

# Advocacy for the right to stand for election



## *Reformed Political Party (SGP)*

Until 2013, the SGP (Staatkundig Gereformeerde Partij or Reformed Political Party) was unique among Dutch political parties in that, based on its interpretation of the Bible, it prohibited women from standing for political office. The party regards women bearing government or legislative responsibility to be at odds with the biblical vocation of women. Despite condemnation from women's organisations, the Dutch state was reluctant to intervene, stating a clash of fundamental rights: non-discrimination versus religious freedom. This prompted a number of women's organisations to take action and to contest this in court. After a seven-year legal battle involving four court cases, in 2012 the European Court of Human Rights agreed with the ruling of the Dutch Supreme court that the SGP's position was discriminatory and unacceptable regardless of the religious conviction on which it is based. The SGP changed its rules in 2013 and in March 2014 its first woman councillor was elected in Vlissingen.

## Condemnation at the United Nations

Until recently, one Dutch political party stood out from the rest. The SGP (Staatkundig Gereformeerde Partij or Reformed Political Party) was unique in that, based on its interpretation of the Bible, it prohibited women from standing for political office.

The party held obstinately to this principle despite high-level criticism: at its 2001 session the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) made it clear that the policy conflicted with article 7 of the CEDAW convention, which the Netherlands signed in 1980. CEDAW recommended that the Netherlands take action to correct this situation:

*“The Committee notes with concern that in the Netherlands there is a political party represented in the Parliament which excludes women from membership which is a violation of article 7c of the Convention. The Committee recommends that the State party take urgent measure to address this situation, including through the adoption of legislation that brings the membership of political parties into conformity with the obligations [under article 7](#)”.*

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## **Dutch state reluctant to act**

Nevertheless, the Dutch state declined to take any action against the SGP, and continued to subsidise it as it had done since 1999. The state’s reasoning was that Dutch law was in accordance with the convention, so did not need changing. Equally the cabinet did not want to move against the SGP since it believed that what was at stake was a clash of different fundamental rights: non-discrimination versus religious freedom and freedom of association. The government refused to ban or penalise the party and held that the law was already strong enough to deal with any discrimination by the SGP. This reaction received a lot of criticism. The rejection of the CEDAW’s recommendation was seen as undermining the international legal order. It is not the Netherlands but CEDAW that supervises the interpretation of and compliance with the convention.

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## **First protests against SGP discrimination**

The individual complaints about SGP practice started in the 80-s and 90-s and played an important role in challenging the party's position although these 'horizontal' allegations of discrimination had legally failed and did not lead to actual changes. In the 80-s one woman with a reformed background Mrs Grabijn-Van Putten had threatened to take the party to court if she would not receive voting rights for a party assembly, declaring the party's position to be unconstitutional. After many years of disputes in 2001 she brought her case to the Equal Treatment Commission, which declared this case to be outside its jurisdiction.

In 1993 several women from Deventer reported discrimination by the SGP to the police but no further action was taken. The same holds true for an appeal of a woman in 1995 concerning the party's refusal to register her as a member on the ground that she did not endorse the party's foundations. This appeal was lost, the District Court of The Hague ruled that whilst the SGP did discriminate it did not do so in a criminal manner.

A more organised and concerted action was needed to challenge women's exclusion and bring about changes. Dutch human rights NGOs and women's rights associations took a next step. The Government's refusal to implement the recommendations of CEDAW Committee on the topic triggered their actions.

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## **Women's rights associations: Seven years of court cases**

Faced with this stalemate, a number of women's associations started legal action against the Dutch state. They comprised of ten of the country's most notable human and women's rights organisations and were led by the Clara Wichmann Test Case Foundation (Stichting Proefprocessenfonds Clara Wichmann), which exists specifically to support legal action to improve the legal position of Dutch women. Among others, were the Netherlands Association for Women's Interests, Women's Labour and Equal Citizenship, the Women's Network Association, the Netherlands section of the International Commission of Jurists. In their appeal the associations stated that the SGP violated fundamental rights of equal treatment of men and women and fundamental rights in terms of the right of women to political participation and thus violated the general interest of society as such in the elimination of discrimination. The NGOs framed the practices of the SGP as a violation of the right to non-discrimination of all Dutch women.

A decision of the Regional Court in September 2005 established that excluding women from party membership was in violation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and concluded that the state had acted unlawfully by subsidising the SGP and the public funding to the SGP should be suspended. That would have cost the party about EUR 800,000 a year as in the Netherlands political parties receive funds from the state which are distributed based on three criteria: a fixed amount is distributed to all parties represented in parliament; additional funds are distributed depending on the number of seats obtained; and a further amount is distributed in proportion to the number of contributing party members. The state appealed this decision.

Under this pressure in 2006 the SGP amended its Principles to enable women to become members of the party. Since 2007 the SGP has admitted women members, though still without allowing them to stand for election to public office. The other demand of the plaintiffs was that the SGP should change its statutes so that women could be elected to office. In this case the plaintiffs were not admissible. The plaintiffs appealed this decision.

The appeal court ruled on 20 December 2007 that the Dutch state should take action against the SGP, as women should be eligible to stand for election within this political party. The state again appealed these decisions on the same legal grounds as it had stated in its reaction to CEDAW's recommendations. On 9 April 2010 the Supreme Court ruled against the state's appeal, saying that the state cannot tolerate discrimination against women and should take action against the SGP.

In reaction, the SGP filed a complaint at the European Court of Human Rights, claiming that it should have the freedom to act according to its principles. But on 10 July 2012 the European Court of Human Rights took the decision that even given its principles, the SGP could not exclude women. The Court judged the complaint to be inadmissible because of it being manifestly ill-founded.

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## **The party changes its rules**

At last, in 2013, the SGP acted on the Dutch Supreme Court and European Court of Human Rights rulings. The SGP executive council amended the party's general regulations so that, in the nomination of candidates for elections to a city council, the States-Provincial, the House of Representatives, the Senate or the European Parliament, candidates cannot be debarred from standing because of their sex. This change took effect on 1 April 2013 and in concrete term meant that henceforth women from the SGP could stand as candidates for their party. With this decision, which was followed by an exchange of letters with the cabinet and discussions with the executive council of the SGP, the candidate nomination procedure of the SGP was brought into line with the law as stipulated by the Supreme Court. This removed the need for the state to take any further measures.

In March 2014 in the municipality of Vlissingen, the first female candidate (Lilian Janse) was included on the list of candidates from the SGP in the position of party leader, and was duly elected as a councillor.

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## **Advocacy for change**

The example demonstrates the importance of civil society in challenging women's exclusion from politics. For a long time the discriminatory actions of SGP were relatively uncontested. But during the past decade several women's rights and human rights groups took legal steps to challenge both: the SGP party rule of excluding women and the state subsidy to the SGP on the ground that they discriminated against women in violation of international law. The women's rights organisations aimed at forcing the state to put an end to discriminatory practice. The lengthy legal battle got a lot of public attention, intensified the discussions on the issue, opened up the party membership to women, and finally resulted in the change of party rules allowing women to be election candidates.

The overturning of the SGP's discriminatory selection procedure was entirely due to the persistence and commitment of a group of women's associations which pursued the case doggedly through the courts since 2005. This legal success shows that determined advocacy of women's rights can have a very concrete result, even when faced with official intransigence.

The initiative was vital in addressing non-discrimination and equal treatment, which are fundamental to women's representation in politics. The case highlights the need to remove obstacles to women's political participation.

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# Contacts/Further Information

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## Further information

[Clara-wichmann.nl](http://Clara-wichmann.nl)



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## Metadata

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