

Factsheet Dutch CEDAW Network November 2016

New developments - follow-up case De Blok et. al vs the Netherlands (Optional Protocol CEDAW/C/57/D/36/2012).

1. Immediately after the verdict of the District Court Midden-Nederland the UWV, the Employees Insurance Agency, after consultation with the Ministry of Social Affairs, appealed to the verdict (29 September 2016).

2. On November 3 2016 the UWV submitted its arguments for the appeal (apparently again after consultation with the ministry).

With respect to CEDAW the document reads on p. 3:

"It is correct that CEDAW in several publications has expressed the opinion that the scope of art. 11 (02) (b) is broad, and includes self-employed women. Remarkable, however, is that CEDAW never motivated this claim. Nor has CEDAW ever explicitly contested the arguments that art. 11 (2) (b) does not related to self-employed persons and does not in itself impose an obligation to provide for a public benefit scheme for this particular group.

A view (judgement) that lacks any motivation cannot, in our view, be considered as an authoritative view from any organisation.¹

In addition we note that it is not the mandat of CEDAW to provide interpretation of the articles of the Convention on the Elimination of all forms of discrimination against women. ²"

(translated by the Network)

3. Situation of 6 authors: all applied for a maternity benefit.

1. one received it from the Employee Insurance Institute UWV (augustus 2015)

2. two did not receive a maternity benefit, their appeal was turned down by UWV, District Court Amsterdam gave a negative verdict,

3. one did not receive a maternity benefit, her appeal was turned down by UWV, District Court Midden-Nederland's verdict was that UWV should supply a maternity benefit, UWV refuses and appealed to the verdict at the Central Appeals Court

4. two applied for a maternity benefit at UWV; they did not receive any written answer to this request (UWV is silent for more than a year). This is the reason these two cannot appeal (there is no decision to appeal to).

Previous references:

* Shadowreport 2.0 para 2 + Annex para 4

* Netherlands Institute for Human Rights October 2016 p. 1, January p. 2

¹ The court had written " an authoritative view, since CEDAW is an international committee on women's rights issues" (point 17 judgement)

² UWV refers in a footnote to:

<http://un.org/womenwatch/daw/cedaw/committee>, and

<http://www.ohcr.org/EN/HRbodies/CEDAW/pages/Introduction.aspx>