

BIJLAGE 1

The prevention and elimination of violence against women

**An in-depth research of Dutch policy,
in the light of the obligations flowing from the Women's Convention**

EXECUTIVE SUMMARY

by

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Introduction to the research project

In 1991 the Netherlands ratified the Convention on the Elimination of all Forms of Discrimination Against Women (the Women's Convention). It was then decided by Parliament to establish a national reporting procedure. Prior to reporting to the Committee on the Elimination of Discrimination Against Women (CEDAW), the Government must report to Parliament. As part of this requirement, the Ministry of Social Affairs and Employment, which is responsible for emancipation policy, decided to have regular in-depth studies on the implementation of the Convention in specific areas. These studies are also intended to promote and contribute to the public debate on emancipation issues.

The study on the Women's Convention and the prevention and elimination of violence against women is one of such studies. The present document contains an English summary of the report.¹ The research project was commissioned by the Ministry of Social Affairs and Employment in December 1999, and effectively started in the spring of 2000. It was carried out by a research team consisting of Dr Ineke Boerefijn and Mignon van der Liet-Senders, LL.M., from the Netherlands Institute of Human Rights (SIM) and Professor Titia Loenen from the Women's Legal Studies Department, both of Utrecht University, in co-operation with Dr Renée Römken, Dr Rikki Holtmaat and Dr Yvonne Klerk, under supervision of Professor Deirdre Curtin, Professor Cees Flinterman and Professor Titia Loenen. The manuscript was completed on 1 February 2000.

Chapter 1 – Introduction

The research project is an exploratory study into the relationship between the Women's Convention and the prevention and elimination of violence against women in the Netherlands. The central problem was: *What is the significance of the Women's Convention with regard to the Netherlands for the prevention and elimination of violence against women?* The three main goals of the research project were:

- To give insight into the human rights aspects of the prevention and elimination of violence against women;
- To concretise the obligations that arise from the Women's Convention, both generally and specifically with regard to violence against women;
- To determine to what extent Dutch policy on the prevention and elimination of violence against women 'stands the test' as to whether it is fulfilling the obligations under the Women's Convention.

The researchers made an analysis of the Women's Convention, taking into account literature and Dutch jurisprudence, but mostly the work of CEDAW itself, its general recommendations and concluding observations. They analysed Dutch policy, both emancipation policy in general and specific policy with regard to violence against women.

The definition of the phrase 'violence against women' as elaborated on in the Platform for Action of the Beijing Fourth World Conference on Women was adhered to. Chapter 1 of the report deals extensively with CEDAW's General Recommendation No. 19, and other relevant global and national instruments concerning violence against women.

¹ I. Boerefijn, M.M. van der Liet-Senders en T. Loenen, *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* = The prevention and elimination of violence against women : an in-depth investigation into the Dutch policy in the light of the obligations which flow from the Women's Convention [t], Ministry of Social Affairs and Employment, The Hague, 2000.

Finally, the introductory chapter contains a stock-taking of the forms of violence against women that can be distinguished. On the basis of this stock-taking, a division into several categories was made. Bearing in mind the particular relevance for the situation in The Netherlands, four topics were selected for further study. These are domestic violence, sexual harassment, traffic in women and sexual exploitation, and violations of sexual and reproductive rights.

Chapter 2 deals with relevant issues of a general nature at the international level, while chapter 3 provides an overview and analysis of relevant Dutch policy of a general nature. Chapters 4-7 consist of the aforementioned four case studies. The concluding chapter (chapter 8) contains the overall analysis of the findings and provides conclusions and recommendations.

Chapter 2 – Obligations flowing from the Women’s Convention

Chapter 2 serves as a ‘reference tool’ for the study. The interpretation by CEDAW of the obligations flowing from the Women’s Convention creates a framework for assessing Dutch policy. The obligations are included in a chart annexed to the study.

General aspects

The point of departure that violence against women constitutes a form of discrimination is of the greatest importance. As a consequence violence against women falls within the scope of the Women’s Convention. This position has been accepted at the global, regional and national levels, as evidenced by international instruments such as the Declaration on Violence Against Women. The theoretical foundation has been provided by scholars in the field of women’s studies. The gender specific character of violence against women and the ideological and social dominant position of men lead to the conclusion that violence against women constitutes a form of discrimination. It is therefore appropriate that combating violence against women in The Netherlands constitutes part of Dutch emancipation policy.

The object and purpose of the Women’s Convention are to eliminate all forms of discrimination against women. In a study also commissioned by the Ministry of Social Affairs, the so-called ‘Groenman report’ (1997), the object and purpose of the Convention have been divided into three sub-objectives, derived from articles 2, 3 and 5. These are (1) to realise equality before the law and in public policy; (2) to improve the position of women; and (3) to combat the dominant gender ideology. In its response to the ‘Groenman report’, the Netherlands Government supported this conclusion.

The obligation to eliminate discrimination of women, including the obligation to eliminate violence against women, is an obligation of result. The Convention often uses terms such as ‘to ensure’ and ‘to guarantee’ which are unambiguous as to the result to be achieved. Terms such as “appropriate measures” which are also used in the Convention do not allow States to confine themselves to “progressively realising” the obligations included in the Convention. “Appropriate measures” means that States parties are required to take the measures that are suitable for the domestic situation, in that respect there is a margin of appreciation, which is, however, limited. First, in a number of provisions the Convention indicates what kind of measures must be taken, for example legal measures. Second, States parties must take effective measures. This requirement implies, *inter alia*, that continuous monitoring of the effects of the policy chosen is necessary. Third, the prohibition of discrimination obliges States to be non-

selective in combating violence. Violence against women should at least receive as much attention as other forms of violence. Fourth, States parties must respect rights and freedoms of others. Fifth, in its general recommendations and concluding observations CEDAW specifies 'appropriate measures'.

Interpretation by CEDAW

Chapter 2 provides a survey of the relevant general recommendations, in particular General Recommendation No. 19, and of the concluding observations of CEDAW, in so far as these deal with (a form of) violence against women. This survey which has also been included in a chart, has been used as a framework for the various parts of the study. The chart is included as an Annex to this summary.

Obligations of a general nature include the establishment of adequate machinery for the implementation of the obligations stemming from the Women's Convention. CEDAW considers it of the greatest importance that discrimination of women in general, and violence against women in particular, is made visible. To that end, systematic and continuous research into the causes, the nature and the extent of violence against women is necessary, as well as monitoring of the position of women. A comprehensive approach of the problem is necessary, which requires co-ordination and guidance from an authoritative institution. Co-operation with NGOs is regarded as a positive aspect. CEDAW has pointed at the importance of a National Plan of Action, which should include comprehensive strategies, set targets and deadlines, and include benchmarks for monitoring. Such a plan should also contain information on the (re)allocation of financial resources.

General Recommendation No. 19 requires States parties to take all necessary measures, including legal measures. CEDAW has pointed at the need to ensure effective implementation of legislation and adequate protection by the law. Victims of violence should be able to seek redress. Complaints procedures must be easily accessible. Victims of violence must have effective remedies at their disposal and must be compensated for the violation and must be rehabilitated. It is a prerequisite that women are well aware of their human rights. CEDAW has pointed at the need to increase gender sensitivity and professional training in dealing with violence against women in various professions, including the police, the judiciary and health care personnel.

General Recommendation No. 19 also deals with preventive measures, including educational campaigns, to change traditional attitudes towards women. The elimination of gender stereotypes is one of the core obligations of the Women's Convention. Among protective measures, this general recommendation refers to shelter, counselling and support of women who are victims of violence. Shelters should be easily accessible and adequately financed. CEDAW has stressed the importance of protection of women, to ensure that they do not suffer negative consequences as a result of seeking help or lodging complaints.

Chapter 2 subsequently provides an overview of the obligations concerning the specific forms of violence that are dealt with in the report: domestic violence, sexual harassment, traffic in women and sexual exploitation, and violations of sexual and reproductive rights. This summary cannot deal with the many aspects elaborated by CEDAW. Only a limited number of its findings and recommendations will be mentioned here. The complete survey is included in the chart annexed to this summary.

With regard to *domestic violence*, CEDAW has emphasised that a main cause of this problem is the economically dependent position of women. CEDAW supports the view that domestic violence, incest and honour killings should be made a criminal offence. It has stressed the importance of effective remedies. It has recommended that investigations must take place, also when complaints are submitted by third parties. Increasing gender sensitivity and professional training in dealing with violence against women is especially important to combat domestic violence. Among the protective measures, CEDAW has observed that there must be adequate shelter and support, counselling, rehabilitation programmes for offenders as well as for victims.

In connection with *sexual harassment*, CEDAW has particularly stressed the importance of complaints procedures. Such procedures must be effective and offer protection. Among the preventive measures, it has stressed the need for women to be economically independent. Victims of sexual harassment should not suffer negative consequences of seeking redress.

In the field of *traffic in women and sexual exploitation*, international co-operation is necessary. CEDAW has recommended that States examine the role of Internet. States must pay due attention to contemporary forms of this trafficking and sexual exploitation, such as sex tourism. It has recommended that traffic in women is made a criminal offence, as well as exploitation of prostitution. CEDAW has stressed that prostitutes should not be criminalized; if prostitution is a criminal offence, pimps should be the persons prosecuted and punished. It has also emphasised that prostitutes should be equally protected by the law against violence. Among preventive measures, CEDAW has observed that the eradication of poverty and decreasing unemployment among women will contribute to the elimination of this type of violence. Protective measures mentioned include the creation of new opportunities for women in the labour market, the protection of migrant women against exploitation, protection of prostitutes' health and the rehabilitation of victims of trafficking and exploitation.

In addressing *violations of sexual and reproductive rights*, CEDAW has emphasised the free choice of a woman concerning family planning. When seeking abortion or sterilisation, the consent of her husband should not be a prerequisite. CEDAW has paid much attention to the problem of female genital mutilation (FGM) and teenage pregnancies. With regard to FGM, CEDAW has made it clear that this practice cannot be tolerated in any form, and it has recommended that it be made a criminal offence. With regard to legislation on abortion, CEDAW has stated that such legislation must not be too restrictive and that women who have had an abortion, should not be punished. Among the preventive measures, CEDAW has mentioned measures to prevent coercion, measures to prevent women from seeking unsafe measures to control their fertility (such as illegal and unsafe abortions), accessibility of contraceptives, the prevention of teenage pregnancies and the elimination of traditional practices by educational and legal measures. Among the protective measures, it has mentioned that access to safe abortion should exist. Further, it has observed that those who carry out FGM should be provided with alternative means of employment.

Chapter 2 concludes that the Women's Convention provides many useful tools to combat violence against women.

Chapter 3 – General policy framework in the Netherlands

This chapter gives an overview of Dutch policy with regard to emancipation in general, and violence against women in particular. The researchers have studied policy documents, laws, parliamentary documents, and literature. The chapter only deals with the general policy framework, while specific forms of violence against women are dealt with in chapters 4-7. The analysis aimed at determining the coherence of policy and indicating possible gaps.

Emancipation documents were also looked at (beside specific documents on sexual violence), because a main cause of violence against women is the structural inequality between men and women. Therefore, empowerment of women is crucial, as well as strengthening their economic independence. The issue of stereotyping women receives special attention, since changing dominant gender stereotyping constitutes an important goal in preventive policies. Stereotypes of men and women negatively affect the human rights of women. Previous research (the Groenman Report) has called this the 'dominant gender ideology'. The Ministry of Social Affairs and Employment commissioned a large education campaign on the issue of stereotyping in the late nineties.

In Dutch emancipation policy, three periods may be distinguished, each having a different emphasis and each with a different ministry taking the lead. The first period (1984-1990) set out the basis for Dutch policy. The policy documents in that period, notably the first government paper on sexual violence, were written from the perspective of the right to personal integrity. The care for victims of sexual violence was a central element of policy, as well as the prevention of such violence against women. During this period the sexual offences provisions in the Criminal Code were revised.

In the *period 1990-1995*, emphasis shifted from the Ministry of Social Affairs, which was policy co-ordinator during the first period, to the Ministry of Health, Welfare and Sports. This Ministry mostly focused on efforts to integrate facilities for victims of violence against women into the regular health and rehabilitation and welfare sector. The government took a less active approach in this period.

Finally, in the *period 1995-present*, the Ministry of Justice is more or less the co-ordinating department on the subject. As a result, policy documents reflect a more legal approach focusing on the offender. There seems to be relatively more attention for common violence (violence in public places and so-called random violence), and also for sexual violence against and commercial exploitation of children, but less for wife battering.

Recently, efforts have been made to develop a so-called 'interdepartmental policy' on violence against women. A first policy plan was formulated in January 1999. An Interdepartmental working group for the prevention and elimination of violence against women, that was supposed to work out the plan in detail, appeared promising, but has been "dormant" since. Nothing has been done with the overall plan, although the Ministry of Justice is now working on an interdepartmental policy on one of the most needy issues in the Netherlands, domestic violence.

Chapter 4 – Domestic violence

The study on domestic violence has been written by Dr Renée Römken. It describes the nature and the scale of this type of violence, including battering, stalking, rape by (ex-) partners or other acquaintances and sexual abuse by a family member. Insufficient data are available on the occurrence of domestic violence among women from ethnic and cultural minorities. It is submitted that domestic violence constitutes a significant problem in The Netherlands. The case study then

describes various causes of domestic violence, such as dependence, shame, the fact that the violence occurs in the private sphere and gender aspects.

Sexual offences - general aspects

Much of the relevant legislation is included in the legislation covering sexual offences in general. In 1991, a major revision of this legislation took place, aimed at offering protection to vulnerable groups, especially minors. Criminal provisions were re-formulated, now using gender-neutral terms. An important amendment constituted the criminalisation of marital rape. Other relevant legislation concerns measures to improve the position of victims in criminal procedures, which is applicable to victims of sexual violence.

In order to improve the treatment of victims of sexual offences, two directives have recently (1 October 1999) been published by the Public Prosecutor. Generally speaking, the treatment of victims of sexual violence leaves much to be desired, but many initiatives have been taken to try to remedy the situation. Though improvements have been achieved, there is still much criticism on the way in which the police deal with victims of domestic (and related forms of) violence. Due to the introduction of the 1993 Police Act and the reorganisation of the police, many specialised units in the police departments, including those dealing with sexual offences, were abolished, and their tasks were integrated in the general tasks of the police. Domestic violence and treatment of victims of sexual violence have not been made a priority issue in the policy document issued by the Ministry of the Interior and the Ministry of Justice. There is much emphasis on child pornography and random street violence. The chapter expresses serious concerns about the attention that will be devoted to 'common' sexual offences, including rape and sexual abuse by (ex-)partners, acquaintances or family members, which constitute the larger part of the violence women suffer from.

The training of police personnel includes youth and sexual offences, though there is not much attention for these issues. There is no specific mention of the problem of battering of women.

Measures have been taken to try to cope with the quantitative and qualitative problems in the field of professional support for victims of sexual violence (rape and sexual abuse). Further, measures have been taken to enhance gender sensitivity of professionals who may have to deal with violence against women, though there is not much specific attention for domestic violence.

Battering of women

In the past decades, domestic violence has not received proper attention. Also recent policy documents from various ministerial departments do not pay due attention to this problem. It is particularly noteworthy that in a policy document on security of the person domestic violence is not mentioned. It is yet unclear whether there is a connection between the increase of violence in public places and violence in the private sphere. Nevertheless, policy is aimed primarily at violence in the public sphere. Despite various proposals, there is no specific provision in the Criminal Code concerning domestic violence.

At the national level, battering of women is not a priority for the police. At the regional level, some good initiatives have been taken, which would be worth implementing also by other police departments. There is no national policy to develop co-operation between the police, the prosecutor's office and support services, though there are a number of initiatives at the local level. Due to lack of financial support, many initiatives cannot be continued. There are insufficient shelters for victims of battering. Furthermore, the curricula of health care personnel do not pay adequate attention to gender specific issues and to battering of women. A specialised organisation has been

given a special task in this respect. It is submitted that it is necessary to take the specific circumstances of migrant women into account.

Stalking

Following an initiative of private pressure groups, in the fall of 1999 the Second Chamber of Parliament adopted legislation criminalising stalking.² It is not yet possible to provide conclusions on the effects of this law. At the national level, there is no specific policy concerning counselling and aiding victims of stalking. The Minister of Justice has announced that he will explore the possibilities to introduce a successful local project at the national level, although he pointed at the problems brought about by the decentralisation of the police.

Rape by (ex)partners or acquaintances

In 1991, marital rape was made a criminal offence. Research has revealed that there are problems in implementing this provision. It has even been concluded that the current interpretation of this criminal provision, in particular of the terms “coercion” and “willing”, has served the protection of the offender, rather than that of the victim.

Sexual abuse of girls by a family member

In the Dutch Criminal Code, the term “sexual abuse” is used when it concerns minor victims, adult victims who are in a dependent position, and coercion in sexual relations with physically or mentally handicapped persons. In 1999, the government published a policy paper on sexual abuse of and sexual violence against children. The policy paper states that the implementation of policy will be co-ordinated by a project group composed of government representatives and non-governmental organisations. A National Plan of Action to combat sexual abuse and sexual exploitation as well as a comprehensive national plan of activities is forthcoming.

An evaluation of the amendment of the provisions in the Criminal Code dealing with sexual offences, which enhanced criminalisation of sexual abuse of children, showed that the protection of children against sexual abuse had not improved.

In 1994, the limitation period to initiate civil and criminal proceedings was altered to give the victim of sexual abuse more time to start proceedings.

In combating incest, criminal law plays a predominant role, as well as the (sometimes compulsory) treatment of offenders. The introduction of an obligation to report cases of sexual abuse is being discussed. There appears to be consensus that there should be no obligation to report cases to the police. Government policy is aimed at providing aid to the family, it is believed that a criminal action would not be beneficial to such supportive measures.

Assessment of Dutch policy

It is concluded that policy regarding domestic violence is insufficiently coherent, and at some points even contradictory. The plan of action on domestic violence, included in the Emancipation Plan of Action, contains a number of recommendations in the field of communication and co-ordination. However, it must be realised that much remains to be done, since the recent past shows that the Government’s view of domestic violence is not always clear, nor consistent. The marginalisation of the problem of battering of women illustrates the lack of a clear vision on the problem of violence

² Meanwhile, this law entered into force (12 July 2000).

against women. There is hardly any coherent policy aimed at combating battering and rape of women by their (ex) partners. The division of responsibilities between the central and lower authorities often constitutes a bottleneck.

The Government has commissioned a number of studies on domestic violence. Yet, there are shortcomings concerning data on the specific situation of women of non-Dutch origin. Moreover, the National Office of Statistics does not provide information on the relationship between the offender and the victim in the cases of violence and unnatural death.

Insufficient financial resources are available to provide adequate aid and support facilities.

Although many NGO's receive financial support, this is often of a temporary rather than a structural nature.

Mainstreaming of policy should not be detrimental to its effectiveness. Dutch policy shows a number of examples in which that is indeed the case: the abolition of the specialised units in police departments dealing with sexual offences, and the integration of specialised care in the general health sector.

CEDAW has made it clear that domestic violence should not receive less attention than violence in the public sphere. However, the policy regarding the police tasks does not comply with this requirement. Domestic violence is not accorded adequate priority, which leads to insufficient protection of women and girls in the private sphere. Marginalisation of domestic violence is most evident in the field of violence by (ex) partners.

There is no comprehensive Domestic Violence Act in The Netherlands. The study does not conclude that such legislation would be strictly necessary in the Dutch context, since not all policy has a foundation in law. Battering of women falls within the scope of the general provisions on assault in the Criminal Code; however, these may not always be adequate in the specific cases of gender-based violence. In view of the belief that domestic violence is a private matter outside the responsibilities of police and the prosecutor, it is concluded that the Criminal Code indeed has some shortcomings. It is necessary to carry out further research whether an amendment of the Criminal Code would be the best solution.

Mandatory arrest in the case of domestic violence is not possible under Dutch law. Enhancing the possibilities of arrest and investigation will be realised through general legislation. Restraining orders under civil law (prohibition of contacting the victim, or appearing in the neighbourhood of the victim) are possible under Dutch law. It is noted that such orders are often difficult to obtain from a court. In weighing the right to liberty of movement of the offender, and the right to security of the victim, the court often gives priority to the former. Furthermore, the enforcement of such orders is difficult.

Preventive measures concerning sexual violence have been taken. However, these do not adequately address battering of women and rape by partners. Treatment of offenders and rehabilitation of offenders receives much attention, with the exception of - again - offenders of battering and rape of partners.

Although steps have been taken to enhance the gender sensitivity and professional training of the police and the prosecutor in the treatment of victims, problems remain in so far as it concerns the implementation thereof. Battering and stalking by (ex) partners is often not taken sufficiently serious, leading to non-intervention and inadequate remedies. It is necessary to amend structurally the training and education of the relevant professions, including the police, the prosecution and the judiciary. Furthermore, it is necessary that co-operation between the police, prosecutor and aid workers be improved in order to provide effective protection of victims of domestic violence. Successful local initiatives should be implemented at the national level.

CEDAW has pointed at the need to ensure that the offender leaves the house, rather than *de facto* obliging the victim to seek shelter elsewhere. Dutch civil law may provide sufficient room for such a measure; if this turns out to be insufficient, amending the legislation should be considered.

Much progress has been made in providing shelter to victims. Nevertheless, there are significant shortages. Due attention must be paid to the specific needs of migrant women.

Much progress has been made in enhancing gender sensitivity of aid workers. Despite this improvement, structural embedding of the necessary training and education is not sufficient. This holds true for aiding victims of sexual violence, in particular battering. Development of knowledge of the specific situation of women belonging to ethnic and cultural minorities has lagged behind.

In conclusion, it is recommended to:

- develop a national, coherent policy on domestic violence;
- to embed the policy of preventing domestic violence in the general emancipation policy;
- to establish and integrate the policy on domestic violence and the policy concerning security issues and violence in general;
- to demarginalise the policy of battering of women;
- to enhance the possibilities of preventive custody;
- to provide for a remedy to force the offender to leave the home in the case of systematic violence, when current civil law turns out to be inadequate;
- to make concrete policy concerning the investigation and prosecution of stalking;
- to issue a directive to the police and the prosecutor about the investigation and prosecution of battering of women;
- to monitor closely the implementation of the policy on granting asylum on the ground of sexual violence;
- to develop preventive measures by educating children, especially on the issue of battering of women;
- to inform the general public on the issue of battering of women;
- to increase gender sensitivity and professional training in dealing with violence against women of the police and the prosecutor;
- to increase gender sensitivity of other relevant professions, including health personnel and aid workers.

Chapter 5 – Sexual harassment

The study on sexual harassment has been written by Dr Rikki Holtmaat. It deals with sexual harassment in three different fields: at the workplace, in the education system, and in the health sector. The only definition of sexual harassment at hand in the Netherlands (in the Labour Conditions Act) concerns the workplace, and it is therefore not easily applicable to the other fields mentioned, since it does not take into consideration the main characteristics of the two other fields.

Workplace

In many cases there is no specific complaints procedure for sexual harassment in the workplace, since the private sector is not legally obliged to have such a procedure. CEDAW has stated that there should be a complaints procedure, and that complainants should be protected from suffering any negative consequences of filing a complaint. Chapter 5 states that it appears that in The Netherlands many women lose their jobs, as a result of either sexual harassment or filing a complaint about it.

Education

The Dutch government is undertaking many activities to prevent and eliminate sexual harassment in education. Much attention is being paid to increasing gender sensitivity and professional training on the subject. Furthermore, the fact that the curriculum structurally draws attention to sexual education and empowerment of the pupils is mentioned as a positive aspect. However, further improvements are required. A project on the prevention of sexual harassment should be financed on a structural basis. The need for a specifically tailored definition of sexual harassment in the education system, should be looked into. Recent legislation obliging schools to establish (general) complaints procedures should be evaluated in order to examine whether these are adequate for victims of sexual harassment, and whether there is sufficient co-ordination with other relevant institutions. There should be an obligation to appoint an expert, external, independent, low threshold institution for victims of sexual harassment.

Health and youth welfare sector

Insufficient data are available on the extent and nature of sexual harassment in the health and youth welfare sector. Victims of sexual harassment can avail themselves of various measures of a general nature. It is the government's view that the various sectors themselves should set the standards. However, none of the available instruments explicitly deal with sexual harassment. Current standards are, however, too vague and refer to, for example "carry out one's profession properly". It is submitted that many victims do not know that these measures available for the purpose of lodging a complaint about sexual harassment. Many commissions lack the specific expertise that is necessary to deal with this type of complaints; moreover, there are no guarantees for the independence of the (members of) commissions. It is necessary that further qualitative and quantitative research is carried out. If standard setting by the relevant professions turns out to be inadequate to deal with sexual harassment, there should be directives from the government. It must be examined whether this sector requires its own definition of sexual harassment.

General conclusions of chapter 5

In many areas, there are insufficient recent data on the nature and extent of the problem of sexual harassment. Further qualitative and quantitative research is necessary. The ministries that are involved should establish better co-ordination and should exchange information.

The definition on sexual harassment at the workplace conforms to the requirements laid down in General Recommendation No. 19, although it should be examined whether more specific definitions may be necessary for the education, health care and youth welfare sectors.

In various areas, there is no obligation to establish an institution to deal with complaints of sexual harassment. Moreover, complaints procedures were found to be insufficiently specific for complaints on sexual harassment. There are insufficient guarantees for the independence and expertise commissions dealing with complaints.

Concerning the requirement to offer effective protection, improvements are required. Although legal remedies exist in labour law, many women who lodge complaints about sexual harassment in the workplace lose their job. Also in the education and health and welfare sector there are no specific provisions protecting women from negative consequences of sexual harassment, or from lodging complaints.

The measures to prevent sexual harassment, aimed at eliminating stereotypes, have been insufficient.

Chapter 6 – Trafficking in women and sexual exploitation

The chapter on trafficking in women and sexual exploitation was written by Dr Yvonne Klerk. It deals with both exploitation of forced prostitution and trafficking in women. In the Netherlands, about 30,000 persons work in the prostitution business. The Dutch government does not consider prostitution as such as a form of violence against women. For the Dutch government the aim is not to eliminate prostitution as such, but to eliminate only the exploitation of forced prostitution. Therefore, as of 1 October 2000, running a brothel or other sex business will be officially legalised in the Netherlands. Policy will be developed at the local level in order to eliminate exploitation of forced prostitution, to protect the position of prostitutes and to decrease the number of prostitutes illegally residing in The Netherlands.

It is subject to debate whether article 6 of the Women's Convention deals with exploitation of prostitution as such or only with exploitation of forced prostitution. The UN Declaration on Violence against Women seems to indicate the latter, but CEDAW is of the opinion that pimps should be punished which could mean that all exploitation of prostitution should be eliminated. This would mean that Dutch policy is not in accordance with the Women's Convention. Yet, it must be realised that it receives the support from professional organisations of prostitutes. Women from countries outside the European Union and the European Economic Area are especially vulnerable in this regard; they are excluded from the protective advantages (such as labour conditions) that a legalisation of prostitution offers. Another shortcoming of Dutch prostitution policy is that there are no activities directed at male clients of prostitutes, such as education measures and resocialization programmes.

Forced prostitution is often considered in close relation with trafficking in women. Both the international (cross-border) and national aspects of trafficking in women are dealt with in this chapter. Much remains unclear with regard to the character and scope of international trafficking in women. As a result of the 1997 EU conference on trafficking in women in The Hague, the post of national rapporteur on trafficking in persons (although at first the mandate was "trafficking in women") has been established in the Netherlands; the rapporteur has been appointed in January 2000.

Trafficking in women is a crime in the Netherlands. It is important to note, however, how the police and the public prosecutor deal with it. Various problems have been noted with regard to the investigation and prosecution of trafficking in women. More financial and personal means are necessary. CEDAW has also drawn attention to the Internet, which is being (ab-)used for trafficking in women. These new developments as well as the effects of the legalisation of prostitution need to be closely watched.

It is unclear whether the legalisation of prostitution will contribute to the elimination of trafficking in women, although that is one of its main purposes. The legalisation could very well lead to negative 'side effects', which all but contribute to the elimination of trafficking in women. It is feared that women will end up in places where there will be less monitoring than there is now.

This is also the case for forced prostitution within the Netherlands. A specific problem concerns minor girls from ethnic minorities, who are being forced into prostitution by their partner. Emotional pressure is common, for example through so-called 'lover boys'. There have been also several cases where minor girls have disappeared from asylum seekers reception centres, later to be found in (child) prostitution. Special attention has been announced by the government for their development, since children in the asylum procedure need to be protected from sexual exploitation.

Finally, the chapter contains an analysis of several ‘new’ forms of sexual exploitation, such as sex tourism, the recruitment of household personnel from developing countries, and organised marriages between women from developing countries and men in the Netherlands. More research is needed with regard to these “new” forms of sexual exploitation.

Chapter 7 – Violations of sexual and reproductive rights

The chapter on violations of sexual and reproductive rights was written by Mignon van der Liet-Senders, LL.M. The chapter firstly deals with the nature of sexual and reproductive rights and the relationship with health issues and the right to health. The terms “sexual rights” and “reproductive rights” are often used together, but a distinction can be made. Sexual and reproductive rights are closely connected with women’s health. Since breaches of sexual and reproductive rights can have great consequences for women’s health, the term is often used in connection with reproductive health. CEDAW has stated in General Recommendation No. 19 that violence against women jeopardises the health and lives of women, and that states parties are required by article 12 of the Convention to take measures to ensure equal access to health care (to family planning)’. The Committee also stated that traditional practices perpetuated by culture and tradition are harmful to the health of women and children. These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation.

There are many possible infringements of sexual and reproductive rights. Regarded as most relevant in the Netherlands, the rest of the chapter focuses on female genital mutilation and on unwanted pregnancy. In the Netherlands, the term more often used is ‘female circumcision’ (especially in Dutch policy documents). It is recommended, however, to use the term ‘female genital mutilation’ or FGM, which is also being used at the international level.

Dutch government policy is that female genital mutilation is not tolerable in any form. According to the Dutch government it is a practice that is against the predominant opinion in the Netherlands on the equality of women and their position in society. However, it has not been specifically penalised. The government is of the opinion that the general provisions on assault in the Criminal Code and the regulations concerning the medical profession are sufficient in dealing with the issue. At several occasions questions have been asked in Parliament on practices relating to female genital mutilation in the Netherlands.

There are no data on the occurrence of female genital mutilation in the Netherlands. It is likely that many Somali women and girls in the Netherlands have been mutilated, but it is not likely that FGM is restricted to the Somali community; it probably happens also within other ethnic minority groups. With the number and variety of ethnic minorities in the Netherlands rising, female genital mutilation is an issue that needs to get appropriate and attention.

CEDAW’s general recommendation on female circumcision stresses that States parties should take necessary and effective measures to eliminate the practice. Such measures include assembling data, supporting women’s organisations, and introducing appropriate education and training programmes. The chapter concludes that having female genital mutilation specifically criminalized in the Criminal Code in the Netherlands is necessary, but not sufficient. In order to deal effectively with FGM, criminalization is preferred, but educational activities are also needed to influence these practices that are mostly culturally founded.

The final part of this chapter deals with unwanted pregnancies, which is not a large problem in the Netherlands. There are no signs of forced pregnancies or – on the other hand – forced abortions. Every year, in the Netherlands some 20,000 abortions are being carried out. This amounts to the lowest abortion rate in the world, although this number is slightly rising among women of non-Dutch origin.

Abortion in the Netherlands is sufficiently arranged for and accessible. A woman does not need permission from her husband to have an abortion. Freedom of choice for women is essential. Therefore, in the Netherlands, means for birth control should continue to be widely available and affordable. The fact that the number of abortions on women from ethnic minorities is relatively rising, gives cause for concern.

Chapter 8 – Conclusions and recommendations

The concluding chapter provides an overall analysis of the findings of the study, and provides general and subject-based conclusions and recommendations. Many of the conclusions with regard to the specific forms of violence against women have already been included in this summary. The main general findings are summarised in this section.

- Dutch policy has not always sufficiently taken into account that the problem of violence against women is a human rights issue. Recent policy documents show a broad human rights perspective.
- Policy documents issued after 1990 no longer take as a starting point that violence against women is a result of structural inequality between men and women. It is necessary that the policy on violence against women is solidly embedded in emancipation policy.
- The gender specific nature of violence against women is no longer the primary starting point in Dutch policy. Policy is being formulated in gender neutral terms. Policy aimed at dealing with other urgent problems has been detrimental to the issue of violence against adult women.
- Domestic violence does not always receive proper attention. There are many more efforts to eradicate violence in the public sphere, rather than violence in the private sphere. It is not sufficiently acknowledged that violence against women is as well a social problem.
- The eradication of violence against women should obtain a high priority in Dutch policy, in view of the fact that the Women's Convention contains obligations of result. Violence against women does not receive the same attention as other forms of violence.
- Policy co-ordination is not sufficient. Various ministries develop their own policy on violence against women or on emancipation, while other ministries have not developed any policy on the issue. It is necessary that co-ordination is enhanced. Some steps have been taken in the right direction, though these have not led to the desired outcome.
- During the past decades different ministries have taken the lead in developing policy on violence against women. This has resulted in policy changes, which were more or less accidental rather than deliberate changes. This is due to lack of co-ordination.
- A member of government should be responsible for substantive and technical co-ordination of policy on violence against women. There should be a coherent and visible policy. State accountability should be clear.
- In various areas, insufficient data, or no recent data are available. It is necessary that systematic and continuous research is carried out. Policy in this area must be adequately co-ordinated. Moreover, research must take into account the diversity of Dutch society.

- The division of responsibilities between central and lower authorities constitutes a bottleneck in various areas.
- Sufficient resources are not always available, or not available on a structural basis.
- Many legislative measures have been taken which have a positive effect on the eradication of violence against women. There is no legislation covering the entire issue. It has not been shown that an all encompassing Violence Against Women Act would indeed be the proper solution for The Netherlands. Further research into this matter is necessary. In some areas, for example in the area of female genital mutilation, new legislation is required.
- In so far as complaints procedures are concerned, no major shortcomings were found. In principle complaints concerning each form of violence against women can be submitted to an institution. However, existing procedures are often not sufficiently specific to deal adequately with the issue of violence against women; many commissions or other institutions, including the police, the prosecutor and the judiciary, lack sufficient expertise. Independence of institutions dealing with complaints is not always guaranteed. Moreover, it is sometimes not obvious for victims which remedy they have at their disposal which may hamper accessibility of such remedies. Shortcomings were found in the area of sexual harassment.
- The Women's Convention distinguishes two different, though related types of preventive measures. First, the empowerment of women, which requires women's economic independence and a change of the traditional roles. Second, the change of stereotyping of men and women. Dutch policy is based on these two pillars, although the policy on violence against women should be more firmly embedded in emancipation policy. Improvements are necessary in so far as it concerns stereotyping. Although there have been campaigns, the goals set have not been achieved. Moreover, in certain areas, such as battering of women, there have been no campaigns. More measures would have to be taken in the field of education.
- The study shows that much has been improved in the area of providing shelter and support services to victims of violence against women. However, serious shortcomings were still found. There are insufficient shelter facilities. The quality of shelter and support services needs to be further improved by, *inter alia*, professional education and training and enhancing gender sensitivity.
- The lack of gender sensitivity among police and prosecutors constitutes a concern. The treatment of victims of sexual offences in particular leaves much to be desired. Attention for violence against women does not constitute a structural element in the education of the relevant professional groups. Local projects that proved to be successful should be implemented at the national level.

Chapter 8 concludes with 108 recommendations, addressing general and specific policy issues. The recommendations of a general nature that are based on the overall analysis are included in the present summary. Most recommendations based on the four case studies have already been mentioned.

Points of departure of policy

- Violence against women is a human rights problem. This understanding should constitute a foundation of the policy on the eradication of violence against women. It should be explicitly laid down in all relevant policy documents.
- Violence against women is a social problem, rather than a private problem or a women's problem. This understanding should constitute a foundation of the policy on the eradication of violence against women. It should be explicitly laid down in all relevant policy documents.

- Violence against women is caused by the structural inequality between men and women. This understanding should play a crucial role in the development of policy.
- Economic independence of women and a fundamental shift in care taking as well as empowerment of women in general should continue to be a priority.
- Policy on violence against women should be firmly embedded in emancipation policy.
- Policy aimed at the eradication of stereotyping of men and women should be continued and enhanced.
- The gender specific nature of violence against women should be re-recognised. Mainstreaming of policy should not result in increased attention for violence in general to the detriment of battering, rape and harassment of adult women.

A National Plan of Action

- A National Plan of Action must be adopted to prevent and combat all forms of violence against women.
- The National Plan of Action should take into account CEDAW's General Recommendation No. 19, the UN Declaration on the Elimination of violence against Women and the Platform for Action of Beijing.
- The National Plan of Action must be comprehensive. It should define the framework for all aspects of future policy concerning violence against women.
- The National Plan of Action must be drafted in close co-operation with experts, including NGOs.
- NGOs should be involved in implementing the various elements of the National Plan of Action.

Research and monitoring

- Statistical data should continuously be collected and available to give insight into the nature, the causes and the consequences of the problem.
- There should be qualitative and quantitative research into the nature, the causes and the consequences of the problem on a structural basis. This requires a structural investment into investigation of, advising about and evaluation of policy measures.
- All policy measures must be evaluated. Adequate monitoring is required.
- There must be specific attention for the position of women from ethnic and cultural minorities and other vulnerable groups of women.
- Choosing a policy instrument must be based on research.
- Choosing a policy instrument requires setting benchmarks, and time frames within which these must be realised.

Determining priorities

- There must be commitment of a high level within the national authorities.
- Sufficient resources must be made available on a structural basis.
- Violence against women should obtain at least as much priority as violence in the public sphere.

Complaints procedures and remedies

- The use of complaints procedures must be encouraged.
- The expertise and independence of commissions dealing with complaints must be guaranteed.

Preventive measures

- Emancipation policy should be strongly pursued.
- National campaigns aimed at the eradication of stereotypes should be intensified, in particular on the issue of violence in the private sphere.
- In education more attention should be paid to the eradication of stereotyping.
- Policy concerning stereotyping should pay attention to the effects of pornography, in particular violent pornography.
- The text of the Women's Convention, the Optional Protocol, CEDAW's general recommendations, the concluding observations on the Netherlands, the UN Declaration on Violence against Women, *et cetera*, should be widely made accessible.
- Women should be properly informed of their human rights in general, and on their rights in connection with violence against women in particular.

Protective measures

- Shortages in shelter and support services should be alleviated as soon as possible.
- Integration of support services into general health care should be realised only when there is sufficient expertise in the latter field.
- Expertise in health care should be realised (partly) by structurally including the issue in the professional training and education of the various professions.
- Co-operation between various support services must be encouraged, but it can only be successful if there is sufficient financial support.

Police and the prosecutor

- There should be structural attention for the issue of violence against women in the professional training and education of the police, the prosecutor and the judiciary.
- The police should have specialised personnel to deal with victims of sexual offences.
- Successful projects at the local level should be implemented at the national level.
- Specialised institutions in the field of professional training and education should be structurally financed.

Schematisch overzicht verplichtingen volgens CEDAW

Geweldvorm	Algemeen	Wettelijke maatregelen
Geweld tegen vrouwen in het algemeen, alsmede alle specifieke vormen van geweld	<ul style="list-style-type: none"> - Erkenning dat het geen privé-probleem of vrouwenprobleem is, maar een maatschappelijk probleem - Erkenning als schending van de rechten van de mens - Nationaal actieplan, waarin een alomvattende en gestructureerde aanpak wordt verwoord - 'Committent' van overheid op hoog niveau, of een nationale instelling - Voortdurend onderzoek naar aard, omvang en gevolgen - Onderzoek naar de aard en omvang van traditionele opvattingen en gewoontes die geweld tegen vrouwen in stand houden - Onderzoek naar de effectiviteit van de getroffen maatregelen - Verzamelen van statistische gegevens - Voldoende middelen - Betrekken van deskundigen uit het maatschappelijk veld bij alle aspecten van beleid, waaronder NGO's - 'Mainstreaming', mits niet ten koste van effectiviteit - Behandeling van zaken met betrekking tot geweld tegen vrouwen moeten voldoende prioriteit krijgen - Traditionele opvattingen houden pornografie en andere vormen van commerciële uitbuiting van vrouwen als sex-objecten in stand. Dit bevordert geweld tegen vrouwen 	<ul style="list-style-type: none"> - Specifieke wetgeving inzake geweld tegen vrouwen - Wetgeving mag niet discriminatoir zijn - Prostituees moeten gelijke bescherming krijgen - Bewijslast bij seksuele geweldsmisdrijven mag niet zwaarder zijn dan bij andere misdrijven - Wetgeving moet integriteit en waardigheid van vrouwen respecteren - Strafrechtelijke maatregelen - Civielrechtelijke maatregelen - Instelling van klachtprocedures - Verlening van slachtofferhulp - Wetgeving moet bescherming bieden tegen secundaire victimisatie - Compensatie voor slachtoffers - Rehabilitatie van slachtoffers - Strafbaarstelling van eremoorden - Geen strafvermindering bij misdrijven gebaseerd op eer - Mogelijkheid van beroep op noodweer als strafuitsluitingsgrond, wanneer een vrouw een misdrijf pleegt dat een reactie is op het structurele geweld waarvan zij slachtoffer is

Klachtprocedures & rechtsmiddelen	Preventieve maatregelen	Beschermende maatregelen
<ul style="list-style-type: none"> - Brede bekendheid - Gemakkelijk toegankelijk - Effectieve bescherming - Stimulering van het gebruik, ook met behulp van NGO's - Compensatie 	<ul style="list-style-type: none"> - Uitbannen van stereotypen door educatie en voorlichting - Veranderen van traditionele rolverdeling - Bevorderen van de economische zelfstandigheid van vrouwen - 'Empowerment' van vrouwen - Maatregelen ook richten op jongeren en op mannen - Inzetten van de media - Uitbannen tradities en gewoonten die geweld tegen vrouwen in stand houden - Bewustmaken: verspreiden tekst Vrouwenverdrag, landencommentaren en andere relevante informatie in Nederland - Ondersteunen van vrouwen die risico's lopen - Daderbehandeling 	<ul style="list-style-type: none"> - Specialistische hulpverlening - Medische en psychologische zorg - Voldoende opvang en ondersteuning - (Rechts-)bijstand ('counseling') - Deskundigheidsbevordering van relevante beroepsgroepen - Voor ziekenhuizen protocollen maken over omgaan met geweld tegen vrouwen - Rehabilitatie van slachtoffers - Bescherming bieden tegen secundaire victimisatie

Geweldvorm	Algemeen	Wettelijke maatregelen
Geweld in de huiselijke sfeer	<ul style="list-style-type: none"> - Onderzoek en vervolging van geweld in de huiselijke sfeer moeten evenveel prioriteit krijgen als andere misdrijven 	<ul style="list-style-type: none"> - Strafbaarstelling van geweld in de huiselijke sfeer - Strafbaarstelling van incest - Strafbaarstelling van eremoorden - Geen strafvermindering bij misdrijven gebaseerd op eer - Specifieke wetgeving aanbevolen - Wettelijke regeling voor rechtsbijstand en daderbehandeling
Seksuele intimidatie	<ul style="list-style-type: none"> - Sancties opleggen bij seksuele intimidatie 	<ul style="list-style-type: none"> - Effectieve wettelijke bescherming moet worden geboden

Klachtprocedures & rechtsmiddelen	Preventieve maatregelen	Beschermende maatregelen
<ul style="list-style-type: none"> - Geen klachtdelict: onderzoek en vervolging ook na klacht van een derde - Telefonische hulplijnen 	<ul style="list-style-type: none"> - Veranderen van traditionele opvattingen - Bevorderen van economische onafhankelijkheid: creëren van voldoende werkgelegenheid - Bevorderen van grotere verantwoordelijkheid van mannen in het gezin - Rehabilitatieprogramma's voor daders 	<ul style="list-style-type: none"> - Deskundigheidsbevordering van relevante beroepsgroepen - Beschermen van de veiligheid van slachtoffers - Wanneer een van de partners het huis verlaat, zou dat de man moeten zijn - Voldoende opvang en ondersteuning - (Rechts-)bijstand - Rehabilitatieprogramma's voor slachtoffers - Rehabilitatieprogramma's voor daders - Ondersteunen van een gezin waar geweld heeft plaatsgevonden
<ul style="list-style-type: none"> - Klachtprocedures moeten toegankelijk zijn - Klachtprocedures moeten effectief zijn - Klachtprocedures moeten bescherming bieden - Speciaal genoemd: gezondheidssector 	<ul style="list-style-type: none"> - Bescherming tegen seksuele intimidatie - Bevorderen van economische zelfstandigheid van vrouwen 	<ul style="list-style-type: none"> - Bescherming tegen secundaire victimisatie - Klachtprocedures moeten bescherming bieden

Geweldvorm	Algemeen	Wettelijke maatregelen
Vrouwenhandel en seksuele exploitatie	<ul style="list-style-type: none"> - Internationale samenwerking noodzakelijk - Implementatie van de Ministeriële Verklaring van Den Haag - Onderzoeken van de rol van Internet - Aandacht voor prostitutie bij gewapende conflicten - Aandacht voor hedendaagse vormen, zoals sekstoerisme, werven van huishoudelijke krachten in ontwikkelingslanden en bepaalde vormen van georganiseerde huwelijken, omdat deze vrouwen een risicogroep vormen 	<ul style="list-style-type: none"> - Strafbaarstelling vrouwenhandel - Strafbaarstelling uitbuiting prostitutie: voor pooiers en ronselaars - Decriminaliseren prostituées - Gelijke bescherming voor prostituées tegen seksueel geweld
Inbreuken op seksuele en reproductieve rechten	<ul style="list-style-type: none"> - Nadruk op keuzevrijheid van de vrouw bij gezinsplanning - Geen toestemming van de man voor sterilisatie of abortus - Specifiek: voortbestaan van schadelijke traditionele praktijken als oorzaak - Nadruk op gevolgen van te veel zwangerschappen en van tienerzwangerschappen 	<ul style="list-style-type: none"> - Strafbaarstelling van genitale verminking - Abortuswetgeving moet niet te restrictief zijn - Geen strafbaarstelling van vrouwen die abortus hebben ondergaan

Klachtprocedures & rechtsmiddelen	Preventieve maatregelen	Beschermdende maatregelen
	<ul style="list-style-type: none"> - Bestrijden van armoede van vrouwen - Bestrijden van werkloosheid - Voorlichtingscampagnes in de landen van herkomst - Resocialisatieprogramma's ook voor mannen 	<ul style="list-style-type: none"> - Nieuwe mogelijkheden creëren voor vrouwen op de arbeidsmarkt - Bescherming van vrouwelijke migranten tegen uitbuiting - Deskundigheidsbevordering van grensbewakers - Bescherming van de gezondheid van prostituées - Rehabilitatie van slachtoffers van seksuele exploitatie en vrouwenhandel; reïntegratie in de maatschappij - Geen gedwongen medische controle van alleen prostituées
	<ul style="list-style-type: none"> - Maatregelen ter voorkoming van dwang bij voortplanting en vruchtbaarheid - Voorkomen dat vrouwen onveilige methoden gaan gebruiken, zoals illegale en onveilige abortus - Goede toegankelijkheid van anticonceptie, dat wil zeggen: effectief, betaalbaar en aanvaardbare methoden - Subsidiëring of gratis verstrekking van anticonceptie - Voorlichting richten ook op mannen en jongeren - Voorkoming van tienerzwangerschappen - Bestrijden van traditionele praktijken door educatieve en juridische maatregelen 	<ul style="list-style-type: none"> - Mogelijkheid tot veilige abortus moet bestaan - Degenen die besnijdenis uitvoeren moeten alternatieve werkgelegenheid hebben

BIJLAGE 2

**DAGINDELING IN NEDERLAND: VIA EXPERIMENTEN NAAR NIEUWE
AFSPRAKEN ROND ARBEID EN ZORG.**

DAGINDELING IN NEDERLAND: VIA EXPERIMENTEN NAAR NIEUWE AFSPRAKEN ROND ARBEID EN ZORG.

Het door de Nederlandse overheid in gang gezette emancipatiebeleid heeft de afgelopen jaren duidelijk gemaakt dat een aantal - traditionele - structuren in de samenleving belemmerend werken voor het bereiken van gestelde doelen rond het combineren van arbeid en zorg. Het *Combinatiescenario* streeft naar een gelijke verdeling van arbeid en zorgtaken tussen mannen en vrouwen. Dit scenario is in 1995 ontwikkeld door de *Commissie Toekomstscenario's herverdeling onbetaalde arbeid*. Vergeleken met de situatie van enkele decennia geleden is de taakverdeling in de meeste huishoudens drastisch veranderd. Het traditionele *kostwinnersmodel* (waarbij per gezin één persoon - meestal de man - het gezinsinkomen verdient) is vrijwel verlaten. De in de jaren tachtig en negentig van de vorige eeuw in gang gezette trend dat vrouwen arbeid combineren met huishoudelijke en zorgtaken en dat mannen zich niet meer alleen beperken tot betaalde arbeid, zet zich duidelijk door. De zorgverantwoordelijkheid betreft niet alleen kinderen, maar ook ouderen en zieken. Daarnaast is zorg voor de eigen ontwikkeling en vrije tijd een factor die bij de toenemende tijdsdruk onder taakcombineerders van belang is. Ook de groeiende diversiteit in de samenleving heeft gevolgen voor de dagindeling van velen. Traditionele samenlevingspatronen maken plaats voor andere leefverbanden die in vorm en duur gevarieerder zijn. Het aantal 'zorgverbanden' is hierdoor toegenomen, zoals bijvoorbeeld duidelijk wordt bij *co-ouders*.

Al deze ontwikkelingen brengen met zich mee dat de Nederlandse samenleving vraagt om nieuwe samenwerkingsvormen en een nieuwe ordening van ruimte en tijd.

Commissie Dagindeling

Op 4 november 1996 stelde de minister van Sociale Zaken en Werkgelegenheid de Commissie Dagindeling in. Opdracht was om voorstellen te ontwikkelen voor een andere *dagindeling* die mannen en vrouwen meer ruimte zou bieden om arbeid en zorg te combineren. De commissie richtte zich met name op de praktisch-organisatorische aspecten van het combinatiescenario. In eerste instantie werd vanuit de samenleving sceptisch gereageerd op het begrip dagindeling. Maar toen de commissie in april 1998 haar eindrapport uitbracht, stond het begrip dagindeling duidelijk op de maatschappelijke en politieke agenda. Het was voor velen duidelijk dat er gezamenlijke antwoorden gevonden moesten worden op de knellende problemen die individuele taakcombineerders in toenemende mate ondervonden. Uit een door de commissie ingesteld onderzoek bleek dat in de tweede helft van de jaren negentig ruim 2 miljoen mannen en vrouwen problemen ondervonden bij het combineren van betaald werk en zorgtaken. Dit aantal stijgt snel.

Het advies van de commissie richtte zich op een viertal gebieden:

- een betere afstemming van arbeidstijden en zorgtaken,
- opvangvoorzieningen die aansluiten op de vraag van taakcombineerders en hun kinderen
- vraag en aanbod van persoonlijke dienstverlening (dit zijn de voorzieningen waarvan mensen in hun privé-leven gebruik maken zoals huishoudelijke hulp, wasserette, bibliotheek, etc.)
- voorzieningen op lokaal niveau die de dagindeling van taakcombineerders ten goede komen.

Een belangrijke aanbeveling van de commissie was dat dagindeling een herkenbaar deel moest gaan uitmaken van het beleid gericht op de combinatie van arbeid en zorg.

Stimuleringsmaatregel Dagindeling

Als reactie op het advies van de Commissie Dagindeling maakte het kabinet op 24 maart 1999 de *Stimuleringsmaatregel Dagindeling* bekend. Het kabinet stelde een budget van 60 miljoen gulden voor vier jaar beschikbaar voor experimenten, ervaringsuitwisseling en informatievoorziening. Het gaat om vernieuwende experimenten die aansluiten bij de wensen en behoeftes van mensen die arbeid en zorgtaken combineren. Nadruk ligt op nieuwe vormen van samenwerking.

Het *Projectbureau Dagindeling* is opgericht om de stimuleringsmaatregel uit te voeren.

De stimuleringsmaatregel heeft als doel het combineren van arbeid en zorg te vergemakkelijken door middel van:

- het verbeteren van de afstemming van arbeidstijden met de openingstijden van onderwijs-, kinderopvang- en vrijetijdsvoorzieningen, winkels en andere vormen van dienstverlening.
- Het verbeteren van de bereikbaarheid van deze voorzieningen door middel van aanpassing van ruimtelijke plannen en het ontwikkelen van vervoersarrangementen.
- Het ontwikkelen van nieuwe vormen van persoonlijke dienstverlening en zorgondernemerschap.
- Het ontwikkelen van een andere werk-privébalans in arbeidsorganisaties.

De resultaten van de experimenten zullen beschikbaar komen en een bijdrage leveren aan vernieuwing van beleid op diverse terreinen.

De stimuleringsmaatregel is van het begin af aan een groot succes en trekt brede belangstelling. Tot aan de zomer 2000 zijn er 260 voorstellen voor experimenten ingediend en zijn er 76 experimenten van start gegaan. Het is de verwachting dat er begin 2001 ongeveer 130 experimenten operationeel zullen zijn.

Stuurgroep

In het kader van de Stimuleringsmaatregel dagindeling is ook een *Stuurgroep Dagindeling* ingesteld met als opdracht een ambassadeursfunctie te vervullen inzake dagindeling in de Nederlandse samenleving. Sleutelfiguren uit het maatschappelijk leven maken deel uit van de Stuurgroep. Ook adviseert de stuurgroep gevraagd en ongevraagd de staatssecretaris voor emancipatiezaken.

Focusgroepen

Vertegenwoordigers van de projecten ontmoeten elkaar regelmatig in zogenaamde *Focusgroepen* om ervaringen uit te wisselen en om met elkaar gerezen problemen in experimenten op te lossen. Resultaten van speciaal uitgevoerd onderzoek, visies van experts, conceptbeleidsvoorstellen etc. worden in deze groepen besproken. Op die manier is in een vroeg stadium duidelijk welke richting de resultaten van de experimenten opgaan. Door deze aanpak wordt de implementatie van het dagindelingsbeleid al in een vroeg stadium bevorderd. Stuurgroep en projectbureau organiseren regelmatig grotere bijeenkomsten, ideeëndagen, conferenties, expertmeetings etc. om het onderwerp dagindeling breed op de maatschappelijke agenda te plaatsen. Ook is er in het voorjaar 2000 een overheidspubliekscampagne gestart rond het combineren van werk en privé. In een televisie- en radiospot, ondersteund door een

brochure, staat de *knellende agenda* symbool voor het moderne leven van de taakcombineerder.

Geconstateerd kan worden dat - na het succesvolle voorbereidende werk van de Commissie Dagindeling - dagindeling mede door de stimuleringsmaatregel sterk in de belangstelling staat. De voor Nederland vernieuwende wijze van beleid maken middels een groot aantal over het hele land gespreide experimenten lijkt sneller dan verwacht resultaten te gaan afwerpen. Dagindeling is steeds meer een onderwerp op de maatschappelijke en politieke agenda en maakt duidelijk hoe tot nu toe gescheiden beleidsterreinen nauw met elkaar moeten samenwerken om adequate oplossingen te bieden voor de problemen waar taakcombineerders voor gesteld worden. Duidelijk wordt hoe belangrijk *ontschotting van beleid* is.

Eerste indicaties uit de experimenten dagindeling

Op dit moment is het nog te vroeg om vooruit te lopen op de concrete resultaten van de experimenten dagindeling. De resultaten zullen eind 2002 beschikbaar komen en systematisch geëvalueerd worden. Hiertoe is een monitor ontwikkeld die gebruikt wordt om de resultaten van de experimenten te analyseren en te verwerken.

Toch zijn er reeds een aantal ontwikkelingen zichtbaar. Uit de eerste inventarisatie van de experimenten en de discussies in de focusgroepen komen een aantal cruciale thema's naar voren.

- Ordening van ruimte. De toenemende tijdsdruk van taakcombineerders hangt nauw samen met ruimtelijke afstemming. Veel voorzieningen, zoals kinderopvang, scholen, winkels, sportvelden, bibliotheken, medische voorzieningen etc. bevinden zich op soms grote afstanden van elkaar, met name in het landelijk gebied. Ouders die voor of na hun werk kinderen moeten brengen en halen, boodschappen moeten doen, kinderen weer naar een sportclub moeten brengen etc. ondervinden veel problemen door een ruimtelijke planning die niet voldoende is afgestemd op de behoeften van taakcombineerders. Het clusteren van voorzieningen op 'knooppunten' in buurten is daarom een belangrijk aandachtspunt voor dagindeling. Hierdoor kan ook het zogenaamde ketenvervoer³ teruggedrongen worden. Van belang is hoe dagindeling een rol gaat spelen in ruimtelijke plannen van de overheid en hoe de bestaande regelgeving hier op aangepast kan worden. De eerste indicaties uit experimenten rond dagindeling en ruimtelijke orde gaan waarschijnlijk op de valreep nog een rol spelen bij het tot stand komen van de belangrijke *Vijfde nota ruimtelijke ordening* van het kabinet die in het najaar 2000 zal verschijnen.
- Ordening van tijd. Werktijden en openingstijden van voorzieningen zijn onvoldoende op elkaar afgestemd. Werktijden worden in toenemende mate flexibel en aangepast aan de behoeften van werknemers die arbeid en zorg combineren. Dit brengt met zich mee dat, mede op basis van de desbetreffende experimenten, gekeken moet worden naar verruiming of aanpassing van openingstijden van voorzieningen en van maatschappelijke instellingen als bibliotheken, overheidsdiensten, medische voorzieningen etc. Veel taakcombineerders ondervinden op dit punt problemen. Uit een onderzoek blijkt bijvoorbeeld dat slechts 3% van de artsen en specialisten spreekuren houdt op de avond of in het weekeinde om zo tegemoet te komen aan de problemen die hun patiënten hebben om werktijden af te stemmen op spreekuurtijden. Een grote meerderheid van patiënten die arbeid en zorg

³ Het vervoer van de ene naar de andere voorziening.

combineren, hebben juist behoefte aan deze spreekuurtijden in de avond of tijdens het weekeinde.

- Werk en privébalans in arbeidsorganisaties. In verschillende experimenten wordt ervaring opgedaan met arbeidstijdenmanagement als instrument om werknemers in staat te stellen arbeid en zorg op een bevredigende manier te kunnen laten combineren. Van belang is een cultuurverandering in arbeidsorganisaties ten aanzien van 'werken en leven'. Te weinig wordt er aandacht besteed aan de verhouding tussen werk en privé. Enerzijds gaat het hierbij dus om een cultuurverandering in arbeidsorganisaties, anderzijds om het experimenteren met concrete maatregelen zoals tijd- en plaatsafhankelijk werken. Een instrument dat hierbij een rol kan spelen, is het *Bereikbaarheidsscenario*⁴. Dit door de overheid in de loop van 2000 opgestelde scenario biedt een reeks suggesties om flexibeler met arbeidstijden om te gaan.

- Samenwerking van voorzieningen. Een groot deel van de experimenten dagindeling richt zich op een samenhangend aanbod van voorzieningen, waarbij veelal sprake is van verruiming van openingstijden, op dagarrangementen voor kinderen en ouders, en van combinaties met persoonlijke dienstverlening. Hierbij wordt aangesloten bij de ontwikkeling van de *Brede School* in Nederland.
In december 1999 bracht de Stuurgroep Dagindeling het advies “4+2=7” uit waarin gepleit wordt voor een samenhangend aanbod van onderwijs, opvang en vrijetijdsvoorzieningen in één gebouw, onder één regie, open gedurende zes dagen in de week van 8 uur ‘s ochtends tot 6 uur ‘s avonds (en indien mogelijk tot 8 uur ‘s avonds). Het multifunctioneel gebruik van gebouwen en ruimtes speelt hierbij een belangrijke rol. Om deze samenwerking van voorzieningen effectief te laten zijn, zijn nieuwe bestuurlijke samenwerkingsvormen, beheers- en exploitatiemodellen nodig.
Centraal staat ook een flexibele vorm van opvang met een duidelijke samenhang tussen voor-, tussen- en naschoolse opvang. Van belang is dat dit samenhangende aanbod van voorzieningen toegankelijk blijft voor iedereen, ook bijvoorbeeld voor de alleenstaande taakcombineerder met een minimum inkomen.

- Persoonlijke dienstverlening. De ontwikkelingen rond persoonlijke dienstverlening lijken sneller te gaan dan bij de start van de stimuleringsmaatregel was voorzien. De markt heeft in hoog tempo een aantal initiatieven genomen. Toegankelijkheid en betaalbaarheid blijven echter een belangrijk vraagstuk.
Focuspunten in experimenten zijn de ontwikkeling van persoonlijke dienstverlening tot een nieuwe bedrijfstak, met eigen opleidingen en duidelijke randvoorwaarden. Ook het aanbieden van diensten in combinatie met bijvoorbeeld voorzieningen als kinderopvang of bedrijven (employee-benefits) is een focuspunt.

- Lokaal sociaal beleid. Hierbij staat de samenhang tussen de sociale cohesie van buurten en dagindelingsarrangementen met name voor laag betaalden en allochtonen centraal. Hoe kunnen formele en informele netwerken optimaal benut worden als het gaat om het afstemmen van arbeid en zorg? Hoe is de positie van de vrijwilliger in deze processen?

⁴ Werkgevers zouden niet langer de voortdurende ‘beschikbaarheid’ van hun werknemers moeten verlangen maar hun ‘bereikbaarheid’. Bereikbaar voor het werk zou kunnen inhouden dat men het werk ook thuis kan doen.

- Landelijk gebied. Mensen die taken combineren en in het landelijk gebied wonen of werken, worden door de grotere spreiding van voorzieningen en grotere afstanden met nog meer problemen geconfronteerd dan taakcombineerders in stedelijke gebieden. Voor een vitaal en leefbaar platteland is van belang welk voorzieningenniveau en welke vervoersarrangementen minmaal noodzakelijk zijn om arbeid en zorg te combineren. In de verschillende projecten dagindeling wordt onder meer geëxperimenteerd met een integratie van vervoersregelingen, zowel publiek als privaat (in elkaar schuiven van regulier openbaar vervoer en vervoersregelingen voor scholieren, gehandicapten en ouderen). In een aantal experimenten staan nieuwe vormen van kleinschalige exploitatiemodellen voor het voorzieningenniveau centraal. Hoe kunnen in dorpshuizen centra voor arbeid en zorg komen, hoe kan bijvoorbeeld via een franchiseformule kinderopvang op het platteland kleinschalig en betaalbaar aangeboden worden?

De Stimuleringsmaatregel Dagindeling eindigt op 31 december 2002. De verwachting is dat het onderwerp dagindeling op dat moment, mede door de brede verspreiding van de resultaten