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## **Committee on the Elimination of Discrimination against Women**

### **Concluding observations on the sixth periodic report of the Netherlands\***

1. The Committee considered the sixth periodic report of the Netherlands (CEDAW/C/NLD/6) at its 1457th and 1458th meetings, on 10 November 2016 (see CEDAW/C/SR.1457 and 1458). The Committee's list of issues and questions are contained in CEDAW/C/NLD/Q/6 and the responses of the Netherlands are contained in CEDAW/C/NLD/Q/6/Add.1.

#### **A. Introduction**

2. The Committee appreciates that the State party submitted its sixth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party's high-level delegation which was headed by Her Excellency Ms. Jet Bussemaker, Minister of Education, Culture and Science. The delegation also included the Minister of Education, Family Policy and Lifelong Learning, Aruba, and representatives from the Ministry of Education, Culture and Science; the Ministry of Interior and Kingdom Relations; the Ministry of Security and Justice; the Ministry of Security and Justice; the Ministry of Health, Welfare and Sport; the Ministry of Education, Family Policy and Lifelong Learning, Aruba; the Ministry of Foreign Relations, Aruba; the Ministry of General Affairs and Foreign Relations, Curaçao; the Ministry of Education, Science, Culture and Sport, Curaçao; the Ministry of Social Development, Labour and Welfare, Curaçao; the Ministry of Public Health, Social Development and Labour, St Maarten; the Department of Foreign Affairs, St Maarten; the Ministry of Foreign Affairs; and the Permanent Mission of the Netherlands to the United Nations Office at Geneva.

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\* Adopted by the Committee at its sixty-fifth session (24 October-18 November 2016).

## B. Positive Aspects

4. The Committee welcomes the progress achieved since its consideration in 2010 of the State party's fifth periodic report (CEDAW/C/NLD/5) in undertaking legislative reforms, in particular the adoption of the following legislation:

- (a) The new Penal Code for St. Maarten, which expands the definition of "victim of domestic abuse" to include partners or companions, in 2015;
- (b) The Mandatory Reporting Code (Domestic Violence and Child Abuse), in 2013;
- (c) The new Criminal Code for Aruba, which has provisions on, inter alia, stalking, in 2012;
- (d) The Amendment to the General Equal Treatment Law, which entered into force in 2011; and
- (e) The Amendment to Book 1 of the Civil Code for Curaçao, which now makes it possible for parents to decide on the surname of their child, in 2010.

5. The Committee welcomes the State party's efforts in improving its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

- (a) The National Programme of Action to Combat Discrimination, in 2016; and
- (b) The Action Plan on Discrimination in the Labour Market, in 2014.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional treaties:

- (a) The Convention on the Rights of Persons with Disabilities, in 2016;
- (b) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), in 2015; and
- (c) The Optional Protocol of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, in 2010.

7. The Committee welcomes the fact that, after the consideration of the sixth periodic report, the government plans to organise, in collaboration with non-governmental organisation, a conference to discuss the follow-up to the Committee's concluding observations in February 2017.

## C. Principal areas of concern and recommendations

### Parliament

**8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Parliaments of the four countries, in line with their mandates, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### Legal status of the Convention

9. The Committee notes the explanation provided by the State party delegation that although all treaty provisions are binding in the State party, article 93 of the Constitution

provides that only those provisions of treaties which are self-executing shall become binding upon publication, which means that they are directly applicable in the domestic legal order. In addition, article 94 of the Constitution stipulates that statutory regulations in force shall not be applicable if their application is in conflict with such treaty provisions. The Committee notes that treaty provisions that are considered to have direct effect under article 93 can be directly invoked by an individual but those provisions that do not have direct effect cannot be independently relied upon in court. The Committee recalls its previous recommendations (CEDAW/C/NLD/CO/5, para. 12) and notes with concern that some provisions of the Convention that are considered as not directly applicable in the State party have not yet been transposed into domestic law.

10. **The Committee recalls its previous recommendation (CEDAW/C/NLD/CO/5, para. 13) and recommends that the State party transpose, without delay, those provisions under the Convention that are considered as not directly applicable, and to provide for domestic remedies for alleged violations of any rights guaranteed to individuals by the Convention.**

#### **Implementation of the Convention**

11. The Committee notes that the State party has undergone a process of constitutional restructuring following the amendment of the Charter for the Kingdom such that Curaçao and St. Maarten have acquired the status of countries similar to Aruba. It also notes that following the restructuring, the State party consists of four countries and that the other three Islands, Bonaire, St Eustatius and Saba, which now constitute “the Netherlands in the Caribbean”, have the status of . The Committee recalls its previous recommendation (CEDAW/C/NLD/CO/5, para 14) and notes with concern that despite efforts to eliminate them, disparities in the implementation of the provisions of the Convention persist in the four countries, due to the State party’s policy that the implementation of the Convention is the responsibility of each territory.

12. **Recalling its previous recommendation (CEDAW/C/NLD/CO/5, para. 15) and General Recommendation No. 28 (2010) on the core obligations of States parties, the Committee reiterates that the delegation of powers does not absolve the State party of its obligations under the Convention notwithstanding its internal governance arrangements. The Committee, therefore, recommends that the State party continue to strengthen its coordination mechanisms to ensure a coherent and consistent implementation of the provisions of the Convention in all of its countries and public entities.**

#### **Access to justice**

13. The Committee notes the State party’s efforts to facilitate women’s access to justice. However, it notes with concern that the State party has not implemented the recommendations made by the Committee in its decision in *De Blok et al v. The Netherlands*, Communication No. 36/2012 (CEDAW/C/57/D/36/2012), where the Committee found that the State party had violated article 11, paragraph 2(b). The Committee notes that one of the authors commenced proceedings in the State party where a local court determined that article 11, paragraph 2, of the Convention has direct effect and that the State party had violated the Convention. It notes with concern that the State party and Employee Insurance Agency (UWV) have appealed this decision. The Committee is concerned that the State party’s non-compliance with the Committee’s decision seriously impedes women’s access to justice, and that this refusal compels women to undertake new legal proceedings in order to enforce the Committee’s recommendations in addition to the requirement to exhaust domestic remedies before bringing their case to the Committee.

14. **In line with General Recommendation No. 33 (2015) on women’s access to justice and its Views on Communication No. 36/2012, *De Blok et al. v. The Netherlands***

(CEDAW/C/57/D/36/2012), the Committee urges the State party to implement the Committee's recommendations contained therein, without further delay, and take concrete measures to provide effective remedies to all concerned women.

**National machinery for the advancement of women and gender -mainstreaming**

15. The Committee welcomes the State party's efforts to ensure coordination among the various entities of its national machinery for the advancement of women and to promote cooperation with non-governmental organisations in the area of women's rights. However, the Committee is concerned that:

- (a) No unified strategy and policy for the implementation of the provisions of the Convention has been adopted and that most policies are gender-neutral;
- (b) There is no timeline for the introduction of integrated gender-mainstreaming in Aruba;
- (c) No gender impact assessment or gender-budgeting analysis has been conducted in Curaçao; and
- (d) The coordination and management of gender mainstreaming efforts are not sufficiently clear and coherent in St. Maarten.

16. **Recalling its previous concluding observations (CEDAW/C/NLD/CO/5, para. 19), the Committee recommends that the State party:**

- (a) Develop and adopt a unified and comprehensive national policy and strategy for the implementation of the provisions of the Convention, strengthen the implementation of the gender mainstreaming strategy at municipal and other levels and ensure that all government bodies involved receive appropriate guidance and support in their implementation efforts, including sufficient human, technical and financial resources;**
- (b) Continue to strengthen effective coordination and ensure clear and coherent management of the national machinery for the advancement of women at all levels;**
- (c) Ensure accessibility to human rights impact assessment results and transparency in the conduct of compliance checks;**
- (d) Ensure that the integrated National Gender policy currently under preparation in Aruba includes gender-mainstreaming, and conduct a comprehensive gender impact assessment of all laws and policies;**
- (e) Conduct a gender impact assessment and introduce gender-budgeting in Curaçao as well as establish monitoring mechanisms to comprehensively and regularly assess progress and evaluate the impact of such efforts; and**
- (f) Ensure clarity and coherence in the coordination and management of gender-mainstreaming efforts in St. Maarten by relevant authorities including the Department of Social Development and the Department of Community Development, Family and Humanitarian Affairs.**

17. The Committee is concerned at the potential negative impact of a possible shift from institutional funding of women's non-governmental organisations to project subsidies in the State party, which has resulted in the weakening of women's non-governmental organisations, including organisations of black and migrant women.

18. **The Committee urges the State party to ensure that the funding of organisations working in the field of women's rights, including organisations of black and migrant women is sustained to enable them to contribute in an efficient manner to the continuing implementation of the Convention.**

### Temporary special measures

19. The Committee commends the State party for the adoption of amendments to Civil Code Book 2 in 2013, which set out a minimum target of 30 per cent for women's representation on management and supervisory boards of large companies. Nevertheless, the Committee is concerned that temporary special measures have not been adopted in order to accelerate *de facto* equality between women and men in other areas covered by the Convention, in particular with regard to education and women's participation in political and public life.

**20. The Committee recommends that the State party increase the use of temporary special measures, including statutory quotas, in all areas covered by the Convention in which women are underrepresented, such as decision-making positions in the public administration, private, public companies, and academia. The Committee recommends that such measures should include specific targets and timeframes, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to ensure the achievement of substantive equality of women and men in all areas of the Convention where women are disadvantaged or underrepresented.**

### Stereotypes and harmful practices

21 The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices such as female genital mutilation and crimes in the name of so-called honour, as well as the adoption of the Forced Marriages (Countermeasures) Act, which entered into force in December 2015. The Committee is, however, concerned that:

(a) Discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society persist in the State party;

(b) The media and the advertising sector continue to convey stereotyped and sexualized images of women and the self-regulation of the media including under the Advertising Code Foundation does not sufficiently address this issue;

(c) Discriminatory stereotypes and hate speech target Muslim, migrant and asylum seeking women in the State party;

(d) Women and girls continue to be risk of female genital mutilation, forced marriages and crimes in the name of so-called honour; and

(e) Medically irreversible sex-assignment surgery and other treatments are performed on intersex children.

**22. The Committee recommends that the State party:**

**(a) Adopt a comprehensive strategy to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, which should include a monitoring mechanism to assess the impact of the measures taken and design remedial action;**

**(b) Amend the Media Act in line with articles 2(f) and 5(a) of the Convention so that gender role stereotyping is considered as discrimination;**

**(c) Intensify the engagement with relevant actors and allocate resources to finance effective awareness raising campaigns to enhance positive and non-stereotypical portrayals of women in the media and in advertisements and conduct a study on the possible impact of sexist portrayals of women and girls in the media and the extent to which they exacerbate gender-based violence against women in the State party;**

(d) **Intensify efforts to combat stereotypes against Muslim women, migrant and asylum seeking women who are targets of hate speech and racially motivated violence in the State party;**

(e) **Continue to combat harmful practices particularly forced marriages, female genital mutilation and crimes in the name of so-called honour and systematically collect disaggregated data on these harmful practices; and**

(f) **Develop and implement a rights-based health-care protocol for intersex children which ensures that children and their parents are properly informed of all options and that children are, to the greatest extent possible, involved in decision-making about medical interventions and that their choices are fully respected.**

#### **Gender-based violence against women**

23. The Committee commends the State party on its efforts to address gender-based violence against women such as the adoption of the Social Support Act (2015) which broadened the concept of social support to include safety in the domestic setting and the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) in 2015. However, the Committee remains concerned at:

(a) The high number of women who are victims of domestic violence, particularly partner violence;

(b) Information that the recidivism rate for perpetrators of domestic violence who had been subjected to a domestic exclusion order amounts to 29 per cent, with 24.6 per cent of cases considered as serious and 5.8 per cent as extremely serious;

(c) The lack of data on gender-based violence, including domestic violence, in the municipalities of Bonaire, St. Eustatius and Saba notwithstanding the prevalence of domestic violence which is often linked to poverty and housing problems;

(d) The lack of data on the impact of the broadening of the Social Support Act, 2015 to include safety in domestic setting as well as the merger of child abuse and domestic violence into safe home organisations;

(e) The lack of information on the impact of measures taken following a change in approach to have a gender-neutral police service that handles gender-based violence; and

(f) Reports of hate crimes against lesbian, bisexual, transgender and intersex women.

24. **In line with its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party:**

(a) **Intensify efforts to combat gender-based violence against women, including domestic violence, by ensuring that prosecutors and the police are properly trained to identify, investigate and prosecute cases of gender-based violence;**

(b) **Ensure the effective enforcement of “domestic exclusion orders” and monitoring in order to combat recidivism, which often results in serious forms of gender-based violence;**

(c) **Systematically collect data on all forms of violence against women, disaggregated by age and relationship between perpetrator and victim, protection measures, prosecutions and sanctions imposed on perpetrators, particularly in the municipalities of Bonaire, St. Eustatius and Saba;**

(d) **Carry out an evaluation on the provision of shelter services and their management by municipal authorities following the merger of child abuse and**

domestic violence services, and provide information in the next periodic report on the impact of these changes;

(e) **Revise the policy on domestic violence in order to replace its gender-neutral with a gender-sensitive approach that focuses on identification of the gender aspects of domestic violence; and**

(f) **Intensify efforts to combat hate crimes against lesbian, bisexual, transgender and intersex women.**

25. The Committee notes that while perpetrators of domestic violence in the State party have access to free legal aid, victims of domestic violence can avail themselves of it only in exceptional circumstances.

26. **The Committee calls the State party to ensure, without any further delay, that free legal aid is provided to all victims of domestic violence.**

#### **Trafficking and exploitation of prostitution**

27. The Committee welcomes the sharp increase in the prosecution of cases of trafficking in persons partly due to the use of specialised prosecutors and criminal investigators. The Committee also commends the State party that since January 2013, all cases of trafficking in persons are heard by specialised judges in order to build their capacity and expertise on trafficking. However, the Committee is concerned at the prevalence of trafficking of women and girls for purposes of sexual exploitation and at information that the State party's focus is on smuggling of human beings other than trafficking in persons.

28. **The Committee recommends that the State party effectively implement existing legislation on human trafficking by ensuring that perpetrators are prosecuted and adequately punished and victims are identified at an early stage, protected and assisted.**

29. The Committee notes that prostitution is legal in the State party. However, it is concerned at the lack of specific information on the existing programmes for women who wish to leave prostitution and the specific policy measures aimed at prosecuting "lover boys" who exploit women and girls in prostitution. The Committee is also concerned that a planned survey on women in prostitution is yet to be conducted in Aruba. The Committee notes that the draft law on the Regulation of Prostitution and Combating Abuses in the Sex Industry, which removed the provisions on compulsory registration for women in prostitution and the obligation of a client to verify registration, was adopted by the House of Representatives and is now pending before the Senate.

30. **The Committee recommends that the State party:**

(a) **Provide information in the next periodic report on specific programmes for women who wish to leave prostitution including by providing alternative income-generating opportunities, and take appropriate measures, including prosecution, to combat the exploitation of women and girls by so-called "lover boys";**

(b) **Undertake a study on women in prostitution in Aruba and develop appropriate responses aimed at combating exploitation of prostitution as well as programmes for women who wish to leave prostitution; and**

(c) **Ensure that upon the adoption of the draft law on the Regulation of Prostitution and Combating Abuses in the Sex Industry, municipal authorities are closely monitored to ensure that they do not engage in illegal registration of women in prostitution.**

**Participation in political and public life**

31. The Committee commends the State party for its efforts to increase women's representation in decision-making positions such as the development of an action plan that seeks to achieve at least 30 per cent representation of women in the senior civil service (ABD). The Committee also commends the State party for having achieved at least 30 per cent representation of women in both houses of parliament and at ministerial level. However, the Committee is concerned at:

- (a) The low number of women mayors, professors and senior diplomats; and
- (b) The under-representation of women in political and public life in high-level decision-making positions in Curaçao.

32. **The Committee recommends that the State party:**

**(a) Continue to take targeted measures to further increase women's representation in political and public life, particularly in local government, academia and the foreign service; and**

**(b) Introduce measures in Curaçao, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures and General Recommendation No. 23 (1997) on women in political and public life, in order to accelerate women's full and equal participation in elected and appointed bodies, including in decision-making positions.**

**Education**

33. The Committee notes the generally high quality of education in the State party and welcomes the range of measures taken to further improve women's and girls' access to quality education in the State party. However, the Committee is concerned at:

(a) Persistent segregation in the field of education, particularly in vocational training and higher education, as well as girls' and women's underrepresentation in traditionally male-dominated subjects at HAVO (senior secondary general education) and VWO (pre-university education) levels;

(b) The negative impact of the lack of measures for pregnant students at middle-level applied education (MBO) and in tertiary education, as well as of the implementation of the Work and Security Law, 2015 on researchers with a temporary work contract taking parental leave causing drop-out of education, damaging academic career prospects for female students and the loss of talent for academic research that could benefit society;

(c) Information that in Aruba, school attendance of girls over 15 years decreases at each higher level of education; and

(d) Information that in Curaçao, women and girls continue to be concentrated in traditional fields of study notwithstanding that they constitute twice the number of men and boys at the university.

34. **The Committee recommends that the State party:**

**(a) Strengthen its strategies to address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study such as science, technology, information and mathematics;**

**(b) Address the lack of policies for educational institutions targeted at pregnant students and assess the impact of specific implementation of legislation such as the Work and Security Law, 2015, for researchers with temporary contracts, who are pregnant or taking parental, in order to improve conditions for women to finish**



their courses with a degree, to pursue research careers and ensure that universities retain women in the area of research;

(c) **Introduce programmes aimed at ensuring the retention of girls in schools in Aruba, including at the secondary and tertiary levels of education; and**

(d) **Take appropriate remedial action in Curaçao to orient women and girls to traditionally male dominated fields of study at the University of Curaçao, including through the use of temporary special measures, such as scholarships, and non-stereotypical career counselling.**

### **Employment**

35. The Committee welcomes the adoption of the Flexible Working Arrangements Law, which entered into force in January 2016 and the adoption of a National Action Plan on Discrimination in the Labour Market. However, the Committee is concerned at continued horizontal and vertical occupational segregation, with women being concentrated in part time work predominantly due to child care responsibilities, which adversely affects women's career development and pension benefits. The Committee is particularly concerned at:

(a) The persistent gender wage gap partly due to the fact that a relatively high number of women work part-time;

(b) The fact that women take more hours of parental leave per week than men notwithstanding the increase in the entitlement to parental leave days for men;

(c) The drop in the use of child-care facilities notwithstanding the increased funding for childcare services;

(d) The lack of information provided to the Committee on the labour market participation of women of migrant origin and on the labour exploitation of ethnic minority women who frequently work more hours;

(e) The high number of women who have experienced discrimination based on pregnancy according to a study done by the Netherlands Institute for Human Rights and the underreporting of cases regarding sexual harassment;

(f) The position of minority women who might face intersectional discrimination and the vulnerable position of women in Aruba, Curaçao and St Maarten; and

(g) The fact that women domestic workers still do not enjoy full social and labour protection due to provisions of the Home Services regulation currently in force.

36. **The Committee recommends that the State party:**

(a) **Intensify its efforts to guarantee equal opportunities for women in the labour market and create more opportunities for women to gain access to full-time employment by addressing the roots causes regarding the drop in the use of childcare services;**

(b) **Increase the incentives for men to use their right to parental leave as well as develop programmes which encourage the sharing of parental responsibilities between women and men;**

(c) **Provide information in the next periodic report on the labour market participation of women of migrant origin and regularly monitor and investigate and adequately punish exploitative labour practices;**

(d) **Intensify effort to investigate, prosecute and sanction reported cases of pregnancy-related discrimination, including sexual harassment;**

(e) **Introduce policies and temporary special measures to address intersectional discrimination faced by minority women and women from Aruba, Curaçao and St. Maarten; and**

(f) **Revise the Home Services Regulations to ensure that women domestic workers are fully covered by social and labour protection, and consider ratifying the International Labour Organisation Convention No. 189 (2010) concerning decent work for domestic workers.**

### **Health**

37. The Committee welcomes the steps taken by the State party to raise awareness among stakeholders, such as doctors and insurance companies, about the need for gender-sensitive healthcare including the drawing up of a strategic plan aimed at launching a widely supported health care programme. However, the Committee is concerned that no information was provided regarding the human, technical and financial resources allocated to this programme and on whether or not special attention has been paid to intersecting forms of discrimination. The Committee is particularly concerned that:

(a) Medication for menstrual regulation such as Misoprostol is still not available at pharmacies upon prescription by general medical practitioners;

(b) In St. Maarten, abortion is illegal and that the Penal Code criminalizes anyone who provides information or services regarding abortion;

(c) In Curaçao, contraceptives are not covered by health insurance and although they can be purchased at an affordable price from government-sponsored non-governmental organisations, only a limited number of women use modern contraceptives; and

(d) In some parts of Curaçao, there are insufficient healthcare specialists providing HIV/AIDS specific care and that while antiretroviral medicines are available, it can be difficult to access them and that they cost 17 times more than the internationally recommended prices; and

(e) The incidence of HIV is increasing in Aruba.

38. **The Committee recommends that the State party:**

(a) **Provide information in the next periodic report on the strategic plan aimed at launching a widely supported health-care programme, particularly regarding the human, technical and financial resources allocated to this programme and whether special attention has been paid to intersecting forms of discrimination;**

(b) **Ensure that medication for menstrual regulation such as Misoprostol (abortion pill) is readily available at pharmacies;**

(c) **Amend relevant Penal Code provisions in St. Maarten, with a view to legalizing the termination of pregnancy in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman, and severe impairment of the foetus, and de-criminalize abortion in all other cases; as well as ensure that the new policy on sexual and reproductive health being finalised by the Ministry of Public Health, Social Development and Labour guarantees the availability and accessibility of legal and medically safe modern methods of abortion on the above grounds, in line with general recommendation No. 24 (1999) on women and health;**

(d) **Introduce programmes, including awareness raising programmes to promote the use of modern contraceptives in Curaçao, including by women and adolescent girls, and address any barriers in accessing them;**

(e) **Take appropriate measures, including recruitment and training of medical personnel, to ensure that specialized HIV/AIDS health care services are**

available in all parts of Curaçao and address barriers in accessing anti-retroviral medicines as well as reduce their cost; and

**(f) Analyse the root causes for the increase in the incidence of HIV/AIDS in Aruba and take concrete measures to address them, including through awareness-raising programmes on prevention as well as modern contraceptive use by women and girls.**

#### **Disadvantaged groups of women**

39. The Committee notes with concern that women and children are at higher risk of poverty than men and that women accumulate lower pension benefits than men, resulting in higher poverty rates among older women. The Committee is also concerned that women provide most of the informal care work, which hampers their economic independence. It is further concerned at the remaining obstacles that women of migrant origin face in various fields, including intersecting forms of discrimination notwithstanding the efforts made by the State party to integrate them.

40. **The Committee recommends that the State party:**

**(a) Address the roots causes of poverty among older women, including the factors that make women to accumulate lower pension benefits such as their concentration in low-paid and part-time jobs;**

**(b) Take gender-sensitive measures to ensure that women and girls are not over-burdened in the provision of informal care; and**

**(c) Intensify its efforts through existing and other programmes targeting migrant women and women of migrant origin in order to combat all forms of discrimination against them.**

#### **Rural women**

41. The Committee welcomes the adoption of the Population Decline Action Plan 2015-2019, which sets out a strategy to address the impact of regional population decline in less urbanised areas. However, the Committee is concerned about the lack of integration of a gender perspective in this Action Plan and that the population decline is accompanied by a reduction of transport and social services affecting women disproportionately. The Committee is also concerned that women in Curaçao, particularly those who earn low wages, face difficulties in accessing public transport and other services.

**42. The Committee recommends the State Party to ensure the integration of a gender perspective in the Population Decline Action Plan 2015-2019 and to provide information in its next periodic report on the overall situation of rural women and women living in less-urbanised regions, highlighting the impact of the progress of population decline on women's access to public transport, employment, health and other basic services. The State party should also provide information on measures taken to address the limited access to public transport and other services for women with low wages in Curaçao.**

#### **Marriage and family relations**

43. The committee notes the State party's efforts to address the phenomenon of marital captivity in the State party. The Committee is particularly concerned at:

**(a) The lack of information on whether or not judges in the State party systematically assess domestic violence before deciding on child custody;**

**(b) The lack of information on whether in case of distribution of property upon divorce, judges take into account the differences in spouses' earning potential and human**

capital, and addresses gender-based economic disparities between spouses resulting from existing sex segregation in the labour market, the gender wage gap, and women's disproportionate share in unpaid work such as child care.

(c) Information that the civic integration test required for purposes of family reunification has become stricter such that women who are less educated fail to pass it.

(d) The lack of information on whether judges are trained to enforce the law regarding marital captivity, by imposing fines where a spouse "wrongfully refuses to cooperate in a divorce"; and

44. **The Committee recommends that the State party:**

(a) **Ensure, including through judicial training, that gender based violence against women in the domestic sphere is taken into account in decisions on child custody or visitation rights, and sensitise the judiciary on the negative impact of domestic violence on a child's development;**

(b) **In line with the Committee's general recommendation No. 29 (2013) on article 16 of the Convention (economic consequences of marriage, family relations and their dissolution), undertake research on the economic consequences of divorce on both spouses, with specific attention to the differences in spouses' earning potential and human capital, which addresses gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market, the gender wage gap, and women's disproportionate share in unpaid work, particularly focusing on whether judges take these factors into account in their decisions;**

(c) **Revise the civic integration test to ensure that it does not impede family reunification for women who are less educated; and**

(d) **Conduct awareness raising campaigns and training on marital captivity for the judiciary and law enforcement officials in order to eradicate this phenomenon.**

#### **Women, peace and security**

45. The Committee notes with satisfaction the State party's commendable efforts in the area of women, peace and security; the adoption of the National Action Plan on Women, Peace and Security (2016-2019); its engagement in missions charged with the reconstruction of conflict-affected countries as well as its active role in preventing and resolving conflicts in many regions. While recognising that the State party undertakes a human rights impact assessment, including as regards women's rights, before approving an arms export license, the Committee is, however, concerned that public scrutiny of its assessments are not allowed.

46. **The Committee recommends that the State party:**

(a) **Give due consideration to the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and ensure that comprehensive and transparent assessments of the impact of arms exports on women's rights are made before approving export licenses, particularly to countries where arms may directly or indirectly be used to violate the rights of women and girls;**

(b) **Ensure that economic recovery strategies promote gender equality and involve women in the design of those strategies and programmes; and**

(c) **Support women's formal and informal conflict prevention efforts and provide technical assistance on conflict resolution processes to countries emerging from conflict in order to promote women's effective participation.**

**Beijing Declaration and Platform for Action**

47. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

**2030 Agenda for Sustainable Development**

48. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

**Dissemination**

49. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

**Ratification of other treaties**

50. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Follow-up to concluding observations**

51. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 22(b)&(c), 24(c) and 36(d) above.

**Preparation of the next report**

52. The Committee invites the State party to submit its seventh periodic report in November 2020. In case of delay, the report should cover the entire period until the time of its submission.

53. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).