

Netherlands

Apie

Since 1983, the principle of equality and non-discrimination has been set out in the Constitution for the Kingdom of the Netherlands (Grondwet). Although European Union (EU) legal frameworks on equal treatment and equal opportunities for women and men prompted many of the enactments (and adjustments) in Dutch gender equality legislation [1], its reputation as one of the first European countries to introduce legal protection against discrimination on multiple grounds means that Dutch gender equality legislation is often more comprehensive than that of the EU.

Gender mainstreaming is not legally mandated in the Netherlands. However, in its Multi-Year Policy Plan in 2000, the Dutch government announced five preconditions for gender mainstreaming, requiring departmental and interdepartmental structures to be set up. The Plan also obliged all ministries to prepare a report on gender mainstreaming, indicating how these preconditions were met. Legal obligations for gender mainstreaming were introduced, albeit only in some realms (notably the Act on Management and Supervision, 2012).

The government's gender equality body (the Gender Equality and LGBT(QI+) Equality Department of the Ministry of Education, Culture and Science – Directie Emancipatie van het Ministerie van Onderwijs, Cultuur en Wetenschap) introduced the 'National Action Plan: The Gender and LGBTQI+ Equality Policy Plan: Principles into Practices' (NAP) [2] in 2017. This plan prioritised women's inclusion in the labour market and equal treatment policies (among others).

Progress in fostering gender equality is generally slow. This is confirmed in the case of the Netherlands by the Emancipation Monitor¹ and academics. As the decline in the WEF Global Gender Gap Index 2017 (as well as a drop in EIGE's Gender Equality Index 2017) shows, progress in generating more gender equality is not a linear process. Typical for Dutch emancipation [3] policy today is that a sense of political urgency is missing and gender inequality watchdogs have been disbanded in favour of horizontal gender mainstreaming [4]. For most political parties in the Netherlands, even after the #MeToo revelations, gender inequality is not an urgent political issue. A certain protest activism has been silent in the Dutch public sphere and gender equality is a term that is less frequently used today in parliamentary debate and media, and it plays less the part of public protest drivers than it used to be a decade ago.

Legislative and policy framework

The first statutory laws prohibiting discrimination on the grounds of sex were the Equal Pay Act of 1975 and the Equal Treatment Act for Men and Women (wet gelijke behandeling van Mannen en Vrouwen) of 1980. The latter (amended in 1989, 1994, 1998 and 2006 to bring national law in line with EU law) establishes the right to equality for women and men in both private and public employment. In addition, the 1994 General Equal Treatment Act (Algemene wet gelijke behandeling) sets out the legal basis against discrimination in most forms, including labour market discrimination and discrimination on the grounds of religion, political beliefs, race, ethnicity, gender and sexual orientation.

The current gender equality priorities include the promotion of women's inclusion in the labour market and the extension of working hours [5], the promotion of women to top positions, and equal treatment policies, in particular for minorities and the LGBTQI+ community. The NAP introduced in 2017 sets out the policy principles for 2018-2021 [6], together with the direction of government policy on emancipation. The plan encompasses the following major themes:

- Labour market independence, more women at the top, and equal pay;
- Safety, security and acceptance;
- Gender diversity and equal treatment.

The government subsidises and partners with non-governmental organisations (NGOs) and other social institutions to determine the implementation and evaluation of policy plans. Progress is monitored by the Ministry of Education, Culture and Science (Minister Onderwijs, Cultuur en Wetenschap, OCW), which is responsible for monitoring and assessing progress in all areas of women's emancipation in the Netherlands.

In 2016, the United Nations (UN) Committee on the Elimination of Discrimination against Women highlighted the absence of a national policy or strategy for the implementation of the provisions of the Convention on the Elimination of All Forms of Violence against Women (CEDAW) in the Netherlands [7]. The Committee recommended strengthening the implementation of the gender mainstreaming strategy at all levels of government and ensuring consistent interventions in the four countries that constitute the Netherlands (the Netherlands, Aruba, Curaçao and Sint Maarten).

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Structures

Government responsibilities

After a 2007 evaluation of gender mainstreaming by the government's Emancipation Review Committee (VCE) found that the integration of emancipation objectives into regular policy-making had stagnated, the Netherlands changed its approach to gender mainstreaming. The core of its revised approach is the 'system responsibility' of ministries, i.e. while the Ministry of Education, Culture and Science (Minister Onderwijs, Cultuur en Wetenschap, OCW) takes the lead in national emancipation policy, it has cooperation agreements with other ministries where emancipation priorities fall within those ministries' policy domain. These cooperation agreements specify what and how those ministries must contribute to the emancipation objectives set out in national policy. Significantly, this system-responsibility approach means that ministries other than the OCW are held accountable by parliament for the implementation of gender equality policy.

The OCW is responsible for gender equality at the highest level. As the government gender equality body, its overarching policy coordinates responsibility for the theme across ministries. The Directorate for Emancipation was established in 1978 and brought under the OCW in 2007. Gender equality is a special portfolio, in addition to the other themes of education and science. The OCW promotes equality and the emancipation of women, while the Directorate also covers the rights of LGBTQI+ people. Many ministries have civil servants who focus on gender equality from a specific perspective (international women's rights, within the Ministry of Foreign Affairs, for example, or women's employment, within the Ministry of Social Affairs and Employment).

The Netherlands has put in place an inter-ministerial structure and enhanced networking and cooperation with the gender equality body. Nevertheless, there is a lack of initiatives to raise awareness of the benefits of gender mainstreaming, practices of gender budgeting in departments, and initiatives for improving the gender competence of civil servants.

The main tasks of the Minister of the OCW are agenda-setting and establishing the general framework for gender equality policy, supporting the embedding of gender equality policies across the ministries, supporting society through knowledge infrastructure and goal-oriented subsidies, coordination of the implementation of international agreements, and monitoring and verifying progress achieved in gender equality and emancipation in the country.

Human resources for the promotion of gender equality are limited by the budget (EUR 10 million) available for the promotion of gender equality at the Gender Equality and LGBTQI+ Equality Department of the OCW. The EUR 10 million budget is part of a EUR 15 million emancipation policy budget, with EUR 5 million reserved for LGBTQI+ projects. Since 2005, the Netherlands has seen a continuous downward trend in the number of full-time employees, as well as a falling ratio between employees and the country's population. The budget is chiefly spent on subsidising civil society projects and, with the new subsidy regulation of 2017, longer projects of broad alliances among civil society organisations. In practice, this means that funding changes have led to gender equality expertise moving to civil society organisations.

Independent gender equality body

The Netherlands Institute for Human Rights (College van de Rechten van de Mens) is the independent gender equality body responsible for explaining, monitoring, protecting and promoting respect for human rights (including equal treatment) in practice, policy and legislation, and increasing awareness of human rights in the Netherlands [8]. Its functions are set out in the Netherlands Institute for Human Rights Act (2011), with tasks including: assessing infringements of equality law (they provide legal advice insofar as the front office can explain the Equal Treatment Act but cannot provide assistance); conducting research on measures to protect human rights; reporting and making recommendations on the protection of human rights, including annual reports to parliament and the government on the human rights situation in the Netherlands; providing advice (on written request or on its own initiative) to the government, parliament or executive bodies on law and legislation with a direct or indirect impact on human rights; providing information on human rights; stimulating and coordinating education on human rights [9].

Endowed with quasi-jurisdictional competence, [10] the Institute has legal standing to take cases on its own initiative (Article 13 of the Netherlands Institute for Human Rights Act) but it cannot represent victims before the courts. The Institute has no legal standing to act as *amicus curiae* but it can do this in practice. Institute staff do not deal exclusively with gender or sex discrimination but, rather, work with all discrimination grounds covered by the law.

In 2017, the Institute received 3,344 questions and alerts about equal treatment, 46 % of which were gender-related, 22 % health-related and 16 % race-related. The Institute has witnessed a rise in discrimination incidents related to gender (from 2,781 in 2016 to 3,344 in 2017), although this may be partly due to the establishment of a special helpline for discrimination cases related to pregnancy, especially among (expectant) mothers with temporary contracts [11]. The budget for activities related to discrimination on grounds of gender cannot be disaggregated.

Parliamentary bodies

The government reports to the parliament on progress on emancipation issues every two years. Inter-ministerial coordination of all gender emancipation matters also aims to guarantee the involvement of cabinet ministers, their parties and senior civil servants. There is a standing committee on emancipation ([vaste commissie, OCW](#)), where parliamentary members meet once a month to discuss related issues with a minister.

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Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by the Netherlands.

Several gender mainstreaming tools are in use, including gender impact assessment, gender statistics and sex-disaggregated data. The Netherlands does not use gender budgeting.

Training and awareness-raising

The Dutch government regularly organises awareness-raising campaigns in all areas of gender equality, including campaigns for combating sexual and domestic violence, improving health, and the impact of stereotyping on discrimination. Awareness-raising activities have also focused on the promotion of women in executive positions in companies and academia, as well as increasing the involvement of women and girls in science and technical education.

Training in all ministries is ad hoc and infrequent. Occasionally, training sessions are provided for staff, often together with knowledge transfer by gender equality experts, such as EIGE. Gender is often considered part of diversity programmes, as well as individual training trajectories, such as assertiveness training, which is sometimes offered specifically for women leaders.

Gender statistics

Two major agencies are responsible for the collection of sex-disaggregated data: the Central Office of Statistics (Centraal Bureau voor de Statistiek, CBS) and The Netherlands Institute for Social Research (Sociaal en Cultureel Planbureau, SCP). Although both apply gender-based disaggregation of data as standard, their websites do not contain specific gender-based information sections.

Established in response to the need for independent and reliable information, [the CBS](#) provides statistical information and data on a wide range of social issues in the Netherlands. Its independence is enshrined in the Law of the Statistics Netherlands Act (2003) and the Minister of Economic Affairs is politically responsible for relevant legislation, budget and conditions. The CBS is financed from the state budget. It collects and analyses data in a variety of domains, including labour and income, economy, society, and regional and corporate data. The information is disaggregated by sex, age and income (among others).

The SCP was established through a Royal Decree in 1973. Its official tasks are to describe the social and cultural situation in the Netherlands and outline anticipated developments, to provide the information needed for well-considered choice of policy objectives and resources and for the development of alternatives, to evaluate government policy (especially inter-departmental policy), for example concerning older persons, women, young people and ethnic minorities. The SCP collects data annually for its research and also uses data from other sources, such as the European Social Survey and national data from the CBS.

As a government agency, the SCP researches the social aspects of all areas of government policy, particularly health, welfare, social security, the labour market and education, and the integration of these fields. Reports published by the SCP are widely used by government, civil servants, local authorities and academics. Similar to the CBS, the SCP has experts in emancipation and gender equality but no specific programme on gender. Gender is, however, part of other research programmes on income and social security, dynamics in the labour market, learning and education, care and support, health and well-being, societal participation, values and norms, and sustainable society.

The SCP, however, has a Care, Emancipation, and Time Use research sector, where gender specialists work. Although the SCP website has no separate section on gender, sex-disaggregated data are commonly available for all sections (labour and income, economy, and society, similar to CBS). The information is offered freely in the [Statsline database](#).

Every two years, the SCP publishes the Emancipation Monitor, (Emancipatiemonitor) in collaboration with the CBS. The Emancipation Monitor contains statistics on the position of women and men in areas such as the labour market, education, health and safety. [The Monitor](#) is used to inform parliament and other stakeholders on the progress of gender equality in the Netherlands since 2000. Published every two years, it evaluates the progress of the Netherlands' national emancipation policy, showing where progress has been achieved and/or the challenges remaining in women's participation in the workforce, education, security and leadership.

Since 2000, the Emancipation Monitor has been the key tool for the production and dissemination of sex-disaggregated data. It produces a wealth of data, yet, as part of the institutional machinery of emancipation policy, lacks a critical gender perspective in its data analysis. Since 2008, much attention is paid to facilitating women to achieve higher positions in corporate boardrooms.

The 'Talent to the Top' foundation's campaign to raise awareness of gender inequality in leading decision-making positions and its charter promoting a sustainable diversity policy prompted many organisations in the field of gender equality to promote and monitor gender mainstreaming in education and science (e.g. the Network of Female Professors (Landelijk Netwerk Vrouwelijke Hoogleraren, LNVH), Association of Women with Higher Education (Vereniging van vrouwen met hogere opleiding, VVAO).

The recently established Business Monitor (which monitors women in top positions of business) is a valuable tool that provides important measurements of progress in the field of institutional mechanisms and generation and dissemination of sex-disaggregated data [12].

The evaluation research for 2012–2018, including a mid-term review and evaluation of small projects, is limited. This is primarily because policy objectives are formulated in non-measurable terms [13] and small projects are evaluated by civil society organisations (e.g. Movisie, Rutgers) in somewhat ad hoc and uncritical ways [14].

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Good practices

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Endnotes

[1] Ramos Martín, N. E. (2008). Gender equality in the Netherlands: an example of Europeanisation of social law and policy. (AIAS working paper; No. 08/66). Amsterdam: Amsterdam Institute for Advanced labour Studies.

[2] Lesbian, Gay, Bisexual, Transgender, Queer, Intersex + (LGBTQI+).

[3] 'Emancipation', as defined by the Emancipation Monitor is the promotion of equal rights, equal opportunities and (shared) responsibilities for women and men.

[4] Netherlands Institute for Social Research (SCP) and Statistics Netherlands (CBS) at the request of the Minister of Education, Culture and Science. See also WEF Global Gender Gap Index 2017 and EIGE Gender Equality Index 2017.

[5] van Gerven and Nygard (2018).

[6] Ministry of Education (2018).

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[9] College van de Rechten van de Mens (2017). Jaarverslag 2017, p. 9.

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