

Statement of Tiye International On the fifty-seventh session of the Commission on the Status of Women to be held at United Nations Headquarters in New York. New York from 4 to 15 March 2013

Tiye International, the Umbrella NGO of National Associations of Black, Immigrant and Refugee woman and Youth in the Netherlands, in Special Consultative Status with the ECOSOC of the United Nations, welcomes the fifty-seventh session of the Commission on the Status of Women and appraisal of the theme: elimination and prevention of all forms of violence against women and girls.

In 2010, prevalence studies were conducted by the INTERVICT Research Team and /or the Ministry of Justice. The Study of Victims and Perpetrators of Domestic Violence was conducted between 2007 and 2010. It is estimated that about 200.000 people of Dutch population become a victim of domestic violence per year. In the last 5 years, about 9% of the people in the Netherlands suffered from domestic violence

For this fifty-seventh session Tiye International would like to bring awareness about:

A. The effect of the Economic Crises

- 1) According to the prognoses the Netherlands face, like many other countries, a serious economic crisis. The coming years more families will be confronted with financial problems, especially if one, or both partners, loose their jobs. A divorce will be too 'expensive' for many women in a bad or violent marriage. More domestic violence must be expected. At the same time, the availability of social support, financial help, and counselling will be less available due to the economic crisis and the cutting down budgets of the governments.
- 2) The policy on domestic violence 2012 – 2016 will not be very different than the current policy. But due to the economic crisis the services (police, health care) will be less available than before.
- 3) A favourable development is that due to some major sexual violence cases and the following investigations, policy makers are seriously developing a policy on sexual violence. Research in this context shows that 33% of all women has been a victim of sexual abuse and 12% victim of rape. However Tiye International and the Dutch Cedaw Women's Network recommend in the last NGO shadow report NL that a National Action Plan Sexual Abuse is needed.

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4) Another favourable development is that the position of victims of domestic and sexual violence, especially in the juridical procedure, will be improved. However, juridical professional help for victims, free of charge, is still not realized and will not in the coming years.

5) There is no clear data of FGM... and honoured related violence. Still the Dutch government is emphasises these forms of violence against (Black, Migrant & Refugee) women and girls in different national (UN) reports and in the context of the Dutch prevention policies. In this way the governments itself is stereotyping (Black, Migrant & Refugee) women and girls.

6) Tiye is worried too concerning the position of female asylum seekers in formal (public) asylum seekers centres. The signals are that these women are victims of sexual abuse by inmates as well by male professionals. Facts and figures are urgent needed to develop adequate policies.

7) Tiye would also like to bring under the attention of the Commission, the recently results of the 'National Public Commission Samson, 2012' related to sexual abuse rate of children after outplacement into fosters homes that are almost three times higher than when they should have stayed at home with their family.

Tiye Recommend the Commission to propose the Dutch government to take effective measures as soon possible regarding these forms of violence against children.

B. The situation of undocumented women

In this respect Tiye's concern is that experiences have shown that these women have become easy victims of several kinds of violence: domestic violence, trafficking, and violence within the sex industry. And because of their state they will not seek for help at judicial instances as the police. This because of the risk for being punished. Even if these women are not able to return back to their country they are not qualified for a residence permit. Exceptions for victims of domestic violence or trafficking do not provide a solution as victims can never trust whether or not they qualify for this exception, for example because the police does not believe them or because of lack of evidence. Moreover, according to the current policies only trafficking victims who are able and willing to cooperate with the authorities qualify for support and a temporary residence permit. Secondly, trafficking and domestic violence are not the only forms of violence (undocumented) women suffer.

Tiye International is of the opinion that it is the duty of governments to ensure that undocumented women who are victim of domestic violence, trafficking or other forms of violence can safely report to the police and receive assistance and protection without being punished themselves?

C. Health service

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1) The position of undocumented women makes that these women cannot make use of health services because they are afraid to be arrested and therefore they are punished themselves even if their health situation is critical. This includes access to pregnancy and maternal care, even if officially they are entitled to this type of care, and access to HIV prevention and treatment.

Tiye International is of the opinion that it is a human right that undocumented women have access to health: pregnancy and maternal care, to which they are officially entitled, and access to HIV prevention and treatment

2) Women living with HIV/aids

Tiye agreed with the observation of the Women's movements in the Netherlands that the government has provided a short paragraph on HIV/aids, unfortunately without referring to its information sources. NGOs think that actual problems are hidden behind this global information. Neither specific information nor measures taken in regard to the identified at-risk group are provided. The government reports that 871 people were diagnosed as HIV-positive in 2006, of which 166 infections were diagnosed in women. Most of these women are of non-Dutch origin, as the government already indicated, whereas most HIV infected men originate from the Netherlands. 73% of the men had acquired the infection through sex with men. Heterosexual contact is by far the most important risk factor amongst women (95%). Many resources for prevention and treatment are aimed at the large group of Dutch men who are (at risk of) living with HIV because of homosexual contact. NGOs suggest that preventive measures and treatment should be developed for women as well. The government indicates that, in principle, everyone in the Netherlands has access to HIV treatment.

Medical care is in theory accessible, but since the Dutch policy is aimed at sending people without a residence permit back to their home country, many people in this group are too scared to apply for medical support. In some cases, HIV-infected undocumented women are allowed to stay in the Netherlands until they are stable and it is safe to return to the country of origin. However the safety of returning to the country of origin is only measured by the availability of HIV-medications and not its accessibility or affordability. The government doesn't provide figures about mother to child transmission as mentioned in general recommendation 24.

Tiye is of the opinion too that the Commission should ask the following questions during the constructive dialogue: how does the government intend to improve its policies targeted at women living with HIV?

Is the government prepared to reconsider the measurement of 'safety' of HIV-infected undocumented women for returning to the country of origin, and include accessibility and affordability of HIV-medications? Based on all facts and figures available, is the government prepared to provide more in-depth information about HIV/aids in its next report to CEDAW?

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