

EMANCIPATION POLICY IN THE NETHERLANDS ANTILLES: STILL AN ILLUSION.

CEDAW SHADOW REPORT OF THE NETHERLANDS ANTILLES

CAFRA, NETHERLANDS ANTILLES

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Introduction:

The Netherlands Antilles is non-independent territories of the Kingdom of the Netherlands, situated in the Caribbean. The Netherlands Antilles consists of 5 islands: the Leeward Islands (Curaçao and Bonaire) and the Windward Islands (St Maarten, St Eustatius and Saba).

The presenters of this shadow report were not able to access the report to CEDAW that was required of the government of the Netherlands Antilles. The presenters were informed that the report was still in the process of completion. Because of the inaccessibility to this third report, the presenters will rely on the:

- The National Report of the Netherlands Antilles on the implementation of the Beijing Platform for Action 1995-2000
- Concept instructions of the Netherlands-Antilles Delegation to the 28th meeting of the ECLAC “Board of Presiding Officers, Willemstad, Curaçao 3-4 June, 1999.
- List of questions and issues with regard to the consideration of the periodic report.

The presenters of the shadow report are local members of the Caribbean Association for Feminist Research and Action (CAFRA). CAFRA emerged in 1985 because the women’s movement in the region recognized the necessity for regional cooperation and networking. As a regional network of feminists, individual researchers, activists and women’s organization, CAFRA defines feminist policies as a matter of both consciousness and action. CAFRA is well known in the Caribbean for its position and participation in all the discussions and preparations leading to the mayor Conventions, Regarding women’s issues since her birth. CAFRA focuses her mayor efforts towards the realization of human rights and humane and equitable economies in the Caribbean. Within the Netherlands Antilles there is also a strong CAFRA local chapter. The presenters of the shadow report are members of the local chapel. In this report they will concentrate their analysis and questions in particular on issues concerning the island of Curaçao. Despite the fact that the Netherlands Antilles encompasses five islands, travel expenses are very high, which makes it difficult to build up chapels on the other islands. CAFRA Curaçao does not operate with a government subsidy. Membership fees and the partnership within CAFRA on different projects, financed by international agencies, make it possible to implement the CAFRA program within Curaçao. The fact that the government does not stimulate an ongoing communication between the islands concerning women’s issues makes it very difficult for CAFRA to keep in contact with women’s organizations on the other islands. Therefore the presenters welcome the opportunity to present this shadow report and congratulate the CEDAW Committee for its initiative.

In this shadow we wish to focus on the following issues:

- Because of the economic crisis in the Netherlands Antilles women's position, in particular poor women, has deteriorated on all levels. At the same time women's unpaid work within the home has increased. There is, however, no national policy to redress this crisis, since there is no emancipation policy within the Netherlands Antilles.
- Most of the measures taken concerning women's position are on an ad hoc basis without any structure, follow-up measures, and monitoring and evaluation mechanisms.
- There is no gender responsive policy formulation, program design, implementation, monitoring, and no network of experts to assist with gender policy and evaluation processes.
- There is a need for mainstreaming gender issues within the selected programs for development.
- In spite of limited resources most of the initiatives have come from the ngo's and community-based organizations.

The IMF and the Economic Crisis:

In particular the last six years the Netherlands Antilles are hampered by an economic crisis. Forty seven percent (47%) of our household has an income that is less than fl 1000,- per month. Of that group, twenty percent (20%) has an income that is less than fl 700,- per month. Female-headed households are over represented within this group: 61%. Two third of the heads of these households represented within the 47% are unemployed. More women are on welfare than men: 74,5% in 1998. Women are over represented in the lowest ranks of employment were the secondary benefits are also very limited. Unemployment has risen from 12,8 in 1994 to 16,7 in 1998. Unemployment among the youth is 33,9%. Twenty six percent of our young people do not finish elementary school and the drop- out from rate of 15 year olds and on is 42% The unemployment among youth was in 1997 33,9% in 1999, 37%. The number of births increased in the year 2000; with 12% being among 12 to 19 years olds.

The crisis is reflected in the increasing burden of structural adjustments programs, debt servicing and increased poverty. The demands of the IMF and the government of the Netherlands and the government of the Netherlands Antilles have aggravated the already critical social crisis. This has resulted, among other things in further lay -offs of government employees, the break down of the market protection of some industries in order to liberalize its market completely and legislative changes to accommodate IMF conditions. There is enough proof to show that the structural adjustments programs, which apply the same medicine to all economic diseases has not been able to deliver successful results in any country where they have been implemented.

The structural adjustment program in the Netherlands Antilles include: Trade liberalization; tax reform (many exemptions were annulled) and the reduction of the public sector employment. Between 1999 and the first half of 2000 the island government of Curaçao and the central government of the Netherlands Antilles retired approximately 2000 employees. Other examples are the introduction of special taxes, user fees, the rise of water bill, privatization of government assets like government owned hotels and industries) and the withdrawal or reduction of government spending in social services This decline is particular manifest in the health sector. Budgetary cuts we encounter in social housing, the quality of the infrastructure of schools, community centers. Another example is the introduction of user fees for medicine in particular for groups at risk like the elderly and female headed households. Cutbacks on health services and the introduction of user fees shifted the responsibilities of care to the household and in particular onto the shoulders of women. There is an increase in the number of women working in the informal sector in particular as domestic workers. The informal safety nets through the family and the community are also crumbling down. Although the Netherlands Antilles knows a system of welfare, there is no structured social assistance program. Where there is a social assistance program the administrative costs are high and the benefits low and restricted to a small group. The social assistance programs of the government do not have an empowering component to move people out of welfare. There is no structured program for access to credit, technical assistance and training for small business development.

There are different factors underlying the rise of poverty within the Netherlands Antilles. Some of them include: inappropriate macro-economic policies, the economic shock caused by structural adjustment programs, low economic growth, deficiencies in the labor market, low wages and a lag of human resource development, including lack of education and health services. In the Netherlands Antilles, in particular Curaçao, female-headed households are more likely than male-headed households to fall below the poverty line. Poverty in the Netherlands Antilles is increasingly a problem that affects women. Poverty can be linked to low level of skills, poor positioning on the labor market among females, and gender segmentation which keeps women at the low end of wages and with low skills in the labor market. All this in spite of the fact that women have, overall more years of sc Poverty is also the background for the pattern of high incidence of violence.

The fact that the Netherlands Antilles is hampered by an economic crisis is not an excuse for the government's failure to actively pursue the implementation of the Convention. The limited resources and considerations of national priorities of the islands as stated in the Beijing Platform, are used as reasons for not abiding to the signed document of the Women's Convention. The UN Women's Convention emphasizes the improvement of the position of women. As we have already stated the position of women has deteriorated without any policy in place for improvement. Several projects have been taken on. These projects are/were not well prepared, they miss a vision, and sufficient expertise in the field of gender for the implementation. The lack of financial resources is used many times a smokescreen to cover up the inactivity and lack of vision. The reality is that the governments of the Netherlands Antilles are not sensitive to the problems of women in general and the poor women in particular

The presenters of this shadow report request that CEDAW should consider asking the federal government whether or not they have the intention of implementing the Women's Convention, which has as a goal the improvement of the position of women and the implementing full legal equality. The implementation of the Women's Convention also includes the obligation to inform women and the general public in simple and concrete ways of the content of the Women's Convention and other equal treatment legislation. It should also be the obligation of the government of the Netherlands Antilles to promote actively, in particular, the improvement of the position of poor women in our society.

Strengthening of the institutional framework

In October 1995 after the Beijing Conference the Bureau of Women's Affairs was integrated into a new ministry entitled The Department of Welfare, Family and Humanitarian affairs. The goal was to link gender issues with broader social development issues. Since last year the Department, because of budgetary cuts had to lay off 14 of the 17 employees. It is not sure whether the Department will be able to exist within the "new government" policies. Although there are two women's bureaus in Curaçao (1996) and St Maarten (1997) the local bureaus are limited in their possibilities for implementation of the Women's Convention because of federal laws.

In December the government of the Netherlands Antilles installed an interdepartmental advisory board, which has to advise the government on women specific policies and programmes. Between 1996 and 2001 the advisory board advised the government only on three issues; a family policy; the proposed legal changes in the Family law (none of these recommendations have been included in the New Civil Code) and a policy plan for the elderly including elderly women. The agreement signed in 1996 with Aruba and Surinam to strengthen the capacities of the three governments to implement their respective gender equality national programs has only materialized in three different seminars done in Aruba, Bonaire and Suriname. This year the three governments have restated their intention to cooperate with each other. There is, however, no program for the implementation of the intended proposals.

The main obstacles to building an institutional framework for the implementation of the Women's Convention is the lack of expertise in this field both on the level of government agencies and on grass roots level.

The presenters of this shadow report request that CEDAW to consider indicating to the federal government of the Netherlands Antilles the necessity to install a commission of gender experts, free of government influence, to inform and to advise the government on the implementation of the Women's' Convention in all fields and levels.

In the Beijing report the federal government states that on a yearly basis the federal government allocates more than 1 million guilders for the implementation of a social development policy. In this figure an allotment for gender issues is also included. Between 1995 and 2000 it is calculated that 1.6 million guilders have been invested in the gender equality policy in the Netherlands Antilles. The report also mentions that because of its high per capita yearly income and its constitutional relationship with the Kingdom of the Netherlands the Netherlands Antilles do not receive funding from international donors. In the Beijing report the federal government states that a proposal for a more formalized and structured cooperation between the federal government and the island government and the grass root organizations has been launched in 1995, but it was never finalized. A non-formal network has worked during the past years. Government and non-governmental organizations have collaborated closely on a number of initiatives like for instances: a seminar on masculinity: a seminar on the proposed changes in Family law. Most of these initiatives, however, have come from the grass roots organizations and the department has collaborated with it. Once again this network has not been instrumental in designing a national plan for the implementation of the Women's Convention. There is neither at the local levels programs for the implementation of an emancipation policy. The federal government has not indicated how the investment of 1.6 million guilders have successfully helped women's position in the Netherlands Antilles.

The presenters of this shadow report request that CEDAW should consider asking the government of the Netherlands Antilles to clearly indicate the role played by a national machinery in the implementation of the recommendations of the Women's Convention. Further, that the federal government clearly list the strategies and methods it employs to ensure the implementation, the effects of mainstreaming policies and the input of women's organizations in this process. The CEDAW should also consider asking the Federal government how much money is allocated for the implementation of the Women's Convention and the proposed allocation of these funds for the implementation of the Women's Convention.

The Netherlands Antilles as a non-independent territory with a perceived high per capita income, cannot access funding from international agencies. The Dutch government for specific causes gives financial help on issues, which they find, is of importance, for example teenage mothers. Other vulnerable women's groups are passed over. This is again not consistent with the emancipation act of the Netherlands.

The presenters of this shadow report request that CEDAW should consider asking the government of the Netherlands Antilles and the Dutch government how they plan to involve the women's movement in the setting up of a concrete national plan towards implementation of an emancipation policy, its monitoring and the evaluation of the program. Also, the presenters request that CEDAW should consider asking the government of the Netherlands to consider implementing an emancipation policy within their respective territories.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

Between 1995 and 2001 different changes have been made within labor law and the sickness Insurance law that benefit women overall. An example is the Old Age Insurance act granting married women an independent right to the state retirement pensions. From January 1996 women's pension rights were separated from those of their husband and they themselves are able to collect their pension. In the field of labor rights in 1998 the parliament of the Netherlands Antilles approved an amendment to the Labor Regulation Law, whereby a 40-hour workweek was established for all workers of the Netherlands Antilles. This law is in a way beneficial to women, who are massively employed within the service sector and the retail trade. The new regulation implies that in practice these women will now have the right to a full day off a week, which they can devote for their reproductive and/or community responsibilities.

However the compensation is under attack, because of the changes under way under the Sickness Insurance Act. A legal measure was taken regarding the complete fiscal independence of married women, which was initiated in 1994 with amendments to the Income Tax and Wage Tax Laws. The implementation of this law had to be budget free. By increasing the taxes of single people, in particular the female headed household this law could be implemented. The approval of the legal framework by the parliament of the Netherlands Antilles to make part time employment possible for civil servants has nothing to do with the noble idea to improve the conditions for civil servants to combine their productive and reproductive roles. The decision taken is part of the trend of flexibilization of the labor market. In fact the working conditions of women in the service sector has deteriorated. More and more the private sector is using "contracts upon call", which makes it possible to layoff a person from one day to another.

The presenters of this shadow report request CEDAW to consider asking the federal government whether it considers direct and indirect discrimination of women as a serious problem in society, especially in the field of labor relations and pay.

In January of this year the Civil Code of the Netherlands Antilles was changed to be in accordance with the Dutch Civil Code. With this new Civil Code some of the issues of unequal rights in marriage and family law has been eliminated, for example there exists now equal rights in the decisions by both parents concerning the education of the children. Marital rape is also to be punished by law. These changes, however, are not the result of a gender impact analysis to eliminate discrimination in the law.

For example:

The parliament of the Netherlands Antilles decided that the discrimination in the law between "legitimate" and "illegitimate" children (to distinguish between children born within a legal marriage, those born of unmarried parents, legitimized by the father and those not legitimized by the father.), which exist in the Dutch Civil Code, will

be kept as is. Children who are not legitimized by the father and who are named with the adjective “illegitimate” and “natural” in the law are twice discriminated. No child in the world is “illegitimate” or “natural” born, only because he/she is not born in wedlock. The Parliament of the Netherlands Antilles is of the opinion that a change of the law is at the moment not consistent with the “cultural norms”. The possibility of forced legitimization by the father is not possible.

Again the government argues in the Beijing report that the main obstacles encountered by the government in pursuing a gender equality policy were a serious lack of resources, both financial and human as well as a deficient coordination between the different levels of government.

The presenters of this shadow report request that CEDAW should consider asking the Federal government to conduct an in-depth research into the effects of the absence of the payment of alimony for children in particular those children in the female-headed households. If this research produces conclusive evidence that women’s and their children’s rights are disproportionately violated the presenters urge the CEDAW to ask the government to take effective measures, inclusive within the law, to end this problem.

Special areas of concern

Trafficking in women

The government of the Netherlands Antilles has no active policy to combat trafficking in women. We have seen an ‘explosive’ growth in clubs and bars where very young women are brought in under the guise of being ‘dancers’ and are put to work as striptease dancers and are forced to work as prostitute

The owners of the club get permits from the local authorities for a number of women to work as dancers. These women and girls either borrow money from someone back home (Dominican Republic, Colombia) to come to especially Curaçao and to some extent St. Maarten.

Some of these clubs organize recruitment procedures and even have ‘dancing schools in these countries, where young women are recruited. When they arrive here they have a large debt to repay to their ‘employer’ (tickets and board) or they have to repay a lender at home. Also it is common practice to take away the girls and women’s passports as further intimidation and threat.

Women are also recruited to come to work as either bartender/waitresses or domestics and are then forced to work as prostitutes. One such case of forced prostitution went to court in 1997 in Curaçao.

The women ‘won ‘ the case against their employers and were supposed to get back pay for the work they did as waitresses (Some did some didn’t) but their employers never stood trial for trafficking or for forcing these women into prostitution. The women were later deported.

In most cases where women are here illegally or with a permit to do another type of work or on tourist visa, threats of deportation by their employer or even clients if they don’t comply with their working conditions.

Some are deported even if they have another job or even a case pending in court.

If any woman tries to makes a complaint about being misled about the work she’s supposed to do or that she is being forced into sex-work or that didn’t receive payment for the work she was forced to do, the answer in general from the competent authorities is to deport these women. Those persons who coerced or forced them (which is illegal in Netherlands Antilles) into prostitution so far are not prosecuted.

The presenters of this shadow report request he CEDAW should consider asking the Netherlands Antilles what policy the government has on trafficking in women and how is the government going to protect legal and illegal immigrant women from this type of abuse?

Can the government indicate how it plans to protect and grant temporary permits to these women while their cases are being heard and not deport them?

Prostitution

The Netherlands Antilles tolerates and even encourages prostitution. All of island has legal brothels (government controlled) and the governments issue permits for so-called dancers. Even so illegal brothels abound. Women who work in the government-sanctioned brothels have permits for up to 3 months allowing them to work in these brothels as sex-workers. These women have to submit to regular medical checkups. The brothels employ up to one hundred (the largest one in Curaçao or less women per 3 months. By far most of the prostitution that takes s place happens outside of these brothels. The women come from different countries in the Caribbean and Latin America, especially Dominican Republic, Jamaican, Colombia, Venezuela some Brazilians and Haitians. All the Netherlands Antilles islands have different places where prostitution takes place either openly or secretly. In many of the bars, clubs and brothels the working and living conditions of the women are deplorable. They get no regular medical check ups. The women are exposed to many sexually transmitted disease and AIDS. The island government of Curaçao in collaboration with AIDS prevention NGO, has a program, which tries to give information and condoms to women working illegally as prostitutes. Still this is not enough. Sex workers legal or illegal are not protected by any labor laws and are exposed the diseases, violence and intimidation by clients and employers alike.

Sex workers have no organization and are not encouraged to organize themselves either. For protection either from clients or deportation or any kind of abuse they have to rely on the good will of their employers or other people willing to help.

The presenters of this is shadow report request that CEDAW should consider asking the Government of the Netherlands Antilles what it's policy is towards human and labor rights of immigrant sex- workers both legal and illegal and what measures it intends to take to support and legally protect sew-workers from abuse.

Health

In general what has been happening on federal and island levels is that department of health and social services are being downsized, closed or privatized. In effect this means that if these departments if they had any programs or projects these have come to virtual halt during the last two years. The focus has been and still is on structural adjustments and attracting investments. Furthermore the NGOs that are shouldering the burden of taking care of the people are going through rough times because of cutbacks in their budgets and some have closed down all together and others are downsizing and offering less service to the weak, poor and marginalized.

Another difficulty is the lack of research, data collection and statistics. What data is available is either outdated or not accessible to the general public.

It must be said however that the health department of Curaçao has done some extensive research on health of the population, but the outcomes have not been reflected in a Comprehensive policy towards health promotion. Furthermore the governments are now in the process of cutting of between 25 million to 35 million of the health budget.

The presenters of this shadow report request the CEDAW to consider asking the government of the Netherlands Antilles if the measures they are about to take will impact on the availability of health services. How this is going to impact on women and children, and how they are going to guarantee accessible, good and safe medical services.

AIDS/HIV

UNAIDS is working with the Federal government a Strategic plan on HIV/AIDS prevention and control for the next 3 years.

The rate AIDS infection among young people and women is on the rise. This program if carried out would be of utmost importance in the fight against AIDS. We question the governments' commitment to this matter and other areas dealing with health issues. Most of the work done in AIDS education and prevention is done by NGOs and these are also feeling the strain of the Sap's.

The presenters of this shadow report request that the CEDAW consider asking the government of the Netherlands Antilles what its commitment is to this project and what resources the government will put into the implementation of this 3 year program? What are the government priorities where health policies are concerned?

Furthermore we request that the CEDAW consider asking the government what measures they are going to take to execute project like 'Baby and Mother friendly hospitals and several dormant projects on health promotion and how it is going to guarantee the continuity of the work that the ngo's are doing.

Teenage pregnancy

Teenage pregnancy projects are mostly executed on island level. Here again projects are done on adhoc basis mostly because an NGO in wanting to carry out a program or project needs government financial support and the government agencies then get onboard. A youth summit on sexual and reproductive health rights was held in April 2000 for the Netherlands Antilles, but here has been no final report and follow-up so far. In Curaçao the maternity clinic is constantly being threatened with closing because of lack of funding and tactical differences.

The presenters of this shadow report request the CEDAW to consider asking the government of the Netherlands Antilles if teenage pregnancy is a priority and what measures it plans to take ensure that ngo's working in this field can do the work. What is the government policy toward teenage pregnancy and what measures it is taking to educate teenagers about their sexual and human rights and what kind of support these young mothers can expect from their governments.

Violence

Violence against women seems to be increasing as more and more women are reporting cases of violence or rape.

In Curaçao a platform against violence towards women was officially launched on November 25, 2000, it must be said though, that this platform has not been active since then. All major players, these include the police, women's organizations, relevant department of the government and other NGOs like the Church are part of this platform. Last year the number of violent rapes shocked the country and this year so far at least 2 women were killed by their partners and many others made the front pages of newspapers after being beaten by their partners.

The Netherlands Antilles does not know a specific Domestic Violence act. Domestic Violence is still categorized under general violence and assault acts.

NGOs have been lobbying along time to get a domestic violence bill passed without success.

The largest island of the Netherlands Antilles does not have a shelter for battered women although groundwork was laid by the women's center. No money or resources were allocated for this. Maarten opened a shelter for battered women in and receives government support for this.

Changes in the civil code:

Marital rape is now considered rape by our civil code a little step in the right direction

Remedies

Generally women, who are battered and want to leave their abusing partners, do not have economic resources to do so. The system for assistance is very slow and inefficient, leaving the women with no or very little means for surviving. The women's organizations are usually the ones who treat and support these women, financially and otherwise. Some effort was being/is made on local level to make the support agencies more efficient, but as with all other social services this has been severely hampered by the Structural Adjustment Programs.

The federal government has supported a domestic violence project by CAFRA. The aim of this project is to train police officers to get a better understanding of domestic violence and to be able to intervene effectively and in cases of domestic violence.

This project has also been put on hold because of organizational changes in the police organization and the priorities set forth by the government where its crime prevention policy is concerned.

The presenters of this shadow report request the CEDAW to consider asking the government of the Netherlands Antilles, if combating and preventing violence against women is a priority, and if so what legislative and financial measures it will implement to ensure the safety of women and that their human rights of are upheld.

Education and Labor

As is happening in other parts of the Caribbean women here are also well represented in schools. Data from the statistical yearbook 1999 show for example that a higher number of women enter and graduate from the university. They are over represented in all sectors except the technical unit where they are underrepresented by a large margin. This and data on employment occupation by sex show a marked under representation of women in the technical sectors. A few years back there was talk of a technical/vocational school for women, but nothing has happened in this area.

Women are also underrepresented in legislative and managerial occupations.

Women still carry the bulk of the responsibility of the household and children and this also limits her possibilities in the workforce.

Because of the austerity (SAP) measures taken, people are immigrating to Holland in massive numbers. Lack of job opportunities, loss of job, or low paying jobs and the limited access to educational opportunities and a lack of confidence in the politicians and the government have impacted on the numbers of persons leaving the island.

The presenters of this shadow report request the CEDAW to consider asking the government of the Netherlands Antilles to develop effective instruments to increase the participation of girls and women in technical professions, what measures it has taken to educate men about sharing in household responsibilities and child rearing, and steps it has taken to encourage and educate women about political leadership.

The presenters will join NGOs in the Netherlands and NGOs within the CAFRA network to pursue the goals of the CEDAW.