



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of the Netherlands*

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

A. Introduction

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

3. The Committee commends the State party for its high-level delegation, which was headed by the Minister of Education, Culture and Science of the Netherlands, Jet Bussemaker. The delegation also included the Minister of Education, Family Policy and Lifelong Learning of Aruba and representatives of the Ministry of Education, Culture and Science of the Netherlands, the Ministry of the Interior and Kingdom Relations of the Netherlands, the Ministry of Security and Justice of the Netherlands, the Ministry of Health, Welfare and Sport of the Netherlands, the Ministry of Education, Family Policy and Lifelong Learning of Aruba, the Ministry of Foreign Relations of Aruba, the Ministry of General Affairs and Foreign Relations of Curaçao, the Ministry of Education, Science, Culture and Sport of Curaçao, the Ministry of Social Development, Labour and Welfare of Curaçao, the Ministry of Public Health, Social Development and Labour of Sint Maarten, the Department of Foreign Relations of Sint Maarten, the Ministry of Foreign Affairs of the Netherlands and the Permanent Mission of the Netherlands to the United Nations Office and other international organizations in Geneva.

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



B. Positive aspects

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

(a) New Penal Code of Sint Maarten, which expands the definition of "victim of domestic abuse" to include partners or companions, in 2015;

(b) Mandatory Reporting Code (Domestic Violence and Child Abuse) Act, in 2013;

(c) New Criminal Code of Aruba, which contains provisions on, among others, stalking, in 2012;

(d) Amendment to the General Equal Treatment Act, which entered into force in 2011;

(e) Amendment to book 1 of the Civil Code of Curaçao, allowing parents to decide on the surname of their child, in 2010.

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

(a) National Programme of Action to Combat Discrimination, in 2016;

(b) Action Plan on Discrimination in the Labour Market, in 2014.

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

(a) Convention on the Rights of Persons with Disabilities, in 2016;

(b) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2015;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2010.

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

C. Parliaments

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliaments of the Netherlands, Aruba, Curaçao and Sint Maarten, as the four countries that constitute the Kingdom of the Netherlands, in line with their mandates, to take the necessary steps regarding**

the implementation of the present concluding observations between now and the next reporting period under the Convention.

D. Principal areas of concern and recommendations

Legal status of the Convention

9. The Committee notes the explanation provided by the State party's delegation that, although all treaty provisions are binding in the State party, article 93 of the Constitution provides that only treaty provisions that are self-executing shall become binding upon publication and are thereby directly applicable in the national legal order. In addition, article 94 of the Constitution stipulates that statutory regulations in force within the State party shall not be applicable if their application is in conflict with such treaty provisions. The Committee notes that treaty provisions that are considered to have direct effect under article 93 can be directly invoked by an individual but that provisions that do not have direct effect cannot. Reiterating its previous concerns (CEDAW/C/NLD/CO/5, para. 12), the Committee notes with concern that some provisions of the Convention that are not considered to be directly applicable in the State party have not yet been incorporated into national law.

10. Recalling its previous recommendation (CEDAW/C/NLD/CO/5, para. 13), the Committee recommends that the State party incorporate into national law without delay the provisions of the Convention that are not considered to be directly applicable and to provide for domestic remedies for alleged violations of any rights guaranteed to individuals by the Convention.

Implementation of the Convention

11. The Committee notes that the State party has undergone constitutional restructuring in the light of the amendment of the Charter for the Kingdom. Under the new structure, Curaçao and Sint Maarten have acquired the status of countries within the Kingdom, similar to Aruba. The State party thus consists of four countries: the Netherlands, Aruba, Curaçao and Sint Maarten. The three islands of Bonaire, Sint Eustatius and Saba, which now constitute "the Netherlands in the Caribbean", each have the status of a municipality. Reiterating its previous concerns (CEDAW/C/NLD/CO/5, para. 14), the Committee notes with concern that, notwithstanding efforts to eliminate them, disparities in the implementation of the provisions of the Convention persist in the four countries, because of the State party's policy that the implementation of the Convention is the responsibility of each territory.

12. Recalling its previous recommendation (CEDAW/C/NLD/CO/5, para. 15) and its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee reiterates that the delegation of powers does not absolve the State party of its obligations under the Convention, notwithstanding its internal governance arrangements. The Committee therefore recommends that the State party continue to strengthen its coordination mechanisms to ensure the coherent and consistent implementation of the provisions of the Convention in all of its countries and public entities.

Access to justice

13. The Committee notes the State party's efforts to facilitate women's access to justice. Nevertheless, it notes with concern that the State party has not implemented the Committee's recommendations in communication No. 36/2012,¹ in which the Committee found that the State party had violated article 11 (2) (b) of the Convention. The Committee notes that one of the authors subsequently initiated proceedings in the State party, where a local court determined that article 11 (2) of the Convention had direct effect and that the State party had violated the Convention. It notes with concern that the State party and the Employee Insurance Agency have appealed against that decision. The Committee notes with concern that the State party's non-compliance with that decision seriously impedes women's access to justice and compels women to initiate legal proceedings in order to enforce the Committee's recommendations, in addition to having to exhaust domestic remedies before bringing their case to the Committee.

14. In line with its general recommendation No. 33 (2015) on women's access to justice and its views in communication No. 36/2012, the Committee urges the State party to implement the recommendations contained therein without further delay and take specific steps to provide effective remedies to all women concerned.

National machinery for the advancement of women and gender mainstreaming

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

(a) No unified strategy or policy for the implementation of the provisions of the Convention has been adopted and that most policies are gender-neutral;

(b) There is no timeline for the introduction of integrated gender mainstreaming in Aruba;

(c) No gender impact assessment or gender budgeting analysis has been conducted in Curaçao;

(d) The coordination and management of gender mainstreaming efforts are not sufficiently clear and coherent in Sint Maarten.

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

(a) **Develop and adopt a unified and comprehensive national policy or strategy for the implementation of the provisions of the Convention, strengthen the implementation of the gender mainstreaming strategy at the municipal and other levels and ensure that all government bodies involved receive appropriate guidance and support in their implementation efforts, including sufficient human, technical and financial resources;**

¹ See communication No. 36/2012, *De Blok et al. v. the Netherlands*, views adopted on 17 February 2014.

(b) **Continue to strengthen effective coordination and ensure clear and coherent management of the national machinery for the advancement of women at all levels;**

(c) **Ensure access to the results of human rights impact assessments and transparency in the conduct of compliance checks;**

(d) **Ensure that the integrated national gender policy currently under preparation in Aruba includes gender mainstreaming and conduct a comprehensive gender impact assessment of all laws and policies;**

(e) **Conduct a gender impact assessment and introduce gender budgeting in Curaçao, as well as establish monitoring mechanisms to comprehensively and regularly assess progress and evaluate the impact of such efforts;**

(f) **Ensure clarity and coherence in the coordination and management of the gender mainstreaming efforts of relevant authorities in Sint Maarten, including the Department of Social Development and the Department of Community Development, Family and Humanitarian Affairs.**

17. The Committee is concerned by the potential negative impact of a shift in the State party from institutional funding of women's non-governmental organizations to project subsidies, which has weakened women's non-governmental organizations, including those of black and migrant women.

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

Temporary special measures

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

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

Stereotypes and harmful practices

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

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

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

(c) Discriminatory stereotypes and hate speech are targeted at Muslim women, migrant women and women asylum seekers in the State party;

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

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

22. The Committee recommends that the State party:

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

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

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

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

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

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

Gender-based violence against women

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

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

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

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

(d) The lack of data on the impact of the broadening of the Social Support Act of 2015 to include safety in the domestic setting and of the merger of child abuse and domestic violence services;

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

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

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

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

(b) Ensure the effective enforcement of domestic exclusion orders and monitoring with a view to combating repeat offending, which often results in serious forms of gender-based violence;

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

(d) Evaluate the provision of shelter services and their management by municipal authorities in the light of the merger of child abuse and domestic violence services and provide information in the next periodic report on the impact of such changes;

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

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

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

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

Trafficking and exploitation of prostitution

27. The Committee welcomes the sharp increase in the prosecution of cases of trafficking in persons, thanks in part to the use of specialized prosecutors and criminal investigators. The Committee also welcomes the fact that, since January 2013, all cases of trafficking in persons have been heard by specialized judges to enable them to build their expertise in relation to trafficking. Nevertheless, the Committee is concerned by the prevalence of trafficking in women and girls for sexual exploitation and the fact that the State party's focus is on the smuggling of persons rather than trafficking in persons.

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

29. The Committee notes that prostitution is legal in the State party. Nevertheless, it is concerned by the lack of precise information on the existing programmes for women who wish to leave prostitution and the specific policy measures for prosecuting so-called "lover-boys" who exploit women and girls in prostitution. The Committee also notes with concern that the survey that has been planned on women in prostitution is yet to be conducted in Aruba. The Committee notes that the bill on the regulation of prostitution and combating abuse in the sex industry, to remove the provisions on compulsory registration for women in prostitution and the obligation of clients to verify registration, was adopted by the House of Representatives and is now pending before the Senate.

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

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

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

(c) **Ensure that, upon the adoption of the bill on the regulation of prostitution and combating abuse in the sex industry, municipal authorities are closely monitored to ensure that they do not illegally enforce the registration of women in prostitution.**

Participation in political and public life

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

(a) The low number of women mayors, professors and senior diplomats;

(b) The underrepresentation of women in political and public life in high-level decision-making positions in Curaçao.

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

(a) **Continue to take targeted steps to further increase the representation of women in political and public life, in particular in local government, academic institutions and the foreign service;**

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

Education

33. The Committee notes the generally high quality of education in the State party and welcomes the range of steps taken to further improve access by women and girls to high-quality education in the State party. Nevertheless, the Committee is concerned by:

(a) The persistent segregation in the field of education, in particular in vocational training and higher education, and the underrepresentation of women and girls in traditionally male-dominated subjects in senior secondary general education and pre-university education;

(b) The negative impact of the lack of measures for pregnant students in middle-level applied education and tertiary education and of the implementation of the Work and Security Act of 2015 on researchers on temporary work contracts who are pregnant or taking parental leave, which has caused students to drop out of education, damaged academic career prospects for female students and resulted in a loss of talent that could have benefited society in academic research;

(c) The fact that school attendance of girls over 15 years of age decreases at each higher level of education in Aruba;

(d) The fact that women and girls continue to be concentrated in traditional fields of study in Curaçao, even though they constitute twice the number of men and boys at the University of Curaçao.

34. The Committee recommends that the State party:

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

(b) **Address the lack of policies at educational institutions for pregnant students and assess the impact of the implementation of legislation such as the Work and Security Act of 2015 on researchers on temporary contracts who are pregnant or taking parental leave with a view to improving conditions for women to enable them to finish their courses with a degree and pursue research careers and to ensuring that universities retain women in the area of research;**

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

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

Employment

35. The Committee welcomes the adoption of the Flexible Working Arrangements Act, which entered into force in January 2016, and the Action Plan on Discrimination in the Labour Market. Nevertheless, the Committee is concerned by the continued existence of horizontal and vertical occupational segregation, with women being concentrated in part-time work, predominantly because of childcare responsibilities, which adversely affects their career development and pension benefits. The Committee is particularly concerned by:

(a) The persistent gender wage gap, which is partly due to the relatively high number of women who work part-time;

(b) The fact that women take more hours of parental leave per week than men, notwithstanding the increase in the number of days of parental leave to which men are entitled;

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

(d) The lack of information provided to the Committee on the participation of women of migrant origin in the labour market and on the labour exploitation of ethnic minority women, who are frequently subjected to longer working hours;

(e) The high number of women who have experienced pregnancy-related discrimination, according to a study conducted by the Netherlands Institute for Human Rights, and the underreporting of cases of sexual harassment;

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

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

36. The Committee recommends that the State party:

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

(b) Increase the incentives for men to exercise their right to parental leave and develop programmes aimed at encouraging women and men to share parental responsibilities;

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

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

(e) Introduce policies and temporary special measures to address intersecting discrimination faced by minority women and women from Aruba, Curaçao and Sint Maarten;

(f) Revise the Home Services Regulations to ensure that women domestic workers enjoy full social and labour protection and consider ratifying the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Health

37. The Committee welcomes the steps taken by the State party to raise awareness among stakeholders, such as doctors and insurance companies, about the need for gender-sensitive health care, including the drawing up of a strategic plan for the launch of a widely supported health-care programme. Nevertheless, the Committee notes with concern that no information was provided about the human, technical and financial resources allocated to that programme and whether special attention has been paid to intersecting forms of discrimination. The Committee notes with particular concern that:

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

(b) In Sint Maarten, abortion is illegal and the Penal Code criminalizes anyone who provides abortion-related information or services;

(c) In Curaçao, contraceptives are not covered by health insurance and, although they can be purchased at an affordable price from government-sponsored

non-governmental organizations, only a limited number of women use modern contraceptives;

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

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

38. The Committee recommends that the State party:

(a) Provide information in the next periodic report on the strategic plan for the launch of a widely supported health-care programme, in particular the human, technical and financial resources allocated to the programme and whether special attention has been paid to intersecting forms of discrimination;

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

(c) Amend relevant provisions of the Penal Code of Sint Maarten to legalize the termination of pregnancy in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman and severe impairment of the foetus, and decriminalize abortion in all other cases, and ensure that the new policy on sexual and reproductive health that is being finalized by the Ministry of Public Health, Social Development and Labour guarantees the availability and accessibility of legal and medically safe modern methods of abortion on the above grounds, in line with the Committee's general recommendation No. 24 (1999) on women and health;

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

(e) Take appropriate steps, including the recruitment and training of medical personnel, to ensure that specialized HIV/AIDS-related health-care services are available in all parts of Curaçao and address barriers in access to antiretroviral medicines, including by reducing the cost thereof;

(f) Analyse the root causes of the increase in the incidence of HIV in Aruba and take specific steps to address them, including through awareness-raising programmes for women and girls on prevention and the use of modern contraceptives.

Disadvantaged groups of women

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

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

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

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

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

Rural women

41. The Committee welcomes the adoption of the Population Decline Action Plan 2015-2019, which sets out a strategy to address the impact of regional population decline in less-urbanized areas. Nevertheless, the Committee is concerned by the lack of integration of a gender perspective therein and the fact that the population decline is accompanied by a reduction of transport and social services, which affects women disproportionately. The Committee also notes with concern that women in Curaçao, in particular those who earn low wages, face difficulties in terms of access to public transport and other services.

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

Marriage and family relations

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

(a) The lack of information about whether judges in the State party systematically assess domestic violence before deciding on child custody;

(b) The lack of information about whether, when determining the distribution of property upon divorce, judges take into account the differences in the earning potential and human capital of spouses and address gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market, the gender wage gap and women's disproportionate share in unpaid work such as childcare;

(c) The fact that the civic integration test that is required for the purposes of family reunification has become more difficult such that less-educated women are unable to pass it;

(d) The lack of information about whether judges are trained to enforce the law regarding marital captivity by imposing fines when a spouse "wrongfully refuses to cooperate in a divorce".

44. The Committee recommends that the State party:

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

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

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

(d) **Conduct awareness-raising campaigns and training on marital captivity for the judiciary and law enforcement officials with a view to eradicating the phenomenon.**

Women and peace and security

45. The Committee notes with satisfaction the State party's commendable efforts in the area of women, peace and security, such as the adoption of a national action plan on women and peace and security, covering the period 2016-2019, its engagement in missions charged with the reconstruction of conflict-affected countries and its active role in preventing and resolving conflicts in many regions. While recognizing that the State party conducts a human rights impact assessment, including with regard to women's rights, before approving arms export licences, the Committee, however, notes with concern that public scrutiny of such assessments is not allowed.

46. The Committee recommends that the State party:

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

(b) **Ensure that economic recovery strategies and programmes promote gender equality and that women are involved in the design thereof;**

(c) **Support formal and informal conflict prevention efforts of women and provide technical assistance on conflict resolution processes to countries emerging from conflict with a view to promoting the effective participation of women.**

Beijing Declaration and Platform for Action

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

2030 Agenda for Sustainable Development

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

Dissemination

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

Ratification of other treaties

50. **The Committee notes that the adherence of the State party to the nine major international human rights instruments² would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Follow-up to the concluding observations

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

Preparation of the next

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

53. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).**

² The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.