pim Fortuyn comes to power and until 2007 the Liberal Party is a member of Cabinet) and the activities of certain individual MPs/politicians (for example Ayaan Hirsi Ali, the members of the Pim Fortuyn party and Rita Verdonk) seem to cause the focus within the intimate citizenship issue to shift more and more onto immigration related issues. Within the context of an increasingly stringent immigration policy, certain issues regarding the position of women in this policy tend to surface from time to time leading to discussions in parliament and reactions by civil society organisations such as E-Quality and the Clara Wichmann Institute. Rather than providing an overview of all the Dutch immigration law in this timeline, I focus on those aspects that were discussed which had a clear gender dimension.

On the issue of the legal status of women in Dutch immigration law the Cabinet publishes a note. The Parliament discusses this note in a general meeting and the Clara Wichmann Institute (centre for expertise on women and law) reacts to the note:

- Note from the State Secretary of Justice concerning the legal status of women in the immigration law with a dependent residence permit (especially after the breaking of their marriage or relationship), 25 April 2000 (27111, 1) [Kamerstuk 1999-2000 Vreemdelingrechtelijke rechtspositie van vrouwen in het vreemdelingenbeleid; Notitie over de rechtspositie van vrouwen in het vreemdelingenbeleid met een afhankelijk verblijfsrecht]
- General Meeting of the Parliamentary Commission on Justice about the April note by the State Secretary on the legal status of women in the immigration policy, 21 July 2000 (27111, 8) [Kamerstuk 1999-2000 Vreemdelingrechtelijke rechtspositie van vrouwen in het vreemdelingenbeleid; Verslag algemeen overleg op 15 juni 2000 over de brief van 25 april 2000 (kamerstuk 27111, nr. 1)]
- Clara Wichmann Institute. 2000. Commentaar van het Clara Wichmann Instituut inzake notitie over de vreemdelingrechtelijke rechtspositie van vrouwen in het vreemdelingenbeleid [Commentary by the Clara Wichmann Institute on the Note concerning the legal status of women in the immigration policy]. Den Haag: Clara Wichmann Instituut
<http://www.vrouwenrecht.nl/modules/filemanager/?act=download&file=6364d3f0f495b6ab9dcf8d3b5c6e0b01>

In 1998 a law which is called the 'koppelingswet' in Dutch (the Coupling Act) was adopted with the aim of lessening the number of illegal persons that were residing in the country. The most important measure by which the Act tries to do this is by making sure that illegal persons cannot make use of services. The text of the Act and references to Parliamentary debates and documents can be found by using this link: <http://www.st-ab.nl/1-98203.htm> . Women's organisation E-Quality wrote a report on the effects of this Act on women. In the framework of the issue of intimate citizenship the implications of this Act on women with a dependent residence permit whose relationship breaks down, who are the victims of violence within their relationship or whose husband dies, is relevant. If they do not comply with certain conditions they too risk becoming illegal and thereby losing their claim to services. See below

the report by E-Quality and a motion by MP Albayrak that was adopted in June 2000 demanding that women whose relationship breaks down should receive an independent housing permit:

- Kraus, Sabine. 2000. Leven zonder vangnet. De gevolgen van de Koppelingswet voor vrouwen en meisjes. [Living without security net. The consequences of the Coupling Act on women and girls]. E-QUALITY <http://www.e-quality.nl/assets/e-quality/nieuws/koppel.html>
- Motion by MP Albayrak demanding that women who have broken off their relationship and are waiting for a residence permit should receive an independent housing permit, 21 June 2000 (27111, 2) This motion has been adopted on 27 June 2000. [Kamerstuk 1999-2000 Vreemdelingrechtelijke rechtspositie van vrouwen in het vreemdelingenbeleid; Motie over zelfstandige huisvestingsvergunning voor vrouwen die een relatie hebben verbroken. Motie aangenomen op 27 juni]

In this year the first step towards revising the matrimonial property law is started by the government by means of a Bill for an Act on the Rights and Obligations of Spouses and Registered Partners [Wijziging titels 6 en 8, Boek 1 Burgerlijk Wetboek (rechten en plichten echtgenoten en geregistreerde partners)]. It aims to bring some long-awaited amendments primarily related to restrictions regarding the making or altering of postnuptial agreements during marriage:

- Bill (27084, 1-2)
- Memorandum of explanation (27084, 3)
- Advisory report by the State Council (27084, B)
- Report from the Parliamentary Commission on Justice (27084, 4)
- Note from the government in response to the Parliamentary Commission's report (27084, 5)

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In this year the legislative process regarding the Act altering book 1 of the Civil Code in connection with opening up civil marriage to persons of the same sex [Wet tot wijziging van Boek 1 van het Burgerlijk Wetboek in verband met de openstelling van het huwelijk voor personen van hetzelfde geslacht (Wet openstelling huwelijk)] is finalized:

- Report by the Parliamentary Commission on Justice concerning the (26672,4), 10 January 2000
- Reaction from the Cabinet to the 10 January report by the Parliamentary Commission on Justice (26672, 5)
- Consideration of the Bill for an act altering book 1 of the Civil Code in connection with opening up civil marriage to persons of the same sex by the Second Chamber of Parliament, 5 September 2000 (no 97, p. 6292-6343), 6 september 2000 (no 98, p. 6380-6404) and 7 september 2000 (no 99, p. 6421-6447)

On 21 December 2000 the Act altering book 1 of the Civil Code in connection with opening up civil marriage to persons of the same sex [Wet tot wijziging van Boek 1 van het Burgerlijk

Wetboek in verband met de openstelling van het huwelijk voor personen van hetzelfde geslacht (Wet openstelling huwelijk)] is published in the Bulletin of Acts and Decrees (no 9)

In this year the legislative process regarding the 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)] is finalized:

- Report by the Parliamentary Commission on Justice, 23 December 1999 (26673, 4)
- Reaction from the cabinet to the report by the Parliamentary Commission on Justice 3 May 2000 (26673, 5)
- Consideration of the proposal for an act to alter Book 1 of the Civil Code (adoption by persons of the same sex) by the Second Chamber of Parliament, 5 September 2000 (no 97, p. 6292-6343), 6 september 2000 (no 98, p. 6380-6404) and 7 september 2000 (no 99, p. 6421-6447) [handelingen 1999-2000]

On 21 December 2000 the 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)] is published in the Bulletin of Acts and Decrees (no 10).

Reproductive rights

In this year there is discussion on equal treatment in access to IVF treatment. The Equal Treatment commission decides to investigate the possible systematic direct/indirect discrimination on the basis of sexual orientation and civil status of persons requesting IVF-treatment at one of the 13 IVF-clinics. It executes this investigation of its own accord. Prompting this action is the 1997 advice on the planning decision IVF written by the Health Council. According to this advice, lone women, lesbian couples and unmarried heterosexual couples are being excluded from access to IVF-services by certain IVF-clinics. The Equal treatment commission concludes that none of the clinics directly discriminate on the basis of civil status, because unmarried heterosexual couples are not treated differently from their married counterparts. Three clinics make a prohibited direct discrimination on the basis of sexual orientation by excluding lesbian couples. One clinic makes an indirect discrimination on the basis of homosexual orientation by excluding lesbian couples because they do not make use of donor material. Eight out of the 13 clinics refuse to treat single women and thus indirectly discriminate on the basis of civil status. The opinion of the Commission on the basis of its investigation is as follows: the refusal of clinics to provide treatment to lesbian women infringes the General Equal Treatment Act (Algemene Wet Gelijke Behandeling). However the Commission does not denounce the refusal to treat single women because of conflicting research concerning the influence of being raised in a one-parent family. The opinion of the Minister differs from the Commission. She maintains that lesbian *and single* women should not be placed in a more disadvantaged position than women with male partners on the sole ground of being lesbian or single:

- Questions by MP Van der Vlies directed to the Minister of Health, Welfare and Sport and the Minister of Internal Affairs concerning IVF treatment of Lesbian couples, lone women and unmarried partners, 14 February 2000 (questions) /20 March 2000 (answers) (no.

930) [Kamervragen met antwoord 1999-2000 Vragen van het lid Van der Vlies (SGP) aan de ministers van Volksgezondheid, Welzijn en Sport en van Binnenlandse Zaken en Koninkrijksrelaties over IVF-behandeling van lesbische paren.(Ingezonden 14 februari 2000); Antwoord]

- Equal Treatment Commission, Opinion 2000-4 on Admittance policy of IVF clinics. <http://www.cgb.nl/opinion-full.php?id=453054684>
- Letter from the Minister of Health, Welfare and Sport containing her standpoint concerning the opinion by the Equal Treatment Commission on the admittance policy (towards lesbian couples and lone women) of the IVF clinics, 28 June 2000 (vws0001078) [Niet-dossierstuk 1999-2000 Brief van de min van VWS t.g.v. het standpunt op het oordeel van de CGB over het toelatingsbeleid IVF-klinieken]

2001

Divorce, separation, marriage

In this year the Act altering the Civil Code on the Rights and Obligations of Spouses and registered partners (Wijziging titels 6 en 8, Boek 1 Burgerlijk Wetboek (rechten en plichten echtgenoten en geregistreerde partners) was adopted and published in the Bulletin of Acts and Decrees on 31 May. The text can be found using this website: www.overheid.nl The Act enters into force as of 22 June of the same year.

Within the Framework of the discussions on the possible future revision of the matrimonial property law a gender impact assessment has been commissioned:

- Holtmaat, R. et al. 2001. Emancipatie-effectrapportage wijziging basisstelsel huwelijksvermogensrecht [gender impact assessment on the basis system of marital possession law. Amsterdam: Clara Wichmann Institute. http://www.wodc.nl/images/ewb01ema_Samenvatting_tcm11-8195.pdf

On the issue of women and Dutch immigration law ongoing discussion takes place on the accepted motion by MP Albayrak:

- Letter from the State Secretary of Housing, Spatial Planning and the Environment reacting to the adopted motion by MP Albayrak, 17 September 2001 (27111, 10) [Kamerstuk 2000-2001 Vreemdelingrechtelijke rechtspositie van vrouwen in het vreemdelingenbeleid; Brief staatssecretaris over uitvoering motie-Albayrak over zelfstandige huisvesting voor vrouwen die relatie hebben verbroken (27111, nr. 2)]

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In this year, the 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)] enters into force as of 1 April 2001.

Since this date homosexual couples can adopt a child. However, so far, same-sex intercountry adoption is not possible. The legislator has chosen to institutionalise the social parentage (that is a family tie based on the education and upbringing of a child by adults who are not the biological parents) between a child born within a homosexual relationship with the help of artificial reproductive technologies and the same-sex partner of its parent. The Dutch legislator did not choose to do this via amending paternity law, but via adoption law. Adoption by couples (married or unmarried) and adoption by the heterosexual partner of a parent are privileged, since these adoptions can be granted if those persons have cared for the child for a period of one year, although for a single person this period should be three years. The same-sex partner of a parent has the most advantageous position, because no term is applicable (Antokolskaia and Boele-Woelki, 2002, page 68-69).

Also in this year the Act altering book 1 of the Civil Code in connection with opening up civil marriage to persons of the same sex [Wet tot wijziging van Boek 1 van het Burgerlijk Wetboek in verband met de openstelling van het huwelijk voor personen van hetzelfde geslacht (Wet openstelling huwelijk)] enters into force as of 1 April 2001.

From this date onwards homosexual couples can choose three options in order to formalise their relationship: civil marriage, registered partnership and a cohabitation agreement. The consequences of same-sex marriages are for the most part the same as heterosexual marriages. There is no difference regarding the laws regulating the surname of spouses, maintenance, general community of property, pensions, legal transactions, and inheritance. Also the rules for entering into, concluding and dissolving the marriage are the same, as well as the obligations towards each other. The only significant differences relate to children (Antokolskaia and Boele-Woelki, 2002, page 55-56).

Without having the intention, the government not only created the possibility of same-sex marriage with the entering into force of this Act, it also created the possibility of so-called 'flash-divorces' (flitsscheidingen) or in other words: a simplified divorce. Since the enforcement of this Act an uncomplicated procedure has been introduced to transform a registered partnership into a marriage and vice versa (without the intervention of the Courts which was always required prior to this Act). Many heterosexual couples wanting to divorce have used this in between step to subsequently dissolve their recently obtained registered partnership by mutual consent (Antokolskaia and Boele-Woelki, 2002). Recently these flash divorces have led to discussions that focus primarily on the harm that can be done to the interests of children. A Bill that will abolish the possibility of flash-divorces and which aims to promote careful divorce and the continuation of parenthood is now being considered by the First Chamber of Parliament (see timeline 2005, 2006 and 2007).

As in the case of registered partnership, the advice of the State Commission on International Private Law on the opening of civil marriage to same-sex couples was presented only after the Act had entered into force:

- Advies van de Staatscommissie voor het Internationaal Privaatrecht inzake het internationaal privaatrecht in verband met de openstelling van het huwelijk voor personen van hetzelfde geslacht [Advice of the State Commission on International Private Law

regarding the opening of civil marriage for persons of the same sex]. December 2001
http://www.justitie.nl/images/internationaal%20privaatrecht%20in%20verband%20met%20de%20openstelling%20van%20het%20huwelijk%20voor%20personen%20van%20hetzelfde%20geslacht_tcm74-38122_tcm34-17403.pdf

With regard to policies in the field of anti-discrimination on the basis of sexual orientation this is quite an important year (besides the fact that the Acts on same-sex marriage and adoption entered into force), because the government publishes a note announcing their plans with regard to the homo and lesbians emancipation policy for the years to come (2001-2006):

- Letter from the State Secretary of Health, Welfare and Sport that includes the Cabinet Note 'homo-emancipation policy' (27017, 2) <http://www.homo-emancipatie.nl/doc/beleid/Paars%20over%20Roze%202001.pdf>
- And the annex to the aforementioned Cabinet note which includes 99 parliamentary questions asked by the Parliamentary Commission on Health, Welfare and Sport as a result of a note that was written by the State Secretary in 2000. [http://www.homo-emancipatie.nl/doc/beleid/Paars%20over%20Roze%202001%20\(bijlage\).pdf](http://www.homo-emancipatie.nl/doc/beleid/Paars%20over%20Roze%202001%20(bijlage).pdf)

Reproductive rights

It was in the framework of the parliamentary consideration of the Bill on Donor Data Artificial Insemination that discussion on the admittance of lesbian couples and single women surfaced again (see also timeline 2000) and that the Cabinet was asked to explain its standpoint regarding this matter:

- Letter from the Minister of Health, Welfare and Sport regarding the admittance policy of artificial insemination and IVF institutes. September 2001. Document no. 23207 – 26.
- Plenary Debate in Second Chamber of Parliament discussing the Bill on Donor Data Artificial Insemination. January 2001. Documents no. 41, pages 3260-3278 and (continuation of debate) no. 42, pages 3302 – 3334.[Behandeling van het wetsvoorstel Regels voor de bewaring, het beheer en de verstrekking van gegevens van donoren bij kunstmatige donorbevruchting (Wet donorgegevens kunstmatige bevruchting) (23207)]

2002

Divorce, separation, marriage

In this year various ongoing discussions took place regarding issues of (women) crossing borders and the Dutch immigration law:

- Advisory Committee on Aliens Affairs (ACVZ). 2002. Het VN-Vrouwenverdrag in relatie tot de positie van vreemdelingen vrouwen in het Nederlandse vreemdelingenrecht en vreemdelingenbeleid: (evaluerende) rapportage van de adviescommissie voor vreemdelingenzaken: thematisch deel van de tweede nationale rapportage emancipatiebeleid [the relation between the CEDAW Convention and the position of

migrant women in the Dutch immigration law and policy. Evaluating report] Den Haag, Adviescommissie voor Vreemdelingenzaken (ACVZ), 2002
<http://www.acvz.com/publicaties/Advies-ACVZ-NR2-2002.pdf>

- Letter from the State Secretary of Housing, Spatial Planning and the Environment with second reaction to the adopted motion by MP Albayrak, 19 February 2002 (27111, 11) [Kamerstuk 2001-2002 Vreemdelingrechtelijke rechtspositie van vrouwen in het vreemdelingenbeleid; Brief staatssecretaris over uitvoering van de motie-Albayrak c.s. (kamerstuk 27111, nr. 2) en een verzoek om uitbreiding van de doelgroep]
- Letter from the State Secretary of Justice concerning the question of what the practical effects of the income requirement on migrants are, 18 June 2002 (19637, 673) [Kamerstuk 2001-2002 Vluchtelingenbeleid; Brief staatssecretaris over de vraag hoe het middelenvereiste in de praktijk uitwerkt voor vreemdelingen die gezinshereniging of gezinsvorming beogen]
- Questions by MP Halsema and answers by the State Secretary of Justice concerning the possibilities for return to the Netherlands for women who were forced to remigrate, 1 March 2002/ 16 April 2002 (no. 1029) [Kamervragen met antwoord 2001-2002 Vragen van het lid Halsema (GroenLinks) aan de staatssecretaris van Justitie over de mogelijkheden van terugkeer naar Nederland van gedwongen geremigreerde vrouwen. (Ingezonden 1 maart 2002); Antwoord]

Reproductive rights

Commissioned by the Ministry of Health, Welfare and Sport, the planning decision IVF of 1998 and the subsidy regulation regarding IVF dating back to 1989 have been evaluated by the Board of Health Insurances:

- Research voor beleid (Research for Policy-making). 2002. Evaluatie van het planningsbesluit IVF/ICSI (1998) en de subsidieregeling IVF/ICSI (1989) [Evaluation of the planning decision IVF/ICSI (1998) and the subsidy regulation IVF/ICSI (1989)]. Research requested by the Board of Health Insurances [College voor Zorgverzekeringen (CVZ)]. <http://www.research.nl/resources/reportcenter/B2539/B2539eindrapdef.PDF>

2003

Divorce, separation, marriage

In this year ongoing discussions take place on the criteria on the basis of which women with a dependent residence permit should get an independent residence permit:

- Letter from the Minister of Aliens Affairs and Integration concerning the granting of an independent residence permit to women who are a victim of violence in their relationship, 17 December 2003 (28600 VI, 117) [Kamerstuk 2002-2003 Vaststelling van de begrotingsstaat van het Ministerie van Justitie (VI) voor het jaar 2003; Brief minister over een zelfstandige verblijfsvergunning voor vrouwen die het slachtoffer zijn van geweld binnen de relatie]

Also in the realm of the legal status of women in the Dutch immigration law, in response to the ACVZ report on the relation between the CEDAW Convention and the position of migrant women in the Dutch immigration law and policy (see timeline 2002), the Dutch Jurist Committee on Human Rights (Nederlands Juristen Comité Mensenrechten, NJCM) publishes a commentary:

- NJCM. 2003. Commentaar op het ACVZ-advies 'Het VN-vrouwenverdrag in relatie tot de positie van vreemdelingenvrouwen in het Nederlandse vreemdelingenrecht en vreemdelingenbeleid' [Commentary on the ACVZ-advice 'the relation between the CEDAW Convention and the position of migrant women in Dutch immigration law and policy'] <http://www.njcm.nl/upload/ACVZ+nat+rap+VV-def.pdf>

In this year the legislative process in preparation of an Act revising the Legal Community of property [Wijziging van de titels 6, 7 en 8 van Boek 1 van het Burgerlijk Wetboek (aanpassing wettelijke gemeenschap van goederen)] (finally) starts:

- Bill (28867, 1-2)
- memorandum of explanation (28867, 3)
- Advisory report by the State Council (28867, B)
- report from the Parliamentary Commission on Justice (28867, 5)
- note from the Cabinet in response to the Parliamentary Commission's report (28867, 6)

[Kamerstukken 2002-2003 Wijziging van de titels 6, 7 en 8 van Boek 1 van het Burgerlijk Wetboek (aanpassing wettelijke gemeenschap van goederen)]

The Bill has not yet been adopted (as at 2007; see timeline 2007).

In 1997 the adopted act altering articles 5 and 9 of the Civil Code in order to make the choice of surname more flexible is evaluated:

- Beijers, Guillaume and Albert Klijn. 2002. De gekozen achternaam. Betekenis en gebruik van de wijziging van artikel 5 van het Burgerlijk Wetboek [The chosen surname. Meaning and use of the alteration of article 5 of the Civil Code]. Den Haag: WODC (Scientific Research and Documentation Centre of the Ministry of Justice). http://www.wodc.nl/images/ob201_Volledige%20tekst_tcm11-4855.pdf

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In 2003 an Act is being prepared that should regulate the conflicting rights regarding interstate adoptions. In this context some (D66) members of the Parliamentary Commission on Justice have asked the minister questions with regard to same sex couples and inter state adoption:

- Letter from the Minister of Justice concerning adoption of foreign children by same-sex couples, 21 February 2003 (28457, 5) [Kamerstuk 2002-2003 Regeling van het conflictenrecht inzake adoptie en de erkenning van buitenlandse adoptie (Wet conflictenrecht adoptie); Brief minister over interlandelijke adoptie door paren van hetzelfde geslacht]

Divorce, separation, marriage

In this year there is ongoing discussion about the motion Albayrak from 2000. MP Hirsi Ali also starts a discussion about Moroccan women and children who are left behind in the country of origin:

- General Meeting of the Parliamentary Commission on Housing, Spatial Planning and the Environment concerning the motion Albayrak (1999-2000), 23 February 2004 (27111, 14) [Kamerstuk 2003-2004 Vreemdelingrechtelijke rechtspositie van vrouwen in het vreemdelingenbeleid; Verslag algemeen overleg van 4 februari 2004 over het Besluit bescherming van woningzoekenden in opvanghuizen (kamerstuk 27111, nr. 13)]
- Interpellation MP Hirsi Ali directed to the Minister of Aliens Affairs and Integration concerning Moroccan women and children who are left behind in the country of origin, 7 September 2004 (no 95, p. 6140-6156) [Handelingen 2003-2004 Interpellatie-Hirsi Ali, gericht tot de minister voor Vreemdelingenzaken en Integratie, over het achterlaten van vrouwen en kinderen in Marokko]

In this year a Decree is published in the Bulletin of Acts and Decrees (no 496) that changes the income requirements and the minimum age for family reunion. The income requirements are heightened, while the minimum age goes up from 18 to 21:

- Decision of 29 September 2004 to alter the Aliens decision 2000 regarding the implementation of Council Directive 2003/86/EC on the right to family reunion [Besluit van 29 september 2004 tot wijziging van het Vreemdelingenbesluit 2000 in verband met de implementatie van de Richtlijn 2003/86/EG van de Raad van 22 september 2003 inzake het recht op gezinshereniging (PbEG L 251) en enkele andere onderwerpen betreffende gezinshereniging, gezinsvorming en openbare orde]
<http://www.acvz.com/publicaties/Besluit%202004-496%20bij%20wetsadvies%2024-02-2004%20gezinshereniging.pdf>

A few months before the aforementioned decision was published, the Advisory Committee on Aliens Affairs was asked to write an advice on this possible future decision:

- Advisory Committee on Aliens Affairs (ACVZ). 2004. Advice concerning the proposal to change the Aliens Act in the framework of implementing Directive 2003/86/EC on the right to family reunion. Den Haag: Advisory Committee on Aliens Affairs.
<http://www.acvz.com/publicaties/wetsadvies%2024-02-2004%20gezinshereniging.pdf>

The text of the Council Directive 2003/86/EC:

- http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/l_251/l_25120031003en00120018.pdf

In reaction to all this, women's organization E-Quality published a factsheet in October 2004 on the possible effects on emancipation of the changed income requirements and minimum age regarding family reunion. Recommendations are made to the government:

- E-Quality. 2004. Factsheet huwelijksmigratie: inkomenseisen en leeftijdsgrenzen. Effecten op emancipatie. [Factsheet marital migration: demands of income and age limits.

Effects on emancipation]. Den Haag: E-Quality. <http://www.e-quality.nl/assets/e-quality/publicaties/Factsheets/FactsheetHuwelijksmigratie.pdf>

Parliamentary/government documents on income requirement and age limit:

- Letter from the Minister of Justice concerning the heightening of the income requirements and age limit with regard to marriage migration, 28 September 2004 (19637, 852) [Kamerstuk 2004-2005 Vluchtelingenbeleid; Brief minister ter aanbieding van een concept-AMvB over verhoging inkomensgrens en leeftijdsgrens bij huwelijksmigratie]
- Plenary Session Second Chamber of Parliament concerning marriage migration, 28 October 2004 (no 15, p. 902-904) [Handelingen 2004-2005 Debat naar aanleiding van een algemeen overleg op 14 oktober 2004 over huwelijksmigratie]
- General Meeting of the Parliamentary Commission on Justice concerning the income requirements and age limits regarding marriage migration, 12 November 2004 (19637, no. 873) [Kamerstuk 2004-2005 Vreemdelingenbeleid; Verslag algemeen overleg over onder meer de inkomensgrens en de leeftijdsgrens bij huwelijksmigratie]

In this year the legislative process starts in preparation of an Act that requires that a part of the integration into the Dutch culture process should take place in the country of origin before the immigration takes place by means of an integration exam that focuses on the Dutch language on the one hand and on Dutch culture on the other hand. This Act is called the Integration Abroad Act (Wet Inburgering Buitenland, WIB):

- Bill (29700, 2)
- Memorandum of explanation (29700, 3)
- Advice by the State Council and report of further explanation (29700, 4)
- Report by the Parliamentary Commission on Justice (29700, 5)
- Note from the Cabinet in response to the Parliamentary Commission's report (29700, 6)

This act adds extra requirements for people wanting to come to the Netherlands in the framework of family reunion. This affects women differently from men. The women's organisation E-quality has published a factsheet on the new Act and its emancipatory implications. Recommendations to the government are also being produced:

- E-Quality. 2004. Factsheet huwelijksmigratie: Wet inburgering in het buitenland. Effecten op emancipatie [Factsheet marital migration: Integration Abroad Act. Effects on Emancipation]. Den Haag: E-Quality.

<http://www.iiav.nl/epublications/2004/FactsheetWetInburgeringBuitenland.pdf>

In this year a research report investigating the implementation of the Act on Prevention of Fictitious Marriages is published:

- Letter from the Minister of Justice reacting to the research report 'implementation of the Act on the Prevention of Fictitious Marriages' (26276, 3) [Kamerstuk 2004-2005 Evaluatie Wet Voorkoming Schijnhuwelijken; Brief minister bij aanbieding van het onderzoeksrapport "Uitvoering van de Wet Voorkoming Schijnhuwelijken"]
- Holmes-Wijnker, B and J. Grootsholte and M. Bouwmeester, M. 2004. Uitvoering van de Wet Voorkoming Schijnhuwelijken: evaluatie van de effecten van wijzigingen in het Burgerlijk Wetboek in 2001 op de werklust voor gemeenten en vreemdelingendiensten

[Implementation of the Act on Prevention of Fictitious Marriages]. Leiden: Research voor Beleid http://www.wodc.nl/images/02.063%20Eindrapport_tcm11-17946.pdf

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In this year a progress report on the implementation of the policy proposals that were announced in the 2001 Cabinet Note 'Homo-emancipation policy' is being evaluated in Parliament:

- Progress report on homo emancipation policy 2001-2004, <http://www.homo-emancipatie.nl/doc/parlementstukken/VWS%20Voortgangsrapportage%20Homo-emancipatie%20Beleid%2027%20augustus%202004%20Notitie.pdf>
- Letter by the State Secretary of Health, Welfare and Sport with the Cabinet's policy intentions based on the progress report <http://www.homo-emancipatie.nl/doc/parlementstukken/VWS%20Voortgangsrapportage%20Homolesbisch%20Beleid%2027%20augustus%202004%20Brief%20Tweede%20Kamer.pdf>

The COC publishes a pro-active discussion piece as a sort of evaluation report on the 2001-2004 government policy on homo emancipation:

- COC. 2004. Evaluation purple on pink. Freedom in safety. Gay and Lesbian emancipation and social acceptance [Evaluatie paars over roze. Vrijheid in veiligheid. Homo/lesbische emancipatie en sociale acceptatie] <http://www.homo-emancipatie.nl/doc/beleid/VRIJHEID%20in%20VEILIGHEID%20-%20Evaluatie%20Paars%20over%20Roze%20-%20mei%202004.doc>

COC also publishes a more formal/official reaction in response to the Cabinet letter and report:

- http://www.homo-emancipatie.nl/doc/beleid/COC_evaluatie_POR2004.doc

The Platform for Sexual Diversity (platform seksuele diversiteit) publishes its reaction to the progress report:

- Platform for Sexual Diversity. 2004. A pink candy floss. A Broad reaction to the progress evaluation homo-emancipation policy. [Een Roze Suikerspin. Een brede reactie op de voortgangsevaluatie homo-emancipatiebeleid] <http://www.homo-emancipatie.nl/doc/beleid/Een%20Roze%20Suikerspin.doc>

Later this year three amendments asking for an increase in budget with regard to homo-emancipation were accepted. The extra money will be spent on lessening the tensions between allochthonous persons and homosexual persons, to deal with problems that homosexual allochthonous persons face and to prevent aggression against homosexuals in education.

In the framework of an Act that is being prepared on the conflicting rights regarding inter state adoptions some discussion is still going on about the position/status of same sex couples in this Bill:

- Letter from the Minister of Justice concerning 4 accepted motions on adoption (two of them on adoption by same sex couples), 6 February 2004 (28457, 14) [Kamerstuk 2003-2004 Regeling van het conflictenrecht inzake adoptie en de erkenning van buitenlandse

adopties (Wet conflictenrecht adoptie); Brief minister met een reactie op aangenomen moties]

- Consideration by the Second Chamber of Parliament of the 6 February letter from the Minister of Justice concerning 4 accepted motions on adoption (two of them on adoption by same sex couples), 11 March 2004 (no 57, p. 3739-3747) [Handelingen 2003-2004 Behandeling van de brief van de minister van Justitie inzake de uitvoering van moties over interlandelijke adoptie (28457, nr. 14)]

The Minister of Justice reacts to a motion that was already adopted by Parliament when the Bills on adoption and marriage by same sex couples were being considered. The motion demanded the equalisation of parentage law regarding children within a lesbian marriage with the parentage law regarding children in a heterosexual marriage. It is now the case that a man can claim parenthood of a child even if he is not the biological father while the female partner of the parent in a lesbian marriage cannot:

- Letter from the Minister of Justice concerning, 22 December 2004 (26672, 14) [Kamerstuk 2003-2004 Wijziging van Boek 1 van het Burgerlijk Wetboek in verband met de openstelling van het huwelijk voor personen van hetzelfde geslacht (Wet openstelling huwelijk); Brief minister n.a.v. een motie inzake het zo veel mogelijk gelijktrekken van het afstammingsrecht van kinderen binnen een relatie tussen twee vrouwen met kinderen binnen een huwelijk]

Reproductive rights

A question on surrogate motherhood by means of IVF was asked by an MP:

- Questions MP Arib directed to the Minister of Health, Welfare and Sport concerning the message that surrogate motherhood through IVF is not possible anymore in the Netherlands, 6 Juli 2004 (questions)/24 September 2004 (no 14) [Kamervragen met antwoord 2004-2005 Vragen van het lid Arib (PvdA) aan de minister van Volksgezondheid, Welzijn en Sport over het bericht dat draagmoederschap door IVF niet meer mogelijk is in Nederland. (Ingezonden 6 juli 2004); Antwoord]

In this year the Act on Termination of Pregnancies (Wet Afbreking Zwangerschap WAZ) was evaluated. The evaluation comes at a moment when the issue of abortion resurfaces, put forward by the Christian Union in their electoral campaign in the framework of the November parliamentary elections:

- Letter from the State Secretary of Justice including the reaction of the State Secretary and Minister to the evaluation report on the Act on Termination of Pregnancies (Wet Afbreking Zwangerschap, WAZ) (30371, 2) [10-5-2006, Kamerstuk 2005-2006, 30371, nr. 2, Tweede Kamer Evaluatie Wet afbreking zwangerschap; Brief staatssecretaris naar aanleiding van het evaluatierapport van de Waz (kamerstuk 30371, nr. 1, aanbiedingsbrief)]
- ZonMw. 2005. Evaluatie Wet Afbreking Zwangerschap [Evaluation of the Act on Terminating of Pregnancies]

http://www.zonmw.nl/fileadmin/cm/vraagsturing/documenten/Evaluatie_regelgeving/WAZ_evaluatie_Definitieve_webversie_b.pdf

Apart from some talk in the framework of this evaluation of the Dutch abortion legislation, there have been no major discussions on abortion during the Quing research period. An annual report on the implementation and practice of the Act is written. Only very recently, during the electoral campaign and with the publication of the coalition agreement of the new Cabinet comprising the Labour Party (pvdA), the Christian Democrats (CDA) and the Christian Union in February 2007, discussion arose. This was because under pressure from the Christian Union some sections on abortion were included. Although the WAZ will stay in place, the Cabinet is planning to also let the procedure of curettage (overtijdbehandeling) be covered by the WAZ. Furthermore the government will develop a coherent set of 'positive measures' that focus on alternatives to abortion such as the broadening of adoption possibilities (see also timeline 2007).

2005

Divorce, separation, marriage

In this year the Integration Abroad Act (see timeline 2004) is published in the Bulletin of Acts and Decrees (Wet Inburgering Buitenland, WIB) on 22 December:

- [http://www.handreikinginburgeringgemeenten.nl/upload/documenten/D49,%20Staatsblad WIB060131.pdf](http://www.handreikinginburgeringgemeenten.nl/upload/documenten/D49,%20Staatsblad%20WIB060131.pdf)

In this year the legislative process starts in preparation of an Act that will abolish the 'flash divorce' (flitsscheiding) and promote continuation of parenthood and careful divorce (see also timeline 2001) [Wet bevordering voortgezet ouderschap en zorgvuldige scheiding]:

- Bill (30145, 2)
- memorandum of explanation (30145, 3)
- Advisory report by the State Council (30145, 4)

On the issue of the restriction of requirements for family reunion ongoing discussion takes place:

- Letter from the Minister of Aliens Affairs and Integration concerning the restriction of the requirements for family reunion and the implementation of the directive on family reunion, 23 February 2005 (19637, 901) [Kamerstuk 2004-2005 Vreemdelingenbeleid; Brief minister over de aanscherping van de vereisten voor gezinsvorming en de invoering van de richtlijn gezinshereniging]

In the context of the Dutch policy developments regarding immigration and emancipation (and the interrelation between the two), feminist Marijke Ekelschot publishes the following text in a radical left/ alternative magazine:

- Ekelschot, Marijke. 2005. Getrouwd met het Nederlandse immigratie- en emancipatiebeleid [Married to the Dutch immigration and emancipation policy]. De Fabel van de illegaal [the fairy tale of the illegal person] 69 (digital publication). <http://www.gebladerte.nl/11087f69.htm>

In reaction to MP Hirsi Ali's interpellation on women and children who are left behind in the country of origin, an advice is written by the The Advisory Committee on Aliens Affairs. Below one can find the Advice, the reaction of the Minister to this advice and the discussion in Parliament on the issue:

- ACVZ [The Advisory Committee on Aliens Affairs]. 2005. Tegen de wil achtergebleven een advies over in herkomstlanden achtergelaten vrouwen en kinderen [left behind against your own desire. An Advice on women and children who are left behind in the country of origin]. Den Haag: ACVZ. <http://www.acvz.com/publicaties/Advies-ACVZ-NR13-2005.pdf>
- General Meeting of the Parliamentary Commission on Justice on women and children who are left behind in Morocco, 18 May 2005 (29742, 16) [Kamerstuk 2004-2005 Interpellatie inzake het achterlaten van vrouwen en kinderen in Marokko; Verslag algemeen overleg op 18 mei 2005]
- Letter from the Minister of Aliens Affairs and Integration with the Cabinet reaction to the ACVZ [The Advisory Committee on Aliens Affairs] advice on women and children who are left behind in the country of origin, 27 June 2005 (29742, 17) [Kamerstuk 2004-2005 Interpellatie inzake het achterlaten van vrouwen en kinderen in Marokko; Brief minister met reactie kabinet op advies 'Tegen de wil achtergelaten, een advies over in herkomstlanden achtergelaten vrouwen en kinderen' van Adviescommissie voor Vreemdelingenzaken (ACVZ)]
- General Meeting of the Parliamentary Commission on Justice concerning the ACVZ [The Advisory Committee on Aliens Affairs] advice on women and children who are left behind in the country of origin, 9 August 2005 (29742, 19) [Kamerstuk 2004-2005 Interpellatie inzake het achterlaten van vrouwen en kinderen in Marokko; Verslag algemeen overleg van 29 juni 2005 over het advies van de Adviescommissie voor vreemdelingzaken (ACVZ) inzake vrouwen die tegen hun wil in het buitenland zijn achtergelaten (Just050336)]

Women's organisation E-quality publishes a fact sheet on the issue of the independent residence permit for women. It also includes recommendations directed at the government:

- E-Quality. 2005. Factsheet zelfstandig verblijfsrecht anno 2005 [Factsheet independent residence law in 2005]. Den Haag: E-Quality. <http://www.e-quality.nl/assets/e-quality/publicaties/2005/Factsheets/FactsheetZelfstandigVerblijfsrecht.pdf>

In the framework of the 2004 evaluation of the Act on the Prevention of Fictitious Marriages the Parliamentary Commission on Justice discussed this issue:

- Report of a written consultation of the Parliamentary Commission on Justice with the Minister of Justice concerning the research report evaluating the Act on the Prevention of Fictitious Marriages (a link is being made between prostitution, trafficking of females and

fictitious marriages), 9 December 2005 (26276, 4) [Kamerstuk 2005-2006 Evaluatie Wet Voorkoming Schijnhuwelijken; Verslag schriftelijk overleg over het onderzoeksrapport evaluatie Wet voorkoming schijnhuwelijken]

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In 2005 the Ministry of Health, Welfare and Sport organised three consultation rounds in order to make an inventory of the bottlenecks regarding homo-emancipation on the local level and within societal organisation; expertise centres were consulted. The document belonging to this consultation can be found using this link: http://www.homo-emancipatie.nl/raadplegingen_VWS.html

On the basis of these consultation rounds the Cabinet writes a policy letter in which the policy intentions for the years 2005-2007 regarding homo emancipation policy are presented:

- Letter from the State Secretary of Health, Welfare and Sport that includes the Cabinet policy letter on homo emancipation policy 2005-2007. <http://www.homo-emancipatie.nl/doc/beleid/Brief%20homobeleid%20regering%202005.pdf> and its annex <http://www.homo-emancipatie.nl/doc/beleid/Brief%20homobeleid%20regering%20juli%202005%20-%20bijlage.pdf>

There still is discussion on the adoption of children by same sex couples in the Framework of the Act on Conflicting rights regarding interstate adoptions:

- Letter from the Minister of Justice concerning adoption by same sex partners (among other things on adoption of the child by the partner of the biological mother in female same-sex relationships), 9 May 2005 (28457, 23) [Kamerstuk 2004-2005 Regeling van het conflictenrecht inzake adoptie en de erkenning van buitenlandse adopties (Wet conflictenrecht adoptie); Brief minister over adoptie door homoparen]

2006

Divorce, separation, marriage

In the timeline for 1995, reference was made to the entering into force of the Act on the Settlement of Pension Rights in case of Divorce (Wet verevening pensioenrechten bij scheiding). In this year a discussion arises regarding the group of people (mostly women) who divorced before 1981 and cannot make a claim to the Act:

- Letter from the Minister of Social Affairs and Employment concerning people who divorced before 1981 and cannot make a claim to the Act on the Settlement of Pension Rights in case of a Divorce, 23 June 2006 (30300 XV, 119) [Kamerstuk 2005-2006 Vaststelling van de begrotingsstaten van het Ministerie van Sociale Zaken en Werkgelegenheid (XV) voor het jaar 2006; Brief minister over mensen die vóór 1981 gescheiden zijn, en geen beroep kunnen doen op de Wet verevening pensioenrechten]

- Letter from the Minister of Social Affairs and Employment concerning settlement of pension rights for people who divorced before 1981, 6 October (30413, 89) [Kamerstuk 2006-2007Regels betreffende pensioenen (Pensioenwet); Brief minister inzake pensioenverevening bij scheiding, motie Mosterd]
- Letter from the Minister of Social Affairs announcing that a temporary measure to solve the situation of pension rights of people who divorced before 1981; this decision was published in the Government Gazette on 8 December 2006.

The legislative preparations for an Act to promote the continuation of parenthood and careful divorce (Wet bevordering voortgezet ouderschap en zorgvuldige scheiding) which will abolish the so-called 'flash divorces' continue:

- Report by the Parliamentary Commission on Justice discussing the Bill for an Act to promote the continuation of parenthood and careful divorce [Wetbevordering voortgezet ouderschap en zorgvuldige scheiding], 30 September 2005 (30145, 5)
- Reaction of the Cabinet to the 30 September 2005 report by the Parliamentary Commission on Justice discussing the proposal for an Act to promote the continuation of parenthood and careful divorce [Wetbevordering voortgezet ouderschap en zorgvuldige scheiding], 22 September 2006 (30145, 6)

The Integration Abroad Act (Wet Inburgering Buitenland, WIB) enters into force as of 15 March 2006.

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

In this year the government publishes another sort of progress report on homo emancipation policy:

- Letter from the State Secretary of Health, Welfare and Sport on homo emancipation policy (27017, 30)
- <http://www.homoemancipatie.nl/doc/parlementstukken/brief%20regering%20stand%20van%20zaken%20homo%20beleid%20dec%202006+bijlage.pdf>

In this year the legislative process starts in preparation of an Act that will alter certain adoption regulations (Wijziging van Boek 1 van het Burgerlijk Wetboek in verband met verkorting van de adoptieprocedure en wijziging van de Wet opneming buitenlandse kinderen ter adoptie in verband met adoptie door echtgenoten van gelijk geslacht tezamen). The Bill aims to shorten the adoption procedure for single parents. Furthermore, it is proposed to change the Act on foreign adoption (Wet opneming buitenlandse kinderen ter adoptie, Wobka) in order to make possible interstate adoption by same sex spouses:

- Bill (30551, 2)
- memorandum of explanation (30551, 3)
- advisory report by the State Council (30551, 4)
- report by the parliamentary Commission on Justice (30551, 5)

At this moment the Act is being considered by the First Chamber of Parliament.

Divorce, separation, marriage

The Bill for the Act to revise the community of property regime is still being considered:

- Letter from the Minister of Justice explaining the main points of the adapted Bill on the alteration of the general community of property regime, June 2007 (28867, 13) [Kamerstuk 2006-2007, 28867, nr. 13 Wet aanpassing wettelijke gemeenschap van goederen; Brief minister met beknopte uiteenzetting hoofdlijnen wetsvoorstel aanpassing wettelijke gemeenschap van goederen]

The Bill on an Act to promote the continuation of parenthood and careful divorce is still being considered:

- Consideration of the proposal for an Act to promote the continuation of parenthood and careful divorce by the Second Chamber of Parliament, 21 March 2007 (no 51, p. 2997-3020 and 3024-3042) [Handelingen: behandeling van het wetsvoorstel Wijziging van Boek 1 van het Burgerlijk Wetboek en het Wetboek van Burgerlijke Rechtsvordering in verband met het bevorderen van voortgezet ouderschap na scheiding en het afschaffen van de mogelijkheid tot het omzetten van een huwelijk in een geregistreerd partnerschap (Wet bevordering voortgezet ouderschap en zorgvuldige scheiding) (30145)]

In June 2007 the Second Chamber of Parliament voted in favour of the Bill; the First Chamber now has to agree on it before it can become law.

Civil partnership and gay marriage, discrimination on the basis of sexual orientation

Questions are asked by two MP's on the firing of a transgender person:

- Questions by MP Karabulut and MP De Wit directed at the Minister of Social Affairs and Employment and at the Minister of Justice concerning the firing of a transgender person after a change of sex, 28 March 2007 (questions)/ 23 April (answers) (no 1346) [Kamervragen met antwoord 2006-2007 Vragen van de leden Karabulut en De Wit (beiden SP) aan de ministers van Sociale Zaken en Werkgelegenheid en van Justitie over het ontslag van een transgender na een geslachtsveranderende operatie (Ingezonden 28 maart 2007); Antwoord]

The Acts on the opening of civil marriage to same sex couples and on registered partnership are evaluated:

- Boele-Woelki, Katharina and Ian Curry-Sumner and Miranda Jansen and Wendy Schrama. 2006. Huwelijk of geregistreerd partnerschap? Evaluatie van de wet openstelling huwelijk en de wet geregistreerd partnerschap [Marriage or registered Partnership? Evaluating the Act opening up civil marriage to same sex couples and the Act on registered partnership]. Commissioned by the Ministry of Justice. Executed by

Since 2001 (see timeline 2001) the government started to develop so-called 'homo-emancipation policy'. In 2007, some new LGBT policy measures are proposed in the Coalition Agreement of the New Cabinet. The Dutch Gay Movement (COC) reacts to these measures in a position paper:

- COC Nederland & Movisie. 2007. Policy vision on LGBT policy. Point of view of the Dutch gay and lesbian movement regarding the policy course taken in the 2007 coalition agreement [Beleidsvisie Homo-, lesbisch, biseksueel en transgenderbeleid. Visie van de Nederlandse homobeweging op de in het coalitieakkoord uitgezette lijn]. 72 pages. <http://www.publiek.coc.nl/dossiers/politieke-lobby/Beleidsvisie-HLBT-2007.pdf>

Reproductive rights

A government policy letter is written on medical ethics. A section of this plan is on abortion (5 pages). It is only very recently that (after a long quiet period) some discussion on abortion has arisen again. Mainly under the pressure of the Christian Union (this party has for the first time become a Cabinet member), some sections on abortion were included in the coalition agreement. Although the WAZ [The Act on the Terminating of Pregnancies] will stay in place, the Cabinet is planning to also let the procedure of curettage [overtijdbehandeling] be covered by the WAZ as well. Furthermore, the Cabinet is planning to develop a coherent set of 'positive measures' that focus on alternatives to abortion such as the broadening of adoption possibilities. This is all discussed in the policy letter:

- Letter from the State Secretary of Health, Welfare and Sport regarding the Cabinet policy plans in the field of medical ethics. September 2007. Document no. 30800 XVI – 183. 28 pages. [Kamerstuk 2006-2007 Brief staatssecretaris inzake de belangrijkste beleidsvoornemens op het terrein van de medische ethiek]

The Dutch Abortion Committee 'We Women Demand' wrote an open letter addressed to the Labour Party (PvdA) in which the signatories demand that the Labour Party retain their original standpoint (the woman decides and abortion does not belong in the Criminal Code) concerning abortion during the Cabinet formation talks with the Christian Democratic Part (CDA) and the Christian Union (CU):

- Wij Vrouwen Eisen [Dutch Abortion Committee We Women Demand]. 24 January 2007. Abortus: de vrouw beslist. Open brief aan de Partij van de Arbeid [Abortion: the woman decides. Open letter to the Labour Party]. <http://www.steo.nl/documenten/nws/2007/januari/abortuspvda.pdf>

3 Gender based violence

3.1 Introduction

In the Netherlands, the sub issues most relevant to the QUING time period are:

- Domestic violence
- Sexual harassment & stalking
- Trafficking & prostitution
- “culturally legitimated forms of violence” (concept introduced by policy makers): honour related violence, forced marriages, FGM
- Child abuse

History

The Netherlands was one of the first European countries to develop specific policies to combat violence against women. In 1982, the government invited feminist activists and policy makers to set goals and principles for state policy. In 1984, a first policy plan was issued to fight violence against women. In this plan a feminist analysis of the problem was adopted, that 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 successive *Progress Note on Policy to Combat 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, 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-emphasizing the gendered distribution of both victimisation and abusing.

Despite the comprehensive policy plans that have been issued by the Dutch government, no single “integral” legislation that specifically addresses the issue of gender based violence was outlined. Instead, a range of legislation and policies were developed to prevent and sanction different forms of violence and offer help, refuge and counselling to victims.

Quing period 1995-2007

The Quing period is marked by some significant policy shifts. First, as mentioned before, there has been a tendency to degender GBV violence, in particular in the area of domestic violence, arguing violence is equally distributed between the sexes. Second, and more

recently, there has been a strong tendency towards the ‘culturalisation’ of sexual violence by placing a strong emphasis on honour killings, arranged marriages, and female genital mutilation, which are grouped together under the heading of “culturally specific forms of violence” (Roggeband & Verloo 2007). A national expertise centre on honour related violence has been created within the Ministry of Justice and large funds are allocated to prevent and combat these forms of violence. So far, only soft law measures have been proposed and no specific legislation has been initiated. Domestic violence and “culture-specific” forms of gender violence are treated as separate policy domains, institutionally located in different ministries. Third, and related to these shifts, is the policy attention to violence against men. In 2007 a research report on male victims of honour related violence was commissioned by the Ministries of Justice and of Health, Welfare and Sport. Also, two shelter services for male victims were opened.

A fourth important shift has been the increasing attention to violence against children since the start of the new millennium. In 2006, a new Ministry for Youth and Family was created that has outlined a national action plan.

3.2 Domestic Violence

Domestic violence is by far the most commonly addressed form of violence. In early documents, this problem is labelled as wife battering or women’s abuse. Since 1999, the problem is termed domestic violence.

In the 2002 action plan *Private Violence – Public Matter* the government promises to explore the juridical possibilities for expelling perpetrators from the home. Commissioned by the Ministry of Justice, the Verwey-Jonker Institute published a report in 2002 describing how this form of perpetrator treatment is legally arranged in other European countries (mainly Austria and Germany). In a successive report, the police, public ministry, rehabilitation, and other relevant actors were consulted concerning the current Dutch situation and the desirability of additional arrangements for expelling perpetrators from the home. The current civil right arrangements (house/street/contact prohibition) were judged as demanding too much time to be able to adequately respond to crisis situations. A first draft of the arrangement was presented to various councils, committees, and institutes (Van Lamoen, 2004, p.3). In July 2004, the Cabinet presented its standpoint on expelling perpetrators from the home and formally announced its determination to create a legal possibility for temporarily expelling perpetrators of domestic violence from the home (28345, 25).

Timeline of key events

1997: publication of national study on domestic violence (Intomart 1997).

1999: Minister of Justice launches *Action Plan: Domestic Violence*.

2000: Minister of Justice launches a national project group ‘Preventing and Fighting Domestic Violence’.

February 2001: Action Plan Preventing and Combatting Domestic Violence (27 400 VI, nr. 51).

May 2000: Professionals and civil society present Manifesto Stop Domestic Violence to state officials.

12 April 2002: Joint policy plan proposed by Ministers of Justice, Interior and Public Health (Privé geweld – publieke zaak, een nota over de gezamenlijke aanpak van huiselijk geweld).

July 2002: research report exploring policies for expelling perpetrators from the home in different European countries (Verwey-Jonker Institute); a second research exploring juridical possibilities for expelling perpetrators from the home was published in 2003.

April 2003: 'Public Prosecution Services Domestic Violence Directive' for the Police and Public Ministry.

November 2003: Association of Dutch Municipalities (Vereniging Nederlandse gemeenten) launches Programme Domestic Violence.

14 July 2004: official Cabinet Standpoint on expelling perpetrators from the home. Cabinet formally announced its determination to create a legal possibility for temporarily expelling perpetrators of domestic violence from the home (28345, 25).

April 2007: national consciousness raising campaign against domestic violence.

September 2007: the Bill on an Act that makes possible the temporary eviction of the perpetrator of domestic violence from the home is adopted by the House of Representatives (Tweede Kamer). It is now being considered by the Senate (Eerste Kamer).

Relevant actors

State:

Ministers of Justice, Interior, Public Health, Social Affairs

NGOs:

- ◆ *Transact (expertise centre on violence)*. TransAct, the Dutch centre for gender issues in health care and the prevention of sexual violence, is the product of five former NGOs with many years of experience in women's and men's health care, and prevention of sexual violence. Since January 2007 TransAct has been merged with 5 other Dutch organisations into MOVISIE. <http://www.movisie.nl/>
- ◆ *Blijf van m'n lijf*: Dutch shelter organization, founded in 1974
- ◆ *Federatie Opvang*: umbrella organization of all shelter accommodations in the Netherlands

Policy documents and policy letters

- Letter of the Minister of Public Health, Welfare and Sports on "Preventing Sexual Violence", November 1996 (25102,1)
- Letter of the Minister of Social Affairs and Employment in reaction to the report "sex is natural but not self-evident" about the prevention of sexual violence, 1997 (25000XV-69)

- Action Plan Domestic Violence (08-04-1999). Ministry of Justice Action Plan published as part of the 'Action Plan on Emancipation Tasks of Departments 1999-2002' (section 3)
- Letter of the Minister of Justice dated 26-07-2000 containing a reaction to the National Manifesto Domestic Violence "Stop Domestic Violence" (J00-531)
- Letter of the Minister of Justice dated 14-02-2001 concerning the relation between street violence and domestic violence
- Letter of the Minister of Justice dated 16-02-2001 concerning the Action Plan on preventing and eliminating Domestic Violence (27400 VI, 51)
- Private Violence - Public Matter: Action Plan Domestic Violence (12-04-2002): Interdepartmental policy plan and accompanying letter (28345, 1-2)
- Letter of the Minister of Justice dated 12-06-2002 concerning the policy memo "Crisis Intervention: legal regulation in cases of domestic violence" (Just 02-527)
- Letter Minister of Public Health, Welfare & Sports on the prevention of domestic violence and the care for victims, including financial support (28000XVI-39), September 2001.
- Policy note by the Cabinet. (December) 2002. Een veilig land waar vrouwen willen wonen beleidsreactie op het rapport 'Het voorkomen en bestrijden van geweld tegen vrouwen' van het Studie- en Informatiecentrum Mensenrechten en het advies 'geweld tegen vrouwen' van de adviesraad internationale vraagstukken [A safe country where women want to live. Policy reaction to the report 'preventing and combating violence against women' by the Study and Information Centre on Human Rights and the report 'violence against women' by the Advisory Council on International Affairs]. Den Haag: Ministry of Social Affairs and Employment.
http://www.emancipatieweb.nl/uploads/146/14_4_Beleidsreactie_op_het_rapport.pdf
- Policy Note "Towards a Safer Society" [Nota 'Naar een veiliger samenleving'], October 2002. Ministry of Justice and Ministry of Domestic Affairs: domestic violence and sexual violence are integrated as topics in this note and into the programme 'towards a safer society'.
- Letter from the Minister of Immigration and Integration concerning the motion of MP Adelmund demanding the cabinet to formally recognize domestic violence as a ground for acquiring independent residence (28600 VI, 117)
- Letter from the Minister of Social Affairs and Employment that includes a plan of action regarding domestic violence and violence against women (this plan has been a result of the accepted motion 28600, no. 100 submitted by MP Hirsi Ali). December 2003. Document no. 29200 XV – 37. 10 pages.
- Letter by the Minister of Justice (28345, 25), containing a Cabinet Standpoint on Perpetrator Treatment Domestic Violence, 14 July 2004.
- Letter by the Minister of Justice (28345, 24) in response to Motion (28345,11) by MPs Wolfsen and Hirsi Ali requesting an overview of public means spent on street violence and domestic violence, 1 July 2004.
- Letter by the Minister of Justice (28345, 23) dated 13 May 2004 in response to MP Kraanvelds amended motion requesting the continuance of the juridical support experiments for victims of sexual violence (JOS).

- Letter by the Minister of Justice (28345, 19) dated 21 April 2004 in response to the 9 parliamentary motions submitted during the domestic violence session on 7 April 2004, including MP Wolfen's motion requesting independent research concerning the murder of Ms Gül in Zaanstad.
- Progress Memo on the Treatment of Domestic Violence (October 2003, 28345/29200XV,5) and accompanying letter (28345/29200XV,4)
- Letter from the Minister of Social Affairs and Employment (29200XV, 37) (02-12-2003), informing the Second Chamber of Parliament on the cabinet's policy in the realm of "domestic violence and violence against women"
- Letter from the Minister for Migration and Integration Affairs (29200VI, 20) (17-10-2003), informing the Second Chamber of Parliament on the cabinet's decision to formally recognize domestic violence as a ground for acquiring independent residence status for victims of partner violence
- Letter from Minister in request for extending residence permission for victims of domestic violence (28345,4)
- Ministry of Justice. 2004. Progress memo (second) on the action taken in the field of domestic violence in 2004 [Voortgangsbericht de aanpak van huiselijk geweld in 2004] http://www.huiselijkgeweld.nl/doc/beleid/voortgangsbericht_%209-12-2004.doc
- Accompanying letter to the progress memo from the Minister of Justice including also a reaction to the EU report on violence against women. 2004 [Begeleidende brief bij Voortgangsbericht aanpak huiselijk geweld en reactie op EU-rapport 'geweld tegen vrouwen'. 2 December 2004. Minister van Justitie]. http://www.huiselijkgeweld.nl/doc/beleid/aanbiedingsbrief_voortgangsbericht_2004.doc
- ◆ Letter from the Minister of Justice including the progress memo on the action taken (in the framework of the action plan 'private violence-public matter') in the field of domestic violence, 1 June 2006 (28345, 44) [Voortgangsbericht over de aanpak van huiselijk geweld, 1 juni 2006, bijlage, TK 2005-2006, 28345, nr. 44][Derde Voortgangsbericht over de aanpak van huiselijk geweld 2006. Deze notitie geeft de voortgang weer van de plannen en maatregelen uit de nota 'Privé Geweld – Publieke Zaak] . http://www.huiselijkgeweld.nl/doc/beleid/voortgangsbericht_mei_2006.pdf
- Proposal for an Act on the temporary eviction of the perpetrator of domestic violence from his/her house [Wet tijdelijk huisverbod]. August 2006 http://www.huiselijkgeweld.nl/doc/beleid/5431739wetsvoorstel_zoals_naar_tk2006-06-29.pdf plus the accompanying Memorandum of explanation. http://www.huiselijkgeweld.nl/doc/beleid/5431739memorie_van_toelichting_zoals_naar_tk2006-07-10.pdf
- Advisory report of the State Council on the first proposal for an Act on the temporary eviction of the perpetrator of domestic violence from his/her house [Wet tijdelijk huisverbod]. March 2006. <http://www.huiselijkgeweld.nl/doc/beleid/5431739w03060059%20adviesrvs.pdf>
- Reaction from the Minister of Justice to the Advisory report of the State Council on the first proposal for an Act on the temporary eviction of the perpetrator of domestic violence from his/her house [Wet tijdelijk huisverbod: nader rapport inzake het wetsvoorstel

(huisverbod) uitgebracht], July 2006

http://www.huiselijkgeweld.nl/doc/beleid/5431739nader_rapport_2006-07-10.pdf

- Letter from the Minister of Justice reacting to a motion by MP Dittrich to make it possible to register ethnicity in cases of domestic violence, 14 November 2005 (28345, 41) [Brief over de aanpak van huiselijk geweld, TK 2005-2006, 28345 nr. 41]
- Letter from the Minister of Justice announcing the national campaign on domestic violence [Brief aankondiging landelijke publiekscampagne huiselijk geweld], September 2006 http://www.huiselijkgeweld.nl/doc/beleid/brief_veldpartners_publicscampagne.pdf
- Altered Bill on an Act making possible the temporary eviction from the home of persons bringing about severe threats of domestic violence [Gewijzigd Voorstel van Wet tijdelijk huisverbod: regels strekkende tot het opleggen van een tijdelijk huisverbod aan personen van wie een ernstige dreiging van huiselijk geweld uitgaat]. September 2007. Document No. 30657 – A. 5 pages.

Speeches

Cabinet

- Speech of Minister Donner of Justice (20-11-2003) on the occasion of the start of the Programme 'Domestic Violence' of the Association of Dutch Municipalities (VNG)

Parliament

- Questions MP Dittrich and Van Vliet (D66) on a Women's Abuse Centre (18-06-1997)
- Questions MP Dijksman and Van Heemst (PvdA) about police action in cases of women's abuse (11-04-1997)
- Parliamentary motion on assigning a police coordinator on domestic violence in each police district, November 2000 (27400 VI, 30)
- Minutes of General Meeting of Parliamentary Committee for Justice and Parliamentary Committee for Public Health, Welfare, and Sports discussing project plan Preventing and Fighting Domestic Violence (27-11-2001)
- Motion MP Hirsi Ali 08-04-2003 (28600XV, 100) demanding an Action Plan in the realm of "domestic violence and violence against women".
- Motion MP Bussemaker demanding the cabinet to formally recognize domestic violence as a ground for acquiring independent residence, 08-04-2003 (28600XV, 101)
- General Meeting of the Parliamentary Commission on Social Affairs and Employment on 21-01-2003, discussing several letters concerning crisis intervention, the policy plan Private Violence-Public Matter, perpetrator treatment, and the final report NAPS.
- Motion MP Adelmund demanding the cabinet to formally recognize domestic violence as a ground for acquiring independent residence, 7-11-2002 (28600VI, 45)
- Report of a general meeting of the Parliamentary Commissions of Justice, Internal Affairs and Kingdom Relations, of Social Affairs and Employment, of Health, Welfare and Sport, and of Education, Culture and Science with the Ministers of Justice and of Social Affairs and Employment discussing several topics concerning domestic violence/violence

against women, under which motion 28600, no. 100 by MP Hirsi Ali. March 2004. Document no. 28345 – 9. 13 pages.

- General Meeting of the Parliamentary Commission on Social Affairs and Employment (07-04-2004) discussing the Progress Memo on the Treatment of Domestic Violence (27 October 2003).
- Plenary Session Second Chamber of Parliament (07-04-2004) concerning domestic violence, counting 9 parliamentary motions.
- Plenary Session Second Chamber of Parliament (27-04-2004) concerning the Minister of Justice's letter in response to the 9 parliamentary motions submitted on 07-04-2004.
- Report from the Parliamentary Commission on Justice regarding the proposal for an Act on the temporary eviction of the perpetrator of domestic violence from his/her house [Wet tijdelijk huisverbod: Verslag van de vaste commissie voor justitie van de Tweede Kamer van 13 oktober 2006 betreffende: Regels strekkende tot het opleggen van een tijdelijk huisverbod aan personen van wie een ernstige dreiging van huiselijk geweld uitgaat, October 2006
http://www.huiselijkgeweld.nl/doc/beleid/verslag_vaste_commissie_ijustitie_huisverbod_1_3okt_2006.pdf
- Plenary Debate in Second Chamber of Parliament discussing the Bill on an Act making possible the temporary eviction from the home of persons bringing about severe threats of domestic violence. September 2007. Document No. 95, pages 5340-5370 [Behandeling van het wetsvoorstel Regels strekkende tot het opleggen van een tijdelijk huisverbod aan personen van wie een ernstige dreiging van huiselijk geweld uitgaat (Wet tijdelijk huisverbod)]

Policy research

- Research report "Domestic Violence – form, seize, and care", Intomart, Hilversum, 1997.
- Research report "sex is natural but not self-evident" about the prevention of sexual violence, 1997.
- Boerefijn, I and M.M. van der Liet-Senders and T. Loenen. 2000. *Het voorkomen en bestrijden van geweld tegen vrouwen: een verdiepend onderzoek naar het Nederlandse beleid in het licht van de verplichtingen die voortvloeien uit het Vrouwenverdrag*. [Preventing and combating violence against women: an elaborating research on Dutch policy in connection to the obligations stemming from the CEDAW Convention]. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid. DU
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[Domestic Violence amongst Surinamese, Antillean and Aruban, Moroccan and Turkish people in the Netherlands] Hilversum: Intomart beleidsonderzoek. This research was commissioned by the Ministry of Justice

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Civil society documents

- Preliminary Action Plan on the Prevention and Elimination of Violence against Women, developed during the Round Table Conference 'Prevention and Elimination of Violence against Women', 10-12-1997 (paper version).
- Manifesto 'Stop Domestic Violence' (09-05-2000), composed in cooperation with professionals and civil society representatives engaged in matters of domestic violence, offered to several state officials on May the 9th, 2000
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- Article assessing the interdepartmental policy plan 'Private Violence - Public Matter' in view of the UN Women's Treaty (Boerefijn, I. and T. Loenen. 2002. *De bestrijding van huiselijk geweld tegen vrouwen in het licht van het Vrouwenverdrag*. [The fight against

domestic violence towards women, with regard to the CEDAW Convention]. *NJCM-bulletin* 27:106-122. DU)

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- Violence behind the front door: report of thematic meeting of the Dutch Women’s Council on 23-01-2003.
- TransAct. 2005. Brochure juridische aspecten van huiselijk geweld. Informatie voor slachtoffers en hun adviseurs [Booklet on the juridical aspects of domestic violence. Information for victims and their advisors] Utrecht: TransAct (commissioned by the Ministry of Justice)
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- Clara Wichmann Institute. January 2004. Letter addressed to the Minister of Justice regarding the eviction of the perpetrator of domestic violence from the house. Reaction to a request for advice [Brief aan de minister van Justitie over uithuisplaatsing dader huiselijk geweld (beantwoording adviesaanvraag)]. Approximately 6 pages.
<http://www.vrouwenrecht.nl/modules/filemanager/?act=download&file=c9f0f895fb98ab9159f51fd0297e236d>

3.3 Sexual harassment and stalking

Specific legislation against stalking is initiated by the Parliament in 1997.

The EU Gender Equality Directive 2002/73/EC EU served to amend the Equal Treatment (Men and Women) Act and the Civil Code. Sexual intimidation will be explicitly prohibited in the Civil Code and in the Equal Treatment (between women and men) Act. The new legislation will make it easier for an employee to take her/his employer to court in case the latter did not do enough to prevent sexual harassment or did not take enough measures against an employee guilty of harassment.

Timeline of key events

6 March 1997: Letter from Minister of Justice in which he declares to that no specific legislation is necessary (25000 VI, nr. 40)

1 December 1997: Three MP’s (Dittrich, Swildens-Rozendaal & Vos, D’66, PvdA and VVD) initiate and outline a proposal for specific legislation in relation to stalking (25 768, nr. 3, april 2000)

2000: The Stalking Act entered into force on 12 July 2000

2006: Act regarding the implementation of Directive 2002/73/EC (mainly changing provisions on sexual harassment in the Equal Treatment Men-Women in Employment Act) was published in the Official Bulletin (no 469) [Wet van 5 oktober 2006 tot wijziging van de Wet gelijke behandeling van mannen en vrouwen en het Burgerlijk Wetboek ter uitvoering van Richtlijn 2002/73/EG]

Involved civil society actors

- ◆ *Stichting anti-stalking (foundation against stalking)* This foundation gives information on stalking and helps victims.
- ◆ *FNV Vrouwenbond* (<http://www.fnvvrouwenbond.nl/>) Women's section of largest Trade union federation in the Netherlands
- ◆ *Platform seksuele intimidatie*: initiative of Rutgers Nisso Groep and Movisie <http://www.platformseksueleintimidatie.nl/> advice and training, policy advice, workshops.
- ◆ *Bureau Bezemer & Kuiper* is a profit organisation that gives advice and training in relation to sexual harassment in the workplace. One of the founders, Alie Kuiper, was involved in an early feminist initiative to combat sexual harassment.

Policy documents and letters

- Letter of the Minister of Justice dated 28-09-2001 concerning research on stalking (Just-01-772)
- Proposal for an Act altering the Equal Treatment between men and women Act and the Civil Code in order to implement Directive 2002/73/EC, 12 September 2005 (30237, 1) [Wijziging van de Wet gelijke behandeling van mannen en vrouwen en het Burgerlijk Wetboek ter uitvoering van Richtlijn 2002/73/EG]
- Memorandum of explanation on the proposal for an Act altering the Equal Treatment between men and women Act and the Civil Code in order to implement Directive 2002/73/EC, 12 September 2005 (30237, 3) [Memorie van toelichting op wetsvoorstel Wijziging van de Wet gelijke behandeling van mannen en vrouwen en het Burgerlijk Wetboek ter uitvoering van Richtlijn 2002/73/EG]
- Advisory report by the State Council on the proposal for an Act altering the Equal Treatment between men and women Act and the Civil Code in order to implement Directive 2002/73/EC and the Cabinet reaction to this advice, 12 September 2005 (30237, 4)
- On 17 October the Act regarding the implementation of Directive 2002/73/EC was published in the Official Bulletin (no 469) [Wet van 5 oktober 2006 tot wijziging van de Wet gelijke behandeling van mannen en vrouwen en het Burgerlijk Wetboek ter uitvoering van Richtlijn 2002/73/EG]

Parliament

- Plenary debate in Second Chamber of Parliament discussing the Bill on an Act altering the Equal Treatment (Men and Women) Employment Act in order to implement EU Directive 2002/73/EC. Januari 2006. Document no. 38, pages 2585-2597. [Behandeling van het wetsvoorstel Wijziging van de Wet gelijke behandeling van mannen en vrouwen en het Burgerlijk Wetboek ter uitvoering van Richtlijn 2002/73/EG (30237)]. 13 pages

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http://www.wodc.nl/images/sta_Volledige%20tekst_tcm11-9418.pdf

3.4 Trafficking and prostitution

Trafficking in human beings (THB) is considered a crime and a violation of fundamental rights. In Dutch law forcibly recruiting, transporting, moving, accommodating or sheltering another person with the intention of exploiting that person is punishable as THB. In the Dutch Penal Code trafficking or trading of Humans (art. 250a Sr. of the Criminal Law) is distinguished from 'smuggling' humans (art. 197a Sr.). Since 1 April, 2000 the Netherlands has had a National Rapporteur on Trafficking in Human Beings. The Rapporteur annually reports on the nature and extent of human trafficking, and on the effects of anti-trafficking policies in the Netherlands.

Timeline of key events

October 2000: Act that abolishes the ban on brothels was passed. This is seen as a weapon against the trafficking of women and it is expected that decriminalising sex work and setting up a licensing system for brothels will also improve the work conditions for sex workers, make the industry less receptive to crime and making the industry more transparent for the police. In addition an agreement with the daily newspaper has been entered into effect on advertising by the sex industry. Advertisers are asked to state their license number in the advert. In this way customers can see whether they deal with licensed business (Council of Europe, 2007).

2000: The Minister of Justice appoints a National Rapporteur on Human Trafficking (NRM). This appointment resulted from European agreements that were reached in 1997 at a conference of ministers on the trafficking of women. The independent official helps the government (by informing and advising) in combating human trafficking by publishing an annual report on the developments in the field of (combating) human trafficking.

2005: National Action Plan on Trafficking [National Actieplan Mensenhandel NAM]. The setting up of such an action plan was one of the recommendations that the national rapporteur had made in this third national report (of 2004) on trafficking. In her fourth national report (2005) the rapporteur recommends (among other things) development of an information point on child prostitution and an expertise centre on human trafficking.

2006: The ban on brothels has been evaluated for the second time. Three independent studies were conducted on three different topics: one on the social position of the sex worker, one on the municipal policies on (illegal) sex work and one on the exploitation of minors.

Actors

State:

Ministry of Justice

NGOs:

- ◆ *De rode draad*: Union for and by prostitutes
- ◆ *Association against trafficking women* (Stichting tegen vrouwenhandel, nu CoMensHa) (<http://www.mensenhandel.nl/>). This association gathers information of victims of trafficking, arranges refuge and help for victims, offers trainings, workshops about trafficking; and provides information and expertise to relevant organisations.
- ◆ *National network- religious foundation against trafficking* (landelijk netwerk van Religieuzen Tegen Vrouwenhandel, founded in 1991: <http://www.srtv.info/>). This network works to prevent trafficking, initiates awareness raising campaigns, helps victims and seeks to lobby in the political arena.

Policy documents and policy letters

- Cabinet reaction to the research report 'the ban on brothels', 21 February 2003 (25437, 30) [Reactie van het kabinet op het rapport 'Het bordeelverbod opgeheven' van het WODC, Den Haag. Ministerie van Justitie, 21 February 2003 (TK 25437, nr. 30)]
- The National Action Plan on human trafficking (28638, 13) [*Nationaal Actieplan Mensenhandel. Aanvullende maatregelen van het kabinet in het kader van de aanpak van mensenhandel in Nederland*], Bijlage bij de brief van de minister bij aanbieding van het Nationaal Actieplan Mensenhandel en het onderzoeksrapport 'Slavernij-achtige uitbuiting in Nederland', TK 2004-2005, 28638, nr. 13]

- Letter from the Minister of Justice on human trafficking 17 February 2006 (28639, 19) [Brief van de Minister van Justitie over mensenhandel, TK 2005-2006]
- Letter from the Minister of Immigration and Integration on human trafficking, 18 April 2006 (28638, 23) [Brief van de minister van Vreemdelingenzaken en Integratie over mensenhandel, TK 2005-2006, 28638, nr. 23]

Parliament

- General Meeting of the Parliamentary Commission on Justice concerning the trafficking in human beings, 16 December 2003 (28638, 9) [Verslag van Algemeen Overleg over mensenhandel, TK, 2003-2004]
- General Meeting of the Parliamentary Commissions on Justice and on Internal Affairs concerning supplementary measures to the National Action Plan on Human Trafficking, 20 April 2006 (28638, 25) [Verslag Algemeen Overleg vaste kamercommissie justitie en binnenlandse zaken op 20 april 2006 over aanvullende maatregelen bij Nationaal Actieplan Mensenhandel, TK 2005-2006, 28638, nr. 25]
- Report of a written deliberation of the parliamentary commission on Justice concerning the national action plan on human trafficking [TK 2005-2006, Verslag van schriftelijk overleg over mensenhandel], 12 August 2005 (28638, 16)

Other

- Korvinus, A.G. 2002. First national report of the Dutch National Rapporteur on Human Trafficking
- Korvinus, A.G. 2003. Second national report of the Dutch National Rapporteur on Human Trafficking
- Korvinus, A.G. 2004. Third national report of the Dutch National Rapporteur on Human Trafficking
- ◆ Wijers, Marjan and Marieke van Doornonck, Commentaar kabinetsstandpunt inzake wijziging wetboek van strafrecht, enige andere wetboeken en enige wetten (opheffing algemeen bordeelverbod) TK 25437, nr. 30 [Commentary on the Cabinet standpoint concerning the ban on brothels], Amsterdam, Clara Wichmann Instituut, 2003
- Korvinus, A.G. 2005. Fourth national report of the Dutch National Rapporteur on Human Trafficking. <http://rechten.uvt.nl/victimology/national/NL-NRMNederlands4.pdf>

3.5 Honour crimes, forced marriage and female genital mutilation

Since 2003, the attention to specific forms of violence such as FGM, forced marriages and honour crimes has increased. MP Hirsi Ali has been an important driving force behind new

policies and legislation to combat what she has coined “culturally legitimised forms of violence” (motion MP Hirsi Ali, 8 April 2003, 28600 XV, nr. 100).

Another specific topic of discussion concerns the position of immigrant women with a dependent residence status that are victims of domestic violence. After two parliamentary motions – submitted by MP Adelmund and MP Bussemaker in 2002 and 2003 – and repeated public/political debates, the cabinet decided in October 2003 to formally recognize domestic violence as a ground for acquiring independent residence status for victims of partner violence with a dependent residence title. Women’s shelter inhabitants with a dependent residence status were already granted preferential treatment in housing allocation, but this measure hardly appeared to improve their position.

Timeline of key events

2000: It is possible to obtain a temporary residence permit under section 29 (subsection 1b) of the Aliens Act of 2000 in cases where the applicant has well-founded fears of **FGM**. This section related to article 3 of the ECHR. After a period of 5 years, one can apply for a permanent residence permit. Also, parents who fear that their minor children will suffer FGM can apply for asylum. At any stage of the asylum procedure an applicant can put forward a claim based on FGM, also if the applicant has exhausted all other legal possibilities. In such cases, a new asylum application can be submitted by the parents or the girl in question. In all asylum cases high-risk groups will be interviewed regarding FGM, even if they did not make a claim on the basis of it themselves (Council of Europe, 2007).

April 2003: MP Hirsi Ali (liberal conservative party VVD) urged the cabinet by motion to formulate an action plan in the area of “domestic violence and violence against women”, specifically focusing on culture-specific forms of violence. She also launched a fiercely debated plan making GPs responsible for annually checking up on Muslim girls to be able to trace circumcision practices and punish the parents of circumcised girls.

2003: In reaction to an advisory report on Strategies to prevent **FGM** that was commissioned by the Ministry of Social Affairs and Employment (Van der Kwaak et al. 2003) the Cabinet installed a special Commission on Combating Female Genital Mutilation. This commission was asked to explore the possibilities for developing an effective control system. In 2005 the Commission published its recommendations.

April 2004: The cabinet decided to install an advisory committee on **FGM**. It is assigned the task of exploring the possibilities for tracing circumcision practices and developing systems for prevention and control.

2006: During this year an interdepartmental programme on honour related violence was set up in which (among other things) the Ministries of Justice, of Health, Welfare and Sport and the Ministry of Housing, Spatial Planning and the Environment cooperate. The responsibility for the programme lies with the Ministry of Justice. (See the starting note http://www.justitie.nl/images/Startnotitie%20eengerelateerd%20geweld_5670_tcm34-15466.pdf)

2007: At the beginning of 2007 a research report was published on male victims of honour related violence commissioned by the Ministries of Justice and of Health, Welfare and Sport (Eengerelateerd geweld in Nederland. Een onderzoek naar mannelijke slachtoffers: bekend

maakt onbemind! <http://www.mikado-ggz.nl/downloads/Eergerelateerd%20geweld%20mannelijke%20slachtoffers.pdf>). The aim of this report was to sketch a realistic view concerning the nature of the problem, its size and the possibilities for care.

Actors

State actors:

Ministry of Justice, in cooperation with Ministry of Public Health, Welfare and Sport and the Ministry of Housing, Spatial Planning and the Environment

NGOs:

- ◆ *Tiye international* (Platform of the National Organisations of black, migrant and refugee women in the Netherlands) (<http://tiye-international.org/>)
- ◆ *Pharos* (www.pharos.nl) Pharos offers knowledge, insight and skills for improving the quality of health care provided to refugees and asylum seekers.
- ◆ *The Kezban Foundation* (www.st-kezban.nl) “Never again” was the slogan of the founders of Stichting (=Foundation) Kezban, after the honour killing of Kezban Vural in 1999. Unfortunately these honour killings are still happening. However, three years after its establishment, the Kezban Foundation has realised some of its goals. The goals are: to make the issue of domestic violence open to discussion in migrant communities; to increase and improve accessibility for migrant women to the regular assistance; and to influence government policies regarding domestic violence in the interest of migrant women and girls.
- ◆ *E-quality*, the Dutch information centre for gender, family and diversity issues (www.e-quality.nl)
- ◆ *Raad voor de volksgezondheid en zorg (RVZ) [Council for Public Health and Care]* is an Advisory Board of the government; within this council there is a Commission on Female genital mutilation.
- ◆ *Forum- Instituut voor Multiculturele Ontwikkeling [Institute for Multicultural development]* (<http://www.forum.nl>) The Institute for Multicultural Development FORUM is the largest non-governmental actor in the field of integration policy in the Netherlands. The institute focuses on developments and issues relating to the Dutch multicultural society in general and to the integration of (ethnic) minorities in particular. FORUM is a national centre of expertise that stands for a society in which people from various communities live together as fully recognised citizens. To help realise this objective, FORUM receives subsidies from the Ministry of Justice (Immigration and Integration Department), the Ministry of Education, and from private funds. *Wegwijzer Eergerelateerd Geweld*
- ◆ *Vluchtelingen organisaties Nederland- VON [Refugee organisations Netherlands]* (www.vluchtelingenorganisaties.nl) Refugee organisations in the Netherlands (abbreviated in Dutch: VON) is a non-profit umbrella organisation of 400 national and local refugee organisations committed to the rights and protection of refugees in the

Netherlands. To guarantee special attention to the problems of refugee women, VON has a Women's Commission that advises the Board of Directors on specific women's issues.

- ◆ *Amnesty international Netherlands* (www.amnesty.nl)
- ◆ *Steungroep Vrouwen Zonder Verblijfsvergunning [Support Group Women without Residence Permit]* (<http://www.svzv.nl>) Steungroep Vrouwen Zonder Verblijfsvergunning (SVZV) supports women who fight for independence.
- ◆ *Komitee zelfstandig verblijfsrecht migrantenvrouwen [Committee on independent residence permits for migrant women]*
- ◆ Overlegkader vrouwen uit minderheden (OVM, consulting group minorities) started as an informal platform initiated by the national machinery, consisting of representatives of Black, migrant and refugee organizations and four Ministries. Since 1997 it became more formalized; however it is unclear if it still exists.

Policy documents and policy letters

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- Letter of Minister of Justice dated 06-07 2001 on women's circumcision (01/02, 27400VI, 83)
- Letter of Minister on security of women and girls in asylum centres (summer 2003, 19637-779)
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- Letter from the Minister of Health, Welfare and Sport that includes the Cabinet position regarding 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. [Brief minister van Volksgezondheid, Welzijn en Sport met kabinetsstandpunt over advies Raad voor de Volksgezondheid en Zorg (RVZ) over bestrijding vrouwelijke genitale verminking]
- Starting note from the Minister of Immigration and Integration on the interdepartmental programme on honour related violence [Startnotitie door minister Verdonk (vreemdelingenzaken en integratie) van het interdepartementaal programma eerge relateerd geweld], May 2006
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Speeches

- Speech by Minister Verdonk (Immigration and Integration) on the occasion of the presentation of information/ awareness raising films on domestic violence, 15 January 2004 [Toespraak minister Verdonk ter gelegenheid van de presentatie van 'als ik haar was'; twee voorlichtingsfilms over huiselijk geweld. Uitgesproken op 15 januari 2004 in De Balie te Amsterdam (op schijf)]
- Speech by Minister Verdonk (Immigration and Integration) on the occasion of the International Day against Female Genital Mutilation, 6 February 2006 [Toespraak minister Verdonk voor Vreemdelingenzaken en Integratie tgv 'Internationale dag tegen vrouwenbesnijdenis' op 6 februari 2004 (op schijf)]

Parliament

- General Meeting on women's circumcision (13-12-2001)
- General Meeting of the Parliamentary Commission on Justice concerning honour revenge, 10 August 2005 (28345/29203, 40)
- Report of a general meeting of the Parliamentary Commission on Health, Welfare and Sport together with the Parliamentary Commission on Justice on female genital mutilation (among other things reacting to the letter selected under 'governmental policy report'). October 2005. Document no. 30300 XVI – 21. 12 pages. [Verslag van een algemeen overleg door vaste commissie voor Volksgezondheid, Welzijn en Sport en vaste commissie voor Justitie over vrouwelijke genitale verminking]
- Report of a general meeting of the general Parliamentary Commission on Integration Policy about (among other things) the policy programme on honour related violence (selected as second policy report instead of a law). May 2006. Document no. 30388 – 7. 7 pages. [Verslag van algemeen overleg door algemene commissie voor Integratiebeleid over o.a. beleidsprogramma eengerelateerd geweld]

Policy research/ Policy Advice

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Civil society

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3.6 Child abuse

In the period under investigation, specific attention to child abuse has increased; particularly since 2006 following a request of parliament to report on a yearly basis on child abuse and the creation of new Ministry Youth and Family.

Timeline of key events

1999: Reform of criminal law. The crime of incest was redefined to include abuse by other than blood relatives (e.g. foster parents, stepfathers and unmarried partners). The period in which the offender may still be prosecuted has also 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 has 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. An offender may receive a suspended sentence if he/she is prepared to undergo treatment.

2001: National Action Plan on Sexual Abuse of Children. This action plan is a product of several agreements that were made in 1996 at an international conference in Stockholm.

http://www.huiselijkgeweld.nl/doc/seksueel_misbruik/naps.pdf

May 2006, motion of MP's Gerkens and Azough: request to government to report annually on its progress in combating all forms of sexual abuse and sexual violence of children

April 2007: presentation of two research reports on child abuse/ domestic violence against children

8 February 2008: Presentation of national plan of action against child abuse 'Children safe at Home'

Actors

State actors:

Responsibility for issue shifted from Ministry of Justice to newly created Ministry of Youth and Family

NGO's

- ◆ *Expertise centre Child Abuse (Expertise centrum kindermishandeling):* special task force within National Youth Institute to train and assist professionals and policy makers to prevent child abuse.

- ◆ *ECPAT Netherlands* ECPAT is a global network of organisations and individuals working together for the elimination of child prostitution, child pornography and the trafficking of children for sexual purposes. ECPAT-Netherlands has existed since 1995 and as of 2003 is a cooperative with Defence for Children International- The Netherlands. ECPAT-NL is raising awareness on commercial sexual exploitation of children in Dutch society and lobbying for adequate and effective law enforcement and prevention. ECPAT-NL has played an important role in the development, execution and monitoring of the Dutch National Action Plan 'Sexual Abuse of children'. (www.ecpat.nl)

Policy documents and letters

- Het nationaal Actieplan Aanpak Sexueel Misbruik van Kinderen [The National Action Plan on Sexual Abuse of Children (NAPS)], October 2001, Ministry of Justice. http://www.huiselijkgeweld.nl/doc/seksueel_misbruik/naps.pdf
- Eindrapportage Nationaal Actieplan aanpak seksueel misbruik van kinderen [Final report on the National Action Plan on Sexual Abuse of Children]. Den Haag: Ministry of Justice. 2005 http://www.huiselijkgeweld.nl/doc/seksueel_misbruik/eindrapportage_naps.doc

Civil society

- Working group on child pornography and child prostitution in the Netherlands. 1998. Kinderporno en kinderprostitutie in Nederland. De stand van zaken [Child pornography and child prostitution in the Netherlands. The state of affairs]. Utrecht: TransAct and Child Right Worldwide. DU

This final section summarises some of the key questions in the issue histories. It is intended not only as a conclusion to the report, but also as an aid to the comparative analysis of gender+ equality in the 29 countries (plus EU) by providing simplified accounts of key questions.

1 Relative importance of topics within the issues and in generic gender + equality policies

This section considers the extent to which the topics and sub-topics identified at the level of Quing as a whole are actually present in the policy debates in each country. Answers to the questions in this section will enable Quing to know about the variation in the policy fields in each country, within Quing as a whole (not only the EU) as the point of reference.

Generic gender + equality policies

Dutch gender equality policies have always used the concept of emancipation in connection to equality issues. However, since 1997 the concept of diversity is increasingly being used as well, even if it has never been clearly defined. Since 2007 attention to inequality based on sexual orientation is officially added to the mandate of the Minister responsible for gender equality, but this is also done under the label of homosexual 'emancipation'. At this point, there is no indication whether this means that the intersection of sexuality and gender will receive more attention. Gender equality policies have always been 'two track', covering both targeted policies and the incorporation of a gender perspective into all policies.

Participation of women in the labour market has been an ongoing priority, to the point where the goal of labour market policies seems at some point to overshadow the goal of gender equality. Other issues have had their ups and downs although many of them have been addressed early on, before the period studied by QUING (e.g. violence against women). Overall, the priority for gender equality policies in the period 2001-2007 was low.

Non-employment

The most debated sub issues within non-employment in the Netherlands have been *reconciliation of work and family life* and *Tax-Benefit policies*.

Within the sub-issue of *reconciliation of work and family life* two key topic areas on which much legislative activity took place can be distinguished. Firstly, several laws were introduced that all concerned enhancing labour market flexibility by making flexible working hours and by making part-time work a more attractive possibility. This group of measures focusing on labour market flexibility and employability has resulted in a record number of part-time employees and has 'normalised' part-time working in the Netherlands. Secondly,

several laws were introduced that relate to the 'national debate on labour and care' (which in fact was already going on from as early as 1995) aiming at bringing about a new balance between labour and care (such as the Act on Labour and Care, the Act on a Life Course Savings Scheme/ Life Course Arrangement, the Act on the Financing of Careerbreaks and most recently a Bill on an Act regulating facilities in the framework of labour and care for lone parents).

Within the sub issue of *Tax-Benefit policies* key issues on which debate and legislative changes took place were social security legislation (most importantly social assistance and occupational disability) and the income tax regime. In the fields of pensions and unemployment benefits only relatively small changes took place. With regard to social assistance and occupational disability new Acts replacing the previous ones were introduced which make it more difficult to make a claim to these benefits (for women). With regard to the income tax system a new Income Tax Act entered into force in 2001 which increased the individualisation of income tax by replacing the transferable allowance with an individual levy rebate.

In the field of the sub issue of *care work and informal work* the two key issues that were discussed are child care and an act on long term care which also covers voluntary long term carers and volunteer workers. Within the sub issue of *access to the labour market* one can distinguish between three topics that received attention. Firstly, some of the Dutch equal treatment legislation that was already in place has been amended (or will be amended soon) in order to comply with EU-Directives 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC and two new acts (one on discrimination based on disability adopted in 2003 and one on age discrimination in employment also adopted in 2003). Secondly, the topic of labour market participation of ethnic minorities was discussed. Predominantly soft policy measures have been taken in this field. Finally, some soft policy measures have also been taken regarding the reintegration of women into the labour market. Concerning the sub issue of *equal pay/gender pay gap* little debate took place during the Quing research period. The measures that were taken are all examples of soft policy that are located after 2000 on the timeline.

Intimate citizenship

Although a distinction is being made between three sub issues, several topics that are present within the 'divorce, marriage and separation' sub issue are associated with topics that are present within the sub issue of 'civil partnership and gay marriage, discrimination on the basis of sexual orientation'. To give some examples: an important incentive to start with a process to revise the Dutch matrimonial property regime was given when the Bill on registered partnership was discussed in Parliament. And the Act that makes possible same-sex civil marriages unintentionally created the option of so-called 'flash divorces' (*flitsscheidingen*). This was an incentive for the government to present in 2005 a Bill that will abolish this possibility. The sub issues of 'divorce, separation and marriage' and the sub issue of 'civil partnership and gay marriage, discrimination on the basis of sexual orientation' seem to be equally present, although the pioneering changes that have taken place in the

latter sub issue probably make this sub issue (civil partnership and gay marriage) the one with most relevance. If one also takes into consideration that changes in this sub issue have caused certain developments in the area of 'divorce, marriage and separation' this conclusion indeed seems to be correct. The sub issue of 'reproductive rights' has been least present and relevant during the investigated period.

Regarding the sub issue 'divorce, separation, marriage' legal measures were taken and/or debate took place on pensions, on divorce, on 'crossing border' issues and on matrimonial property law. The topics that were most extensively discussed are the topic of 'crossing borders'. This term is used to cover several sub topics: income requirement and minimum age requirement concerning family reunion and marriage migration, the legal status of women with a dependent residence permit in Dutch immigration law (and the criteria for receiving an independent residence permit, such as relationship breakdown or being a victim of intimate partner violence), the return of women who were forced to remigrate, Moroccan women and children who are left behind in the country of origin, the Integration Abroad Act and its impact on women, and the topic of matrimonial property law (since the Bill on registered partnership was discussed in 1995 the Dutch matrimonial property regime has been in a transitional state. However, in 2007 the Netherlands is one of the last countries in the world where the universal community of property still is the applicable matrimonial property regime, because the 2003 Bill to modernize the regime has not yet become law). Regarding the sub issue 'civil partnership and gay marriage, discrimination on the basis of sexual orientation' some pioneering changes have taken place during the investigated period, most notably the introduction of registered partnership in 1998 and the opening of civil marriage for same-sex couples in 2001. These changes have implications for numerous other fields (also situated outside the area of intimate citizenship) such as pensions and social security benefits, *parenting and adoption*. This meant that next to the Acts on registered partnership and same sex marriage many amendments had to be made to existing Acts in other fields and it also meant that several new Acts had to be developed in order to provide same sex spouses and couples entering a registered partnership with the same rights and duties as heterosexual married couples.

Gender-based violence

The main developments on gender based violence in the Netherlands in the period 1995-2007 have been on domestic violence, on trafficking and prostitution, sexual harassment and stalking and so called 'culture related' violence. In the late 90s there were still campaigns on rape, but the main debates and laws are from before 1995.

On Domestic violence and violence in relationships, the 2002 action plan has been the most influential interdepartmental plan, setting the stage for activities since then. Since 2002 there have been studies and initiatives on increasing legislation to evict perpetrators of domestic violence from the home, leading to a Proposal for an Act on the temporary eviction of the perpetrator in August 2006. This Act is expected to come into force in 2007. There has also been an extension of the maximum punishment for domestic violence.

In 2000 several laws were changed so that the ban on brothels was lifted and prostitution became a legal activity. This has also been seen as a measure to fight trafficking. Trafficking has been on the agenda since 2000, and there have been national reports and action plans on the issue.

With regard to sexual harassment, activities mainly focused on bringing Dutch Law into line with European Directives. Stalking has been on the agenda since the end of the 90s, and there was a law in 2000.

Forced marriage, honour crimes and female genital mutilation are on the political agenda especially since the beginning of the century, and sometimes hotly debated, but the activities consisted mainly of studies with no policy installed at this moment. In 2006 there is an interdepartmental programme on honour related violence, and there are action plans e.g. on FGM. Since 2005 there has been an intervention team on relational pressure and violence (installed for two years) to advise municipalities and other institutions on honour related violence.

2 Major changes in the three issues and in generic gender + equality policies

Generic gender + equality policies

Characteristic for the period 1995-2007 is a gradual weakening of the Dutch machinery; it remains to be seen whether this tendency will be countered after the critical VCE report has been presented to the new government. The main problems have been the loss of the coordination function of the administrative unit DE/DCE, the absence of an advisory body, and the loss of the focus on power in the analysis of gender relations.

The beginning of this century saw a development of 'ethnicising' of gender equality policies, where across all domains there was a high profile of gender in connection to migration and integration issues. In this process, gender equality at times lost out in the political drive to limit integration, enforce assimilation of immigrants and strengthen the dominance of Dutch culture. In this process, gender equality was declared an essential part of Dutch culture.

Non-employment

Despite much discussion and legislative activity regarding the sub issues within non-employment (see section 1.2 above), one can question whether this has led to any major shifts or changes in this field.

A first important change is that several legal measures were taken by the government on part-time working and flexible working hours. In this way part-time work has become more attractive to (mostly) women. The government's policy in this field seems to have 'normalised' part-time work for women. This underlines at the same time that the state policy is not aimed at promoting full-time work for women. Measures were taken to make part-time

work more attractive to women, not to promote full-time work by women. Combined with the increased costs for childcare when family income comes above a certain level (because the state contribution has become income dependent), this discourages women from working full-time. Overall, an important change is the shift from a one-breadwinner model to a 1.5 earner-model (in which man has a full-time job and women part-time). Secondly, the new Child-care Act of 2005 has profoundly changed the system of financing child-care. However it is questionable whether this has contributed towards gender equality. Furthermore, in the area of social security benefits, there has been a general tightening of legal measures making it more difficult to receive benefits. For example, under the new Act on Work and Social Assistance (WWB) one can witness an activation policy for mothers receiving social assistance. Thirdly, attention to women in the labour market has been more and more directed on *ethnic minority* women. However, in the last years of the Quing period the government has terminated measures that specifically focused on improving the position of women from ethnic minorities in the labour market, such as the Employment of Minorities Promotion Act (Wet SAMEN) and the Committee for the Participation of Women from Ethnic Minorities in the Labour Market (PAVEM). No measures to replace these have been taken so far. Fourthly, age and disability were included in the equal treatment act and two separate anti-discrimination acts on age and disability were enacted, all mainly in response to EU Directives.

Regarding the changes in legislation within the field of 'the national debate on labour and care' it can be questioned whether they present a *major change*. The Act on Labour and Care (WAZO) largely gathers together leave measures that were already present, though adding some new elements. And most of the provisions of this Act relate to unpaid provisions. The Act on the Life Course Savings Scheme (levensloopregeling) would offer the possibility to save for paid leave, however it is quite possible that the scheme will turn out to be more important for the possibilities it offers for funding pre-pension arrangements (particularly for the higher income groups) than for combining work and care. Although much debate on labour and care has taken place in the Netherlands it is not clear whether the legislative measures that were taken in the framework of this debate really establish a shift.

Intimate citizenship

The most important change that can be witnessed in the field of intimate citizenship during the investigated period 1995-2007 is a step-by step process that gradually moves towards the recognition of different kinds of (also nontraditional) relationships and living arrangements and the accompanying granting of equal rights to people within these different relationship forms. This trend had already begun before 1995 when discussions on new 'living arrangements' and registered partnership and same-sex marriages were appearing in the political arena (and which continue until today). Examples of current developments representative of this gradual trend include the revision of the matrimonial property regime and the alteration of adoption law in order to make possible interstate adoptions by same sex couples. It can be expected that this trend will go on in a fairly undisturbed way, since there are no sizable adverse forces present that could easily stop this process from continuing.

Also notable is from about 2000, within the context of an increasingly stringent immigration policy, issues regarding the legal position/status of migrant women in Dutch law/policy on immigration and family reunion have been on the policy agenda fairly often.

Gender-based violence

Since 1999 Dutch policy on domestic violence is degendered, linked to the stronger position of the Ministry of Justice in this policy area. The 2002 plan on domestic violence gave a stronger role to the local level. Moreover, there has been an increase in attention to domestic violence in specific minority groups, such as Surinam, Antillean, Aruban, Moroccan and Turkish groups in the Netherlands. This includes an important study on the occurrence of domestic violence in minority groups, proposals to register the ethnicity in cases of domestic violence (motion Dittich 14 November 2005), and a cabinet decision to recognize FGM and domestic violence as a ground for acquiring independent residence status in 2000 and 2003 respectively.

3 The role of civil society and other political actors

Generic gender + equality policies

At the end of the 90s, the Dutch government stopped financing NGOs except on a project basis. Because the women's movement had developed under conditions of strong state support, this led to a loss of organisational capacity that has still not been overcome. The project based financing reinforces the fragmented character of the women's movement, where many organisations are issue related, and the support for umbrella organisations has disappeared. The CEDAW Shadow reports are among the few documents that can be seen as the coordinated voice of a large part of the Dutch women's movement.

The main trade union organisation FNV has a women's secretariat, and they have been quite active and influential at times.

In general, the consensual style of Dutch government helps create support and opportunities for civil society.

Non-employment

Traditionally the social partners (employers and trade unions) have a rather strong influence on the policies that are included in the non-employment timeline. The bipartite Labour Foundation (Stichting van de Arbeid), the tripartite Social Economic Council (SER) and the trade unions and employers' associations are consulted and asked for advice and recommendations on almost each and every employment-related legislative change.

Collective agreements (CAO's) which are made by the employers and trade unions on sector or company level and which cover almost all Dutch employees may diverge from the minimum statutory standards (e.g. regarding family friendly measures) that are defined by law. The Equal Treatment Commission on several occasions was asked for advice and/or opinion, while the women's organisations (because of changing state funding some disappeared while others merged, with the consequence that only a few national ones are left) most of the time write advices and recommendations on their own initiative. E-quality has been most active/ visible in recent years, while in the starting year of the timeline the Emancipation Council (a governmental advisory council) wrote several advices until it was abolished in 1998. In the field of non-employment the voice of the social partners seems to overwhelm the voice of the women's movement. However, the FNV trade union has a women's federation that tries to keep women's issues relating to employment on the political agenda through lobbying.

Intimate Citizenship

In the field of intimate citizenship one can find different sets of civil society actors and other political actors that are clustered around different topics. The Centre of expertise on women and law 'Clara Wichmann Institute' and women's organisation E-Quality (that focuses on gender, family and diversity) have both been actively involved in the discussions concerning 'crossing borders' issues and the legal status of women within Dutch immigration policy. The NJCM (Dutch Jurist Committee on Human Rights) has also been involved in this debate though to a lesser extent. They wrote a commentary in response to an advice written by the (governmental) Advisory Council on Aliens Affairs (ACVZ). This advice was about the relationship between the CEDAW Convention and the position of migrant women in Dutch immigration law. The Advisory Council on Aliens Affairs ACVZ (that was set up on the basis of the Aliens Act of 2000) has been producing quite a number of other policy advices as well as advices on law on topics related to the crossing border/immigration policy field (such as on family reunion and on the Integration Abroad Act).

The Equal Treatment Commission and the (governmental) health council were the key actors in bringing attention to cases of discrimination in the access policies of IVF-clinics. The Emancipation Council, that only existed until 1998, published reports on equal treatment in pensions (article 2b of the Pensions and Saving funds Act) and on living arrangements.

Commission Kortmann II published an influential report on living arrangements in 1997 in which it advocates the introduction of same sex marriage. Civil society actors that were most active around the issue of gay marriage have been Henk Krol (the editor in chief of the Gay Journal) and the Foundations of Friends of the Gay Journal. Five years after the introduction of gay marriage the foundation still has a debt of several hundred thousand euros that was spent over the years on the gay-marriage-lobby. Political Party D66 and most notably D66 MP Boris Dittrich have taken up the issue of gay marriage.

Gender-based violence

On 'culture related violence' such as forced marriage, honour crimes and female genital mutilation the Advisory Committee on Aliens Affairs is particularly active. There are quite some strong groups representing (parts of) migrant groups, such as Kezban, Tiye International, and refugee organizations that are active and influential. In the last government, MP Hirsi Ali was a significant agenda setting force. There is strong intervention from right wing politicians driving the political agenda on gender and minorities. Expertise centres and researchers play an important role (Transact/Movisie, Verwey Jonker Instituut)

4 The impact of EU and other international bodies

Generic gender + equality policies

The speed of transposition of EU Directives in the Netherlands varies, although the country is often late. The Directives on parental leave and on working times were an exception to this. The influence of UN and Cedaw has increased slightly over the last years, with the growing criticism of CEDAW and the UN rapporteur on violence against women. In general, Dutch civil servants and politicians are not well aware of international obligations, even if the 'monist' system to which the Netherlands adheres gives precedence of international law over national law.

Non-employment

It is not very easy to grasp the way in which the EU impacts upon Dutch policy in the field of non-employment because these are not always very transparent/visible processes. In some fields, like the Dutch equal treatment law, it is quite clear that the Dutch legislation has been amended (or will be amended soon) or extended in order to comply with EU-Directives 2000/43/EC, 2000/78/EC, 2002/73/EC and 2004/113/EC. However, in other fields it seems that sometimes policy is already in place in the field of new Directives and that at other times the EU Directives have been the driving force behind policy changes. For example, some of the Dutch policies on combining work and family life were already in place or were just being developed (because of effective pressure by women's groups) when EU Directives were introduced. This was the case for example with policy on parental leave and part-time work. However the EU Directives did influence the broadening of certain family leave provisions and the way in which leave can be taken. All in all, this leads to quite a mixed picture on the impact of the EU on Dutch legislation in this field.

With regard to other possible international bodies that could have had an impact on Dutch policy, the ILO and the UN/CEDAW do not seem to have a profound influence.

Intimate citizenship

The EU's competences in the field of intimate citizenship so far have been quite limited. Maybe the most important impact of the EU in this field is through its Directive on prohibiting sexual orientation discrimination in employment, but I chose to include this Directive in the chapter on non-employment. However, the EU is also starting to broaden its competences in the field of justice and home affairs, and it is in this sphere that it seems to have had some impact in the area of intimate citizenship. The 2004 decision that increased the minimum age and the income requirement for family reunion carries the title 'Decision of 29 September 2004 to alter the Aliens decision 2000 regarding the implementation of *Council Directive 2003/86/EC on the right to family reunion*'. Obviously the ultimate aim of this Directive is to establish a right to family reunion in each member state. However, the Dutch government seems to have actually used this Directive as a way of legitimizing the introduction of more stringent family reunion requirements. The Directive's article 5 of chapter II is on the requirement of minimum age and article 7c of chapter IV is on income requirements.

In the framework of the second national report to the CEDAW Committee the government commissioned a thematic report on the relation between the CEDAW Convention and the position of migrant women in Dutch immigration law and policy that was executed by the ACVZ. In spite of this the impact of CEDAW seems to be largely absent in the field of intimate citizenship.

The ECHR (European Convention on Human Rights) seems to have had indirect impact on the issue of intimate citizenship especially when it comes to topics that relate to non-traditional families/living arrangements and their right to family life (registered partnership, same sex marriage, making it possible for same sex partners to adopt children and to be treated as equally as possible on parenting issues). Article 8, but also articles 12 and 14, of the ECHR have particular importance in this regard. Article 8 guarantees the right to private and family life and this provision has been interpreted in an increasingly wide sense with the jurisprudence of the European Court on Human Rights. Gradually this article has come to be seen as also including the right to *family life*. In the framework of the Dutch developments regarding registered partnership, same sex marriage, adoption and parenting rights (also for same sex couples) and access to IVF treatment the ECHR is a much referred to international convention.

Finally, in the field of family law the Dutch government seems to attach quite some importance to comparative studies on international private law as a means of learning from other models or to map the extent to which Dutch legislation deviates from other models of family law. The fact that a State Commission on the International Private Law was set up in 1998 (when the topics of registered partnership and same sex marriage were being discussed) to advise on legal measures in the area of family law seems to underline this. In considering international influences, it is interesting to note that while intimate citizenship is a field in which the EU has very limited competences (the competences lie with the member states), it is one in which governments – when they have to develop legislation on family law matters – actually seem to take into consideration what the legislation of other countries is.

Gender based violence

There is a rather novel and critical attention to the Netherlands from UN bodies. The country was severely criticised by the VN-rapporteur on Violence Against women in February 2007. There was general criticism on the lack of overall coordination, monitoring and accountability mechanisms for different government agencies as well as gender-budgeting practices, and critique on the government's gender-mainstreaming strategy that does not effectively address remaining inequalities since it delegates fragments of the problem associated with gender inequality to various entities, often as gender-neutral tasks. The rapporteur also specifically addressed: the degendered character of domestic violence policies; the increased stigmatization and discrimination against women and men of immigrant backgrounds because of culturally essentialized perceptions of violence; the failure of the legalization approach to prostitution in bringing about improvements in the position of prostitutes, and the lack of a comprehensive policy on violence against women that is defined within the context of gender inequality; all of this resulting in a fragmented, gender-neutral and "law and order"-focused approach which undermines the effectiveness of the many commendable programmes in place to address the problem.

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