



Mind the Gap: Addressing Policy Gaps in Women's Rights

Dutch NGOs shadow report for CEDAW
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Dutch Network CEDAW

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Preliminary remarks

In this shadow report, Dutch NGOs highlight several key issues, many of which are recurring concerns. This report is an addition to shadow report 1.0 and a response to the government report.

The government continues to use gender-neutral policies that lack a gender-responsive¹ and intersectional² approach in multiple areas, such as gender-based violence, trafficking, discrimination in the labour market, and the status of migrant women workers. These policies often reinforce rather than challenge gender stereotypes.

Another key theme is the impact of the COVID-19 pandemic, which acted as a magnifier of existing gender inequalities.

This shadow report only covers the European part of the Kingdom. Unfortunately, no funding has been provided for reporting on the Caribbean territories of the Kingdom.

Throughout this report, our reference to ‘women’ encompasses women in all their diverse identities, including black, migrant and refugee women, bi/multicultural women, women with disabilities, lesbian and bisexual women, elderly women, transgender, and intersex women. When we mention discrimination, we are referring to multiple and intersecting forms of discrimination.

Note: All references and the cover letter with the list of signatures can be found in the shadow report published on the [website](#) of the Dutch CEDAW Network.

A) General

1. Call for disaggregated information and statistics

Gender-responsive policies and programmes still lack gender-disaggregated data to address multiple and intersecting forms of discrimination and to monitor progress towards substantive gender equality. The government's response to CEDAW suggests that it does not see this as a significant issue, as it stated that it would not prioritise improving data collection in areas covered by the Convention.

How will the government improve gender-specific data collection and use tools such as gender impact assessment (ex-ante and ex-post) and gender budgeting to promote better policies for sustainable, transformative change?

B) Legal status and implementation of the Convention

2. Urgent call for compliance with the Convention

The government has done little to promote awareness of the Convention, the Optional Protocol, and the General Recommendations, despite the Committee's recommendation. Since 2007, it has not fulfilled its national obligation to submit a full report on the implementation of the Convention to Parliament every four years. Nor does it address the disparities in the Convention's implementation in the Caribbean territories of the Kingdom.

Could the government clarify if it intends to restore its legal obligation to submit a quadrennial comprehensive report to Parliament on the implementation of the Convention, including in the overseas parts of the Kingdom?

3. Lack of integration of CEDAW in national law

The Government's response in paras 3 and 10 summarises the interlocutory judgement of the Central Court of Appeal (2017) on the De Blok case.³ However, it does not mention the Court's considerations on the authoritative role of the Views of CEDAW. The Court emphasised that the View of an international treaty body is authoritative in answering the question of whether a particular provision is to be regarded as a results-obligation or an effort-obligation. In a new judgement (2024), the Central Court of Appeal cited once again a View of the Committee - its explanation of the purpose of article 11 (2)(b) CEDAW - and ruled that the entrepreneur was entitled to maternity benefits.

We ask the Committee to continue to question the government on the legal status of the Convention in all parts of the Kingdom and its preparedness to implement the Views of CEDAW.

C) Women's Rights in relation to the pandemic and recovery efforts

4. Denial of gender-specific impact

The impacts of the COVID-19 pandemic hit women the hardest⁴, but its gender impact is largely ignored in recovery policies, except for some ad hoc measures against domestic violence. Surprisingly, the government has claimed that gender-based violence against women and girls did not increase during the COVID-19 pandemic.⁵

Marginalised and disadvantaged groups of women working in typically female-dominated informal labour sectors, such as sex workers and (undocumented) migrant domestic and care workers, have been excluded from government support, leaving them in financial distress. Sex workers, for example, were not allowed to work but also were not eligible for government support. As a result, many were forced to continue working illegally, making them targets for physical and sexual violence.⁶ During COVID-19, abortion clinics were closed in three provinces, disproportionately affecting women living in rural areas.⁷ The government's submission of the COVID-19 recovery plan to the EU's Recovery and Resilience Facility⁸ does not address gender issues and fails to adequately prioritise women in economic stimulus packages.

What lessons has the government learned from the pandemic, particularly about its long-term impact on women? How does it plan to ensure gender-responsiveness in future pandemics?

D) Access to justice and legal complaint mechanism

5. Unequal access to legal aid

Women meet a range of barriers to accessing justice. Free legal aid is based on income and the complexity of the case, with an emphasis on self-reliance. The criteria for determining case complexity and self-reliance are ambiguous and ignore factors such as gendered power imbalances.⁹ For example, many single mothers who were falsely accused by the Tax Office of receiving undeserved childcare benefits were denied legal aid because they were considered 'self-reliant'.¹⁰ Another problem arises when women earn just above the minimum income threshold, making them ineligible for subsidised legal aid. Additionally, finding lawyers for complex cases becomes increasingly difficult, as 80% of divorce lawyers avoid such cases due to low fees.¹¹

Is the government willing to include gender-sensitive and intersectional criteria in the indicators for access to subsidised legal aid?

6. Obstacles to (safe) reporting

Particularly marginalised groups such as undocumented women, women with precarious residence status, trans women, and sex workers are often afraid to report violence or abuse for fear of negative repercussions such as deportation (undocumented/precarious residence status), eviction, loss of work or income, or fines for working illegally (sex workers). This makes them vulnerable to violence, whether from criminals, partners, or clients. Additionally, the police may refuse to take their report or treat them with disrespect. Where they exist, safe reporting options for undocumented migrants are not formally recognised in national legislation and are largely unknown to both police and migrants.¹²

- *How will the government ensure that all women can safely report to the police without fear of negative repercussions?*
- *Is the government prepared to legally establish a 'firewall' between the police and other agencies such as immigration or public authorities, so women can safely report? If not, why not?*

E) Women, Peace, and Security

7. Lack of a gender lens across ministries

There are continued deficiencies in the integration of a gender lens across ministries concerning the Women, Peace, and Security (WPS) agenda, despite the commitment to Feminist Foreign Policy (FFP). While the government has introduced an annual NAP 1325 reporting mechanism, we urge for enhanced accountability measures to ensure gender considerations throughout all peace and security policy processes, as outlined in GR30. There are concerns about impending cuts to the WPS fund, which highlights the need for sustained commitment to advancing women's rights in peacebuilding and security efforts.

How will the FFP commitment be operationalised in the foreign policy WPS agenda? What concrete measures will be taken to integrate a gender lens into regular peace and security policy cycles, and how will monitoring and transparent accountability be ensured?

8. Gender-based violence assessment needed in arms export licensing

Continued investment in and prioritisation of nonviolent conflict prevention and transformation remains highly critical, including the causes and effects of violence on women and girls, such as the gendered impact of displacement, e.g. using explosive weapons in populated areas.¹³ Simplified arms exports risk undermining comprehensive gender-based violence assessments (GBVA).¹⁴ It is unclear how GBVA for arms export licences is carried out and by whom. The government states that it includes a GBVA in the human rights assessment of every arms export licence application, but evidence is lacking.

How will the government provide insight into indicators used to assess an increased risk of gender-based violence and how will it monitor whether countries of final destination take appropriate mitigation measures?

F) National machinery for the advancement of women

9. Disintegration of the national machinery

There is a sustained breakdown in the national machinery for the advancement of women. The 'gender impact' quality criterion previously included in the Regulatory Impact Assessment seems to have disappeared from the newly adopted Policy Compass as standalone assessment. Efforts to

formulate and adopt a unified, comprehensive national policy for the implementation of the Convention, including strengthening the implementation of a gender-responsive strategy, have been minimal.

What concrete measures is the government taking to strengthen its coordination mechanism to coherently and consistently implement the Convention's provisions?

10. Lack of meaningful participation of women's rights organisations

Dutch funding favours large, non-gender-specific groups to the detriment of small women's organisations, especially those representing black, migrant, and refugee women, those representing women with disabilities, and those that rely on volunteers. Its current policies therefore do not meet the criteria for meaningful and sustainable participation.

Can the government integrate a plan to systematically involve and financially support smaller women's rights organisations, particularly those representing women with disabilities and black, migrant, and refugee women, in policy development, monitoring, and evaluation?

G) Temporary special measures

11. Lack of intersectionality in temporary special measures

The government rarely uses temporary special measures, and when it does, they lack an intersectional perspective. Apart from the statutory diversity quota of at least 33% women and 33% men on the boards of listed companies, government policies lack binding measures. Research shows that women's quotas are effective.¹⁵

What additional quotas or other temporary special measures will the government introduce to promote gender equality that are intersectional and binding (including accompanying sanctions)?

H) Stereotypes and harmful practices

12. Effective measures needed against hate speech

The government takes a passive approach to tackling negative stereotypes and hate speech, using its excessive reliance on freedom of speech as an excuse for inaction. Previous CEDAW recommendations¹⁶ to amend the Media Act have been disregarded. There is a need to better map and monitor online discrimination, racism, and hate speech. The European Coordinator for Combating Anti-Muslim Hatred recently expressed concern about discrimination against Muslim women in the Netherlands, especially those wearing headscarves, both in society and by the Dutch government.¹⁷ Women politicians increasingly experience (online) hatred and sexism.¹⁸ This not only affects their access to politics but also causes them to withdraw from politics.¹⁹

What plan of action does the government have to combat hate speech?

13. Inadequate attention to institutional discrimination and racism

Although the government has a duty to protect citizens from discrimination and ethnic profiling, its efforts to prevent, address, and prompt redress for such injustices are inadequate. Moreover, institutional racism exists within various ministries, as the National Commissioner on Discrimination and Racism (NCDR) points out.²⁰

- The Dutch childcare benefits scandal, where authorities wrongly accused an estimated 26,000 parents of making fraudulent benefit claims. Research shows discrimination against (single) parents, often mothers with multicultural backgrounds, and institutional racism.²¹
- In February 2023, the Court of Appeal ruled that the Royal Marechaussee's practices of ethnic profiling constituted a form of racial discrimination and that its policy had to be changed immediately. However, one year on, not much has changed.²²

What steps is the government taking to combat institutional gender bias and racism?

14. No focus and coherence in policies on harmful practices

There is a lack of focus and coherent policy addressing harmful practices. Research shows that women who experience one form of harmful practice often experience other forms of gender-based violence (honour-based violence, child and early and forced marriage, marital captivity, (online) sextortion, domestic violence, forced abandonment, incest, or female genital mutilation).²³ There is an urgent need for coherent policies addressing these forms of violence, the groups affected, and their social position. Data collection is fragmented, carried out separately by different organisations. Furthermore, girls who escape after years of forced abandonment abroad risk losing support from embassies due to their prolonged absence from the Netherlands.²⁴

What steps is the government taking to develop and implement a coherent and comprehensive policy that addresses the full range of harmful practices from an integrated perspective?

15. Measures to ban treatment on intersex children delayed indefinitely

The government refers to the mandatory two-pronged provision of information and permission (so-called 'informed consent'). However, medically non-necessary treatments are still performed on intersex children in the Netherlands without their consent²⁵ while the government continues to explore possibilities. We are concerned that improvements will be delayed indefinitely.

What concrete measures will the government take to ban non-consensual, non-necessary medical treatment, such as surgery, on intersex children?

I) Gender-based violence against women

16. Necessity for focus and coherence in tackling gender-related violence

We refer to the comments made in the Government's report to GREVIO on the implementation of its recommendations.²⁶ While the Ministry of Health, Welfare, and Sport (VWS) holds systemic responsibility, it lacks sufficient authority over relevant partners at all levels. VWS establishes frameworks and delegates implementation tasks to municipalities, resulting in policies that lack cohesion and integration, leading to inconsistent actions nationwide.

Current policies addressing violence against women lack a comprehensive gender and intersectional approach.²⁷ This results in inadequate support for particularly vulnerable groups, such as women with disabilities, older women, undocumented women, bi+ and transwomen, and sex workers. Specialised services lack gender and cultural sensitivity. They face high staff turnover and a shortage of specialised staff, resulting in regional disparities in the implementation of integrated policies, from prevention to aftercare.²⁸ Small community-based organisations, crucial in reaching marginalised women, are not adequately integrated into the chain approach.

Abused mothers avoid seeking professional support for fear of being labelled as child abusers, of not being recognised as victims themselves, and of losing custody of their children. We welcome the recent attention given to femicide but call for more focus on impact, clear direction, and prioritisation.²⁹ We call for the duration of the Sexual Violence Action Programme to be extended on a long-term basis and for its scope to be broadened to include all forms of violence against women to strengthen the mandate of the Government's Independent Commissioner. We also call for the criminalisation of psychological violence in line with the Istanbul Convention.³⁰

- *When does the government plan to implement the recommendations of CEDAW and GREVIO (IC-CP/inf(2023)10 B(4)), particularly regarding the establishment of a central coordinating body to prevent and combat all forms of violence against women?*
- *Can the government outline a coherent gender-responsive strategy between its various programmes to ensure sustainable safety?*
- *Is the government prepared to criminalise psychological violence?*

17. Need of increased shelter availability and unconditional access

We stress the need to increase the number of shelters for gender-based violence survivors, echoing both CEDAW and GREVIO. Access should always be available, not only in situations of immediate physical danger or when a woman cannot find shelter within her network. This is particularly important for vulnerable groups such as migrant, refugee, and low-income women who may not have a support network. We are also concerned about women in shelters accumulating debts because they have to pay a contribution, a practice that conflicts with GREVIO guidelines.

Undocumented women

In contrast to the government's report, undocumented women continue to be denied access to shelters, except temporarily in cases of immediate physical danger. Shelters are only accessible to those applying for a residence permit, not to those whose applications have been rejected or who do not apply because of the complex and demanding procedure and the low chances of success.³¹

Is the government willing to follow GREVIO and CEDAW guidelines and systematically increase the number of shelters? Will the government align its policies with GREVIO and the EU Victims Directive to ensure that undocumented victims of violence have unconditional access to shelters and specialised services?

18. Inefficient protection for women with dependant residence permits

Research shows that the dependant residence permit puts women at greater risk of violence.³² Although autonomous residence can be obtained within five years in cases of violence, only 180 women apply for this exemption annually out of an average of 12,000 marriage migrants per year. Given the prevalence of domestic violence in Dutch society, this is only the tip of the iceberg.

Dependency limits women's personal autonomy.³³ We argue that this legal dependency is unacceptable from a normative human rights perspective and contradicts international treaty obligations: it restricts freedom of residence, reinforces power imbalances within relationships, and perpetuates traditional gender roles and stereotypes.

When will the government align humanitarian residence permits in cases of violence with the Istanbul Convention? Is the government prepared to review its policy on dependency residence permits, either by abolishing or significantly reducing the legal duration of dependency?

J) Trafficking and exploitation of prostitution

19. No effective policies

The action plan 'Together against Human Trafficking'³⁴ lacks a coherent and coordinated approach that puts the human rights of victims at the centre.³⁵ Access to assistance and temporary residence permits is conditional on the victim's willingness to cooperate in the investigation rather than on their need for support and protection. Their right to remain in the Netherlands depends on the perpetrator's conviction. There is no specific legal provision on non-punishment. The willingness of victims to report is low, as are the prosecutions and conviction rates³⁶, especially in cases of labour exploitation outside of the sex industry.³⁷ The action plan focuses primarily on the sex industry, although 40% of all reported exploitation cases takes place in other sectors³⁸, such as care and domestic work. However, there is no data broken down by gender and sector. The Dutch Labour Inspectorate identifies only 7% of cases of labour exploitation outside of the sex industry due to inadequate training and lack of capacity³⁹, and the burden of proof is too high in these sectors.⁴⁰

What steps will the government take to improve the identification and prosecution of trafficking outside the sex industry and to enhance knowledge and capacity of the labour inspectorates, in partnership with affected groups and specialised NGOs?

K) Participation in political and public life

20. Persistent underrepresentation of women

In decision-making positions

We note little progress in the representation of women in senior positions in Dutch companies. Quotas have boosted women's presence on supervisory boards⁴¹, but progress on executive boards lags.⁴²

In politics

Women remain underrepresented in political positions at all levels, from municipal councils to national Parliament and Senate. Women face barriers to becoming, being, and staying politically active⁴³, including the persistent glass ceiling and sexist threats.

What specific measures are being taken by the government to ensure a diverse representation of women in decision-making positions in companies and all political bodies, including accountability measures? What specific measures are being taken to remove barriers to women's political participation, such as ensuring a safe environment?

21. Stagnation in the number of female professors

The Netherlands has seen the lowest growth rate in the past five years, with an average of 26.7% of professors at Dutch universities being women.⁴⁴ Research shows that several factors contribute to women leaving academia.⁴⁵ There is the importance of providing long-term funding to address the stagnation of female professors, as previous investments have proven to be successful.

How will the government provide long-term funding to address the stagnation of female professors?

L) Education

22. Still no paid maternity leave in all types of education

As of 2020, secondary vocational education students are entitled to 16 weeks of maternity leave with financial support. Despite the obligation for individual institutes to regulate these rights,

implementation varies between types of education, leaving some students without full access to financial support.⁴⁶ In higher education, the right to financial support during pregnancy and childbirth is even less binding and with no provision for exemption from compulsory attendance.⁴⁷

What concrete steps will the government take to ensure that all students in secondary vocational education and higher education are entitled to maternity leave and related financial support?

23. Sexuality education needs improvement

Comprehensive sexuality education is under attack.⁴⁸ Comprehensive sexuality education within and outside schools needs to be improved and should include more information about sexual orientations and gender identity.⁴⁹ In her advice to the Minister of Education, Culture, and Science, the government commissioner of sexual misconduct and sexual violence stresses that comprehensive sexuality education should have a permanent place in higher education.⁵⁰

What concrete steps will the government take to ensure high-quality evidence-based comprehensive sexuality education in all schools and at all levels of education?

M) Employment

24. Lack of upholding labour rights for women migrant workers

Women migrant workers face underpayment, long hours, inadequate housing, irregular employment, discrimination, and threats of violence. Despite contributing significantly to Dutch society, their discriminatory and exploitative working conditions remain invisible.⁵¹ There is no gender-responsive policy to protect the labour rights of both EU and non-EU migrant women workers, regardless of their migration status. This leads to dependency on employment agencies and temporary contracts, as well as to frequent workplace harassment. The labour rights of non-EU migrant women are even more precarious.

Many undocumented women work in sectors such as hospitality, sex work, care, and domestic work, and they are particularly vulnerable to harassment, exploitation, racial discrimination, and trafficking.⁵²

Can the government provide qualitative and quantitative data and policy plans on the gender impact of its labour migration policies? How will it safeguard the labour rights of women migrant workers, whether EU or non-EU?

25. Discrimination in the labour market a persistent problem

Intersecting and multiple forms of discrimination persist in the labour market. Women with disabilities face more barriers accessing the labour market than women without disabilities or men with disabilities, despite policy measures taken. Pregnancy discrimination remains a problem. The government refers to the “disadvantaged position of women with a migration background on the labour market”. However, the government's actions are not coherent, and their impact and results are neither clear nor guaranteed.

Does the government have a timetable for developing a comprehensive data-based programme, particularly for marginalised women, to tackle intersectional discrimination in access to the labour market and create non-discriminatory workplaces? Will the government develop a life-cycle approach to include older women?

26. Still no recognition of domestic work in private homes

The government's explanation for retaining the Home Service Regulations (HSR) lacks justification and unfairly discriminates against domestic and care workers in private households. In 2023, a domestic worker paid from public funds won her case at the Central Court of Appeal for unemployment benefits.⁵³ The court ruled that the exclusion of social security benefits (as prescribed by HSR) was contrary to Article 4 of Directive 79/7/EEC and therefore had to be declared inapplicable. More legal procedures by women, representing assorted domestic and care worker groups, have invoked the Convention. Additionally, undocumented migrant domestic workers cannot even apply for work permits, despite the high demand for their labour.

How will the government end discrimination against domestic workers? How does it plan to implement GR 26?

27. Bottlenecks in accessing childcare (allowance)

The childcare application process is inaccessible and complex, including long waiting times, partly due to staff shortages. Moreover, the criteria for receiving the childcare allowance pose a barrier, particularly for single mothers.

How will the government reform the system towards free childcare that is inclusive of disadvantaged groups of women and their children?

28. Economic inequality and financial dependence are recurrent constraints

The wage gap in the Netherlands has increased. There is a structural poverty trap (more hours worked, less income due to loss of benefits), which particularly affects women, as the majority of them work part-time and disproportionately in low-paid jobs. Temporary workers and women from bi/multicultural backgrounds in many sectors are more likely to earn the minimum wage, and NGOs emphasise equal pay for equal work.

What concrete measures will the government take to close the gender pay gap and to ensure equal opportunities?

29. New bill on forced registration of sex workers

Despite the objections of CEDAW (2010)⁵⁴, sex workers, social workers, health services, lawyers, the Council of State and the Data Protection Authority, and the previous rejection of a similar bill by the Senate, the government has reintroduced a bill (Wrs & Wgts). This bill requires sex workers to register in a national database and criminalises the clients and working relationships of sex workers who are unwilling or unable to register. Forced registration violates sex workers' privacy, risks involuntary outing, and exacerbates stigma and discrimination. It puts unregistered sex workers at greater risk of violence and cuts them off from health and social services, as well as access to the police in the event of violence. The situation in Germany, which introduced compulsory registration in 2017, shows that five years later, fewer than 15% of sex workers have registered. Large groups moved from the legal to the illegal sector⁵⁵ and trafficking was not reduced.⁵⁶ A growing body of research shows that the criminalisation of consensual adult sex work, including that of clients, has a negative impact on the safety, health, and rights of sex workers.⁵⁷

Can the government explain why it wants to introduce forced registration of sex workers and criminalisation of clients and working relations of unregistered sex workers, despite the documented negative effects on the health and safety of sex workers? How does it intend to protect sex workers' human rights, in particular the right to privacy, safety, and health?

N) Health

30. Barriers to safe abortion

A new law, expected to come into force on 1 January 2025, will allow trained general practitioners (GPs) to prescribe the abortion pill, improving women's access to abortion and increasing their freedom of choice and access to abortion care. However, abortion remains regulated in criminal law, meaning it is still not mainstream care, and barriers remain, such as the requirement for women seeking abortion to sometimes pay for mifepristone.

Women are increasingly being harassed by demonstrators at abortion clinics, although some municipalities have set up so-called buffer zones to prevent demonstrators from getting too close to a clinic.

How will the government protect women from anti-abortion protesters at abortion clinics and remove other barriers to safe abortion?

31. Contraception not covered by health insurance

Despite the Committee's recommendations⁵⁸, contraceptives remain uncovered by basic health insurance, making them costly and inaccessible to certain groups, such as undocumented women. This violates fundamental rights to reproductive freedom and family decision-making, as well as the right to choose one's contraceptive method.

How will the government ensure that contraceptives will be part of basic health insurance coverage?

32. Maternal and infant mortality and reproductive rights violations

Research shows that infants with a migrant background (from the Caribbean Netherlands, Suriname, Morocco, Turkey, and Asian and African countries) are almost 40% more likely to die around the time of birth than the national average. These differences cannot be fully explained by risk factors such as low socioeconomic status or teenage pregnancy.⁵⁹ Maternal mortality among women with a Surinamese or Dutch Caribbean background is up to three times higher than among women without a migrant background. In about half of the latter cases, better care could have prevented this.⁶⁰

A 2023 ministerial decision on the funding of maternity care is expected to have negative implications for maternal rights. Midwifery and maternity human rights commentators have criticised the new funding system, arguing that it will lead to the loss of autonomous primary midwifery services in the country, affecting expectant mothers' rights to choose where and how they give birth.

What measures will the government take to guarantee the right to life and health for all women and children during pregnancy, childbirth, and up to one year after birth, and to ensure reproductive autonomy?

O) Rural women

33. Lack of gender-responsive and intersectional lens in rural development policies

There is a lack of gender-responsive and intersectional approach in rural development plans and policies, disproportionately affecting rural women, as evidenced by cuts in regional public transport⁶¹ and the decline of public services. There is also a notable lack of gender-disaggregated data to assess the impact of policies on different groups of women.

Which measures will the government take to prevent rural women and women living in less urbanised areas from being disproportionately affected by further budget cuts?

P) Disaster risk reduction and climate change

34. Underrepresentation of women in (official) stakeholder participation

The government still must implement CEDAW GR37 on disaster risk reduction and climate change. Nationally, women are underrepresented in the official stakeholder participation for the National Energy Climate Plans/Climate Agreement and their reports to the EU Commission. There is a lack of gender-disaggregated data and a gender lens, and without inclusive decision-making processes, women are often excluded from energy, climate, and biodiversity policies.⁶² There is no specific national policy to promote women's participation in the energy transition.⁶³

(Locally-led) women's rights organisations, which are central to effective climate action and the defence and restoration of ecosystems, face challenges in accessing climate funds provided by Dutch foreign policy.⁶⁴ This further hinders women's meaningful participation and representation in national and global climate negotiating bodies.

- *How will the government collect, report, and monitor gender-disaggregated data required for energy, climate, and biodiversity policies?*
- *How will women's rights NGOs be included as beneficiaries of climate adaptation funding?*
- *How will the government align its policies with the SDGs, in particular Goals 5, 11, and 13?*

35. Urgent need: criteria to monitor gender equality

The Dutch Fund for Climate and Development and the Green Climate Fund have strong gender ambitions on paper, but so far, they lack strong criteria and monitoring at the impact level.⁶⁵ Women and girls are insufficiently reached by Dutch climate action.⁶⁶ The government refers in its 'International Climate Strategy'⁶⁷ to a gender analysis for new international climate programmes and policies, including climate and health policies but does not provide for accountability mechanisms of the gender analysis and follow-up steps in case of (unforeseen) negative results of the analysis.⁶⁸

We point to the importance of breaking down the silos between gender justice, climate change, and disaster relief. At present, the government only pays theoretical attention to the gender-climate-conflict nexus.⁶⁹ There is no concrete strategy, for example, to prevent the harmful effects of climate change on women, especially on women's health, and the harmful effects of the green transition and the need for critical minerals on women, especially in mining communities.⁷⁰

What accountability mechanisms regarding gender analysis has the government put in place for new international climate change programmes and policies (e.g. gender budgeting)? Can the government provide further details on its strategy to enhance gender equality in mining communities where Dutch companies currently extract critical minerals?

Q) Disadvantaged groups of women

36. Unsafe environment for women in detention

Recent research reveals a culture of (sexual) harassment by guards and staff towards (LBTQIA+) women in prisons.⁷¹ Reports are often ignored, or women remain silent for fear of repercussions. There is a lack of medical care, and necessary treatment is postponed until after imprisonment⁷², a problem criticised by the Council of Europe.⁷³ Almost half of women in prison have a mild intellectual

disability.⁷⁴ Their vulnerability in society makes them more likely to be exploited for criminal purposes. Furthermore, there are significant shortcomings in gender-responsive post-prison reintegration policies.

How will the government ensure the rights and safety of women in detention, in accordance with international and national law? What measures will the government take to improve its reintegration system from a gender-responsive perspective?

37. Lack of gender-responsive and intersectional approach against poverty

Research shows that women are at a higher risk of poverty throughout their lives due to systemic gender inequalities, including unequal pay, labour market discrimination, women's overrepresentation in low-paid jobs, economic dependence due to unequal sharing of care and work at home, and inadequate pensions.⁷⁵ Women bear a heavier financial burden in divorce situations⁷⁶ and, on average, women have accumulated 40% less pension than men.⁷⁷ Single mothers are particularly vulnerable.⁷⁸

How will the government assess its poverty policies from a gender and intersectional perspective and outline the specific actions that will be implemented, including a timeframe for their implementation?

38. Gender bias in approach against homelessness

There is a growing but ignored problem of homelessness among (young) women and a lack of attention to the gender-specific causes and the needs of homeless (LBTQIA+) women.⁷⁹ Data collection, biased towards a standard profile (male, addicted, lacking a support network), excludes women. We are concerned about the high risk of abuse and exploitation for women without a social network and the risk for mothers of losing custody of their children.

How will the government include a gender and LBTQIA+ perspective in its homelessness policies (prevention and response)?

39. Increased precariousness of undocumented women

Healthcare access and affordability

Undocumented women face barriers to accessing healthcare. They have difficulty finding a general practitioner, who is often unaware of the possibility of healthcare costs reimbursement by the Central Administration Office (CAK). Undocumented women are excluded from population screening, such as breast and cervical screening, and must pay out-of-pocket for contraception and abortion.

Older undocumented women

Older undocumented (single) women face increasing healthcare needs, declining incomes, and increasing dependency on others. Returning to their country of origin is often not a viable option after living and working in the Netherlands, sometimes for decades. While long-term care is theoretically available, this is not always clear to professionals or tailored to the specific needs of this group. Moreover, it depends on the willingness of staff to accept undocumented migrants.

Immigration detention

Being held in immigration detention has a significant impact on women's physical and mental health, including depression, anxiety, and trauma/PTSD.⁸⁰ Although pregnant women should not be detained over two weeks, this limit is often exceeded, worsening stress for both mother and child due to inadequate antenatal care.

Is the government aware of the precarious situation and gender-specific difficulties of (ageing) undocumented women? What specific measures are being taken to improve their access to adequate (long-term) (preventive) physical and mental healthcare and services?

40. Urgent need of improving protection and rights of refugee women

The problems highlighted in our shadow report of July 2021⁸¹ have worsened, with additional concerns emerging in several areas:

- Female interviewers and interpreters are not always available, nor are interviewers and interpreters always adequately trained to recognise signs of sexual violence.⁸²
- Lawyers are not involved in the initial interview, and legal aid providers are not always adequately trained.
- Failure of authorities and legal representatives to actively encourage married women to seek autonomous refugee status.
- Inconsistent gender-responsive interpretation of the principle of non-refoulement and the safe-country-of-origin policy.⁸³
- High burden of proof in cases of female genital mutilation (FGM).
- Increased harassment and violence against single young women and LBTQIA+ women in asylum centres, requiring urgent improvements to privacy and safety.⁸⁴
- Inadequate access to medical and mental healthcare, especially specialised care.

Asylum procedures fall short of international standards set out in the Istanbul Convention and CEDAW. They fail to recognise (sexual) trauma and, contrary to OHCHR⁸⁵ and the EU Court of Justice⁸⁶, do not recognise 'gender' as a separate ground of persecution under the 1951 Refugee Convention.⁸⁷ While the government has announced policy changes to allow for the recognition of women under the 'social group' persecution ground, in line with recent ECJ case law, it has stated that this change "is unlikely to result in a higher level of protection for women, as women are often granted subsidiary protection under current policy anyway".⁸⁸ We disagree with this position.

What measures are taken to ensure a gender-responsive asylum procedure and how is the safety of (LBTQIA+) women in asylum-seeking centres guaranteed? How and when will a gender-responsive and intersectional interpretation of refugee grounds be enforced in line with OHCHR guidelines and Amnesty recommendations?

41. Women with disabilities face multiple barriers

Women and girls with disabilities in the Netherlands, including trans, intersex, and non-binary persons, face more barriers to employment, healthcare, education, and social services than men with disabilities and women without disabilities.⁸⁹ They are also at higher risk of violence, exploitation, and abuse than women without disabilities and men with disabilities. For example, 61% of women with mild intellectual disabilities report having experienced sexual violence. This is due to a combination of factors including financial or care dependency and limited access to help and support due to existing stigma and stereotypes. As noted by the government, research shows that students with disabilities need better information on how to study with a disability and better digital accessibility.⁹⁰ We urge the government to collect adequate data on women and girls with disabilities in different social sectors to develop effective policies, as current data is inadequate.

- *How will the government ensure that existing policies are made accessible to women with physical and/or mental disabilities?*
- *How will it increase its own expertise and that of those working in the field on the different forms of discrimination against women and girls with disabilities?*

- *How will it involve experts (by experience) in the development of policy and legislation? This is currently lacking, for example, in the programme on violence against women.*

42. LBTQIA+ women not adequately protected

In their NGO report, COC, NNID, Bi+ Nederland, and Transgender Netwerk discuss the position and experiences of LBTQIA+⁹¹ women in the Netherlands. They face multiple and intersecting forms of discrimination in many areas of their lives. They are more likely to experience hate crimes, which are often not prosecuted, face multiple barriers in accessing healthcare and employment, and intersex women are subjected to non-consensual, non-necessary medical treatment. Recent developments that impede changes to the Gender Recognition Act only exacerbate or perpetuate the discriminatory status quo and violations of Article 15 of CEDAW. Additionally, the safety and well-being of LBTQIA+ women in education are not adequately protected.

What steps are being taken to optimise the legal protection of LBTQIA+ people against hate crimes and to remove the barriers they face in the respective social sectors?

R) Marriage and family relations

43. Joint custody and visitation mandated even in cases of domestic violence

The government claims to adequately consider violence against women, including domestic violence, in custody and visitation cases. However, victims of partner violence often find domestic abuse overlooked in these proceedings. The Child Protection Board rarely prioritises domestic violence in its court recommendations, citing difficulty in assessing the veracity of parental reports. Vague language used by the Board further obscures abuse details. Courts assume partner violence ends after relationships, neglecting safety assessments in custody cases. Article 31 of the Istanbul Convention mandates legislative measures for considering violence in custody determinations. We argue the Netherlands has not fully implemented these measures. There is no legal framework compelling family judges to take violence into account.⁹²

How and when will the government introduce mandatory screening of all custody/visitation cases for domestic violence; work with the court system to encourage training for family judges to recognise and understand domestic violence, including coercive behaviour patterns; and establish protocols for the Child Protection Council to ensure clear and factual reporting on domestic violence?

44. Fewer women pass civic integration exam

Despite the government's claim, the civic integration exam poses greater challenges for women than for men in family migration to the Netherlands. Language requirements are particularly difficult for those with lower levels of education and illiteracy, the majority of whom are women.⁹³ Although exemptions are theoretically possible, low literacy alone does not qualify for an exemption. However, exemptions are rarely granted.

What steps is the government taking to ensure that family reunification is not hindered for less educated women?

