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NOTE VERBALE

The Permanent Representation of the Kingdom of the Netherlands to the Organization for Security and Co-operation in Europe presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre, and has the honour to provide the Netherlands response to the questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2018. The response also includes information on Women, Peace and Security (Annex II).

The Permanent Representation of the Kingdom of the Netherlands to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 12 April 2018

To:
Permanent Missions and Delegations to the OSCE
OSCE Conflict Prevention Centre



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Colonel

QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

INPUT BY THE NETHERLANDS

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

- 1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

See Annex

- 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

The Ministry of the Interior and Kingdom Relations and the Ministry of Security and Justice report on progress made to Parliament on a regular basis.

- 1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The National Coordinator for Counterterrorism and Security (NCTV) plays a central role in preventing and combating terrorism. NCTV coordinates the efforts of the responsible ministries (mainly Interior and Kingdom Relations and Security & Justice). Within the Netherlands, the Ministry of Defence and the Armed Forces have a supporting role in this area.

Combating terrorism is one of the main tasks of the Central Unit of the Netherlands Police. It includes many divisions and teams who play an important role in fighting terrorism and radicalization. The unit carries out policing support tasks and independent, specialist tasks. Independent tasks embrace serious crime, terrorism, security and protection, and infrastructure security. Independent tasks focus on specialist investigative and forensic support, intelligence and information provision, international cooperation, special interventions, air support, operational support, and coordination of operations at the national level. The Central Criminal Investigation Division of the Central Unit of the Netherlands Police plays a crucial role in combating terrorism among others in the field of foreign terrorist fighters. This division provides the Netherlands police with high-quality technical, legal and strategic support related to combating organized crime and terrorism. The Central Intelligence Division of the Central Unit is responsible for the five information channels (Europol, Interpol, Sirene, Liaison Officers, Foreign Liaison Officers) through which CTER-related information flows. Based on the Police Act, the Royal Netherlands Marechaussee (RNLM) has a number of civil police tasks to prevent and combat terrorism. Civil authorities have the possibility to request support from the armed forces as a structural partner for military assistance in the event of a terrorist threat or attack.

On request from civilian authorities and if needed, the Netherlands Defence Forces can support civil authorities with specific tasks, such as providing intelligence, protection and security, and/or with specific military capabilities. The RNLM and the Defence Intelligence and Security Service play a prominent role in this area.

The RNLM has permanent responsibility for security and protection of specific civilian infrastructure and persons (including royal palaces and residences, official residence of the prime minister), high risk objects, for airport security and civil aviation security. The unpredictable and persistent character of nowadays terrorism asks for a flexible operating counter terrorism service to serve the full range of expected violence. For this cause the RNLM provides civil services with a High Risk Security squad and the RNLM is specializing in behaviour detection in relation to terrorism. In the event of an increased terrorist threat level, civil authorities can request assistance and reinforcement from the RNLM units for additional protection of infrastructure and persons, if necessary with the help of the RNLM Special Assistance Unit (BE) and the Special Security Missions Brigade (BSB).

In the field of civil aviation security, the RNLM is responsible for so-called 'high-risk security'. This involves internal armed surveillance of check-in counters, security filters, terminal buildings and external armed surveillance on the platform and perimeter. It also includes taking anti-terrorism measures and providing adequate response capability for incidents and security breaches.

Regular safety and security procedures regarding boarding passengers, crew and cargo and the admittance of airport personnel remain within the responsibility of the airport operator. Airport operators have outsourced these tasks to civilian security companies. By law, the Commander of the Royal Netherlands Marechaussee is tasked with supervising and examining (by spot-checking) the security companies' performance.

The Netherlands' organization to combat terrorism includes the Special Interventions Teams (for the RNLM: BSB and for the police: Special Interventions Team), Explosive Ordnance Disposal (EOD) and the Air Marshals' Program. A combined (police/military) Special Intervention Service and an Intervention Unit Marines are permanently on standby for combating terrorism, dealing with hostage situations, combating organized crime, etc. Additionally, the Royal Netherlands Air Force (RNLAf) provides two aircraft on Quick Reaction Alert (QRA), to respond to 'renegade' situations (the use of civilian aircraft to commit terrorist acts), under the authority of the Ministry of Security and Justice. As of January 1st, 2017, the QRA task will be conducted together with the Belgian Air Force according to a 4 month alternating schedule starting with the Belgian Air Force.

All EOD support to civilian authorities is provided by the armed forces. Deployment of the armed forces to counterterrorism operations within the Netherlands always takes place under the direction of the civilian authorities. The National Coordinator for Counterterrorism and Security advises on the use of military units in support of security forces in the event of a terrorist threat.

Acting in a timely and lawful manner, the Public Prosecution Service and the police will investigate, prosecute and try persons suspected of preparing or carrying out terrorist or extremist offences, including cybercrime.

Focus will therefore continue to be on:

- The criminal justice system's ability to investigate, prosecute and try persons suspected of extremist or terrorist offences and to place those who have been convicted of such offences in special detention, if need be. Even if the threat should decrease, the required capacity and knowledge will be maintained. That way, if the threat flares up again, they can be rapidly redeployed;
- Making use of the full range of possibilities offered by the law, disrupt extremist and terrorist acts – including preparatory acts – and to prosecute those suspected of committing them;
- Investigating and prosecuting persons suspected of financing terrorism.
- Increasing and retaining knowledge and expertise within the criminal justice system regarding extremism and terrorism;
- Further strengthening information-sharing practices and cooperation between intelligence and security services and investigative agencies.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

— Financing of terrorism;

The Netherlands implements all relevant UN resolutions and EU regulations on combatting the financing of terrorism in its national legislation and regulations. Financing terrorist activities is sanctioned and criminalized with reference to the Dutch Penal Code and the Sanctiewet 1977. More than ten government agencies are involved. Amongst those are the Public Prosecutors Office, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Security and Justice and the Ministry of Interior Affairs.

— Border control;

In the context of border control, the RNLM helps fight terrorism, by, amongst other things, providing information relevant to other organizations such as the AIVD (the General Intelligence and Security Service) or the NCTV (National Coordinator for Counterterrorism and Security).

The RNLM monitors the borders of the Netherlands and checks for persons who are identified as “undesirable aliens” and also checks whether the passenger poses a threat on public order and security. The RNLM is only authorised to act on the basis of information provided by the organizations mentioned above. The RNLM may also, at the request of the AIVD, MIVD (the Military Intelligence and Security Service) and NCTV, perform certain information-gathering activities and pass this information on to the AIVD. At the border control the passport number of every passenger is checked against databases like the Schengen Information System and Interpol's Stolen and Lost Travel Documents to find out whether the passport is registered as stolen, lost, or revoked.

During the Identification and Registration process of asylum applicants there is special attention for signs of terrorism. If signs are identified they will be shared

not only with the AIVD but also with other parties involved in border management.

— Travel document security;

No specific measures on travel document security are taken. In general every 5 years a new passport model is issued, in order to prevent document forgery. Besides that, the passport issuing authorities must check the identity of every applicant of a travel document. Due to new legislation, valid since March 2014, passports are valid for 10 years (before March 2014, 5 years only). Passports of potential foreign fighters can be withdrawn or withheld. In addition legislation is under consideration to forbid travel outside the Schengen area for potential foreign fighters.

Jihadists are known to make use of other people's passports, thereby complicating the identification process. Evidence of this was uncovered during the raid in Verviers, where a passport belonging to a Dutch national was found. The fraudulent use of other people's passports or ID cards for travel purposes is nothing new. The loss of identity documents should always be reported to the authorities so that this information can be included in the databases that are consulted at the border. But of course, missing documents will not be reported if their loss is the product of criminal intent. Passports are sometimes misused by people known to the criminal justice authorities in order to remain under the radar.

Maintaining sound verification practices for identity documents is the best way of preventing people from travelling under a false identity with a valid travel document. Such official checks, which occur not only at the border, but also during police inspections and at municipal offices that issue passports, are a prerequisite for identifying misuse. In exercising its border control duties the RNLN is responsible for confirming travellers' identities. An important aspect of this is spotting forged and falsified documents. They also consult systems to determine if a given document has been flagged as stolen, revoked or missing. Furthermore, special attention is being given to recognizing 'lookalike fraud', whereby an individual makes use of a genuine document belonging to someone else. In this way the Dutch authorities do their utmost to make it difficult for people to travel under another identity.

— Container and supply chain security;

In accordance with the 'Accord Européen relatif au transport international de marchandises Dangereuses par Route' (ADR) the Netherlands has adopted legislation to ensure the secure transport of dangerous goods. Transporters that are allowed to transport dangerous goods are obliged to take the necessary precautions against misuse and theft. Inspections are carried out to ensure compliance with all relevant regulations.

Activities of NL related to cargo aviation security are described in European legislation on cargo aviation security (EU-Regulation nr. 300/2008). Recently new legislation came into force with a focus on improving the security status of cargo coming from third countries. NL is currently implementing the new obligations.

— Security of radioactive sources;

The Netherlands has national legislation with security requirements for radioactive sources. International cargo at main ports is checked for radiation. The Netherlands participates in the WCO Global Shield programme on explosives precursors and will implement EU regulation 98/2013 on the marketing and use of explosives precursors (including customs checks) in 2015.

The security of radioactive sources is regulated in Chapter 6 of the Implementation Act. This Chapter is put into operation in April 2013. This Implementation Act determines which radioactive materials and sources must have additional security measures in addition to the regular / normal security measures. In the autumn of 2015, this Chapter 6 will be evaluated and expanded.

In addition, the accessibility of data regarding radioactive sources over the internet will be reviewed and evaluated with respect to public access of sensitive information.

— Use of the Internet and other information networks for terrorist purposes;

Specifically on online jihadist content the comprehensive action programme to combat jihadism' contains the following measures:

- a) Combatting the dissemination of radicalizing, hatred-inciting and violent jihadist content.
- b) A citizen's hotline: concerned citizens can report jihadist (terrorist, hatred inciting and violence-glorifying) content on the internet and social media.
- c) Producers and distributors of online jihadist propaganda and the digital platforms that they abuse, are identified.
- d) This information is actively shared with the institutions who are authorized to act and also with relevant service providers (including internet services).
- e) A specialist team at the National Police combats online jihadist content. This team informs the Public Prosecution Service about possible punishable statements. If the application of the voluntary code of conduct does not lead to removal, an order under criminal law could follow. In the draft bill on Computer Criminality III it is proposed to improve this procedure further (Notice and Take Down).
- f) This team consults with internet companies about effective banning and refers content to them so that they can test the content against their own conditions and terms of use (Notice and Take Action).
- g) Internet companies that continue (after being warned) to facilitate 'listed' terrorist organizations through the spreading of jihadist content, risk sanctions. This depends on either the basis of an amendment of EU Regulation 2580/2001 in combination with the National Sanction Regulation Terrorism 2002, or on the basis of future national regulations.
- h) The specialist team monitors independently, but works in close cooperation with the online citizen's hotline.

- i) A current list of online jihadist (social media) websites is published. This list can be used by communities, professionals and parents to warn their environment.

The AIVD attempts to counter the threat generated by online terrorism by studying virtual and physical terrorist activities. In view of the transnational nature of online terrorism, the AIVD works together closely with foreign intelligence and security services.

— Legal co-operation including extradition;

The Netherlands is party to various bilateral and multilateral treaties, including UN conventions. These treaties are relating to mutual legal assistance in criminal matters, and extradition, which provide for a basis to render assistance in criminal cases (for instance relating to terrorism) to other countries. These treaties have all been implemented in national legislation and can serve as a legal basis for extradition and mutual legal assistance. For extradition, the relevant treaties are the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings (<http://www.un.org/law/cod/finterr.htm>). If a foreign request for assistance is based on one of these treaties, the Netherlands can render legal assistance in broad terms. Extradition is also possible on the basis of these treaties.

Other existing international treaties containing provisions on extradition, including the United Nations Convention against Transnational Organized Crime (adopted by General Assembly Resolution 55/25 of 15 November 2000) and the United Nations Convention against Corruption (adopted by General Assembly Resolution 58/4 of 31 October 2003).

— Safe havens and shelter to terrorists and terrorist organizations.

The Dutch national counterterrorism strategy embodies a comprehensive approach in which five sub-approaches are prioritized. Preventing safe havens and shelter to terrorists and terrorist organizations is embodied by the Dutch approach to prevent the dissemination violent extremist behaviour and propaganda. Recruiters and persons who disseminate the jihadist ideology are disrupted, their reach is actively limited and the spread of their radical messages is brought to a halt. In addition to this, radicalization is detected and countered, the increase of new adherents to the jihadist movement is prevented and alternative and opposing views and narratives are encouraged. Lastly, social tensions are also countered as these could represent a breeding ground for radicalization.

— Early detection of radicalisation and intervention

Early detection and/or intervention constitute key elements of a strategy to prevent radicalisation. Especially local governments, including their safety- and social partners, are involved in the implementation of this preventive strategy.

2. Stationing of armed forces on foreign territory

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

The Netherlands is a party to the Agreement by the Parties to the North Atlantic Treaty Organization on the Status of their Forces (1951) and the supplements thereto. The Netherlands is also party to a number of treaties with Germany and Belgium.

Belgian-Netherlands naval cooperation has a common operational HQ in Den Helder, Netherlands (ADMIRALBENELUX). Both navies make use of each other's facilities in the Netherlands and in Belgium for educational and logistic purposes. Around 30 Netherlands Navy personnel are stationed in Belgium for maintenance and operational support of the MCM (Mine Counter Measures) vessels in Zeebrugge and to support the Belgian-Netherlands Naval Mine Warfare School (EGUERMIN) in Oostende, Belgium. About 30 Belgian Navy personnel are stationed in Den Helder for maintenance and operational support of the M-frigates in Den Helder and for manning the common operational HQ.

On 1 November 2013, the Benelux established a common Benelux Arms Control Agency (BACA). The arms control agency for the Netherlands was merged with those of Belgium and Luxembourg. BACA carries out its activities from Peutie in Belgium. BACA implements the conventional arms control treaties for the entire Dutch, Belgian and Luxembourg armed forces. 4 Netherlands military personnel are stationed at BACA, with the Netherlands in command since September 2017. A Benelux Para Training Centre was established in Schaffen, Belgium, in the same year. Two Netherlands officers are stationed there.

Germany: Some 480 NLD soldiers are stationed in Germany. Most of them (219) are stationed at Headquarters 1 (German/Netherlands) Corps which was established in 1995 and is located in Munster; it is one of the NATO High Readiness Forces (Land) Headquarters. Most of the Corps positions (some 440) are divided equally between Germany and the Netherlands; some 70 positions are reserved for military personnel of other NATO and EU member states. Furthermore the bulk of NLD military personnel are stationed at NATO positions in Ramstein (44) and Geilenkirchen (40).

In each of the following nations, Poland, Latvia, Lithuania and Estonia, the Netherlands have permanently stationed 2 Netherlands' military personnel as part of NATO's Force Integration Units, following a decision taken at the Wales Summit in September 2014 as part of NATO's Readiness Action Plan: a comprehensive package of measures designed to respond to the changed security environment on the Alliance's borders.

In September 2008, a Strategic Airlift Capability (SAC) was established, which membership now comprises of 10 NATO member states including the Netherlands and 2 Partnerships for Peace (PfP) nations, in total 12 nations. The operational organization of SAC is the Heavy Airlift Wing (HAW), stationed at Pápa Air Base in Hungary. The HAW operates three C-17 aircraft. The Netherlands contributes 22 military personnel to this multinational consortium.

302 Squadron of the Royal Netherlands Air Force (RNLAf) is based in Fort Hood (TX), USA. It operates 8 AH-64D Apache attack helicopters and 4 CH-47F Chinook transport helicopters. 302 Squadron employs 29 RNLAf and RNLA personnel and is supported by 185 American personnel. 302 Squadron facilitates joint Air Assault training for Royal Netherlands Army AASL infantry and Royal Netherlands Air Force helicopter crews in order to prepare for future combat deployments. In addition, 302 Squadron is responsible for conducting Mission Qualification Training (MQT) for both Apache and Chinook helicopter crews.

A Netherlands Detachment of the Royal Netherlands Air Force (RNLAf) is based at Tucson Air National Guard Base, (AZ), USA. It operates 10 F-16 MLU fighter aircraft, maintained by the Arizona Air National Guard. The Netherlands Detachment Tucson Arizona (NDTA) employs 13 RNLAf personnel and is part of the 148th FS with an additional 3 US Instructor Pilots. NDTA facilitates F-16 type conversion for new F-16 pilots, F-16 transition for foreign exchange pilots and Netherlands pilots which are no longer current on the F-16. In addition it also facilitates the F-16 Instructor Pilot Course and provides currency training to Netherlands fighter pilots to remain at a minimum operational level.

The Netherlands 323 TES Test & Evaluation Squadron (323 OT&E) of the Royal Netherlands Air Force (RNLAf) is based at Edwards Air Force Base (CA), USA. It operates 2 F-35 fighters as integral part of the Joint Operational Test Team (JOTT), directed by the Director Operational Test and Evaluation, and consists of participants of the United States, United Kingdom and Australia (the latter as an observer). The Netherlands OT&E squadron currently employs 48 RNLAf personnel and American civilian support personnel. The Netherlands OT&E squadron tests and validates the F-35 and concepts of operations, logistics and support plans in an operational environment. In addition it also facilitates the development and evaluation of national plans. Participation in the OT&E gives the Royal Netherlands Air Force an early insight in possible operational capabilities of the F-35. The OT&E squadron lays the foundation for future co-operation between participating countries in the operational, support and training areas.

Various numbers of military personnel are assigned to (multinational) military staffs in different countries, in addition to the deployment of various units participating in UN and other military operations pursuant to United Nations Security Council resolutions or at the request of the host nation concerned. At various NATO Centres of Excellence the Netherlands have accredited military personnel; these Centres cover a wide variety of areas of NATO interest, under the overall responsibility of Allied Command for Transformation.

3. Implementation of other international commitments related to the Code of Conduct

- 3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

The Netherlands is party to and has implemented all international Treaties and Conventions in the field of arms control, disarmament and confidence and security building measures. The Netherlands pursues greater transparency for the international imports and exports of arms and therefore values and reports to UNODA, OSCE and the UN Arms Trade Treaty.

- 3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

In the field of conventional arms control, the Netherlands is party to the UN Arms Trade Treaty, the Wassenaar Arrangement and the EU Common Position on Arms Exports 2008/944/CFSP and takes an active part in the Council Working Group COARM to promote harmonization of export controls between EU partners. The entry into force of the UN Arms Trade Treaty is an important step forward in strengthening export controls at the global level. The Netherlands supports the universalization and sound implementation of the treaty.

The Netherlands is a State Party to both the Treaty on Conventional Armed Forces in Europe (CFE Treaty) and the Treaty on Open Skies and is a participating State to the Vienna Document and other OSCE agreements on CSBMs. The Netherlands Permanent Representation to the OSCE takes actively part in the various negotiating forums within the OSCE framework. On the basis of these treaties and agreements, the obligation exists to accept inspections, evaluations, observation flights by the other contracting states on and above Dutch territory, as well as Dutch forces on the territory of other parties. In addition, based on some of these treaties and agreements, the Netherlands has the right to carry out inspections, evaluations and observation flights on and above the territory of the other contracting states. These flights are coordinated carried out at BENELUX level.

The Netherlands has been chosen as international coordinator of the Global Initiative to Combat Nuclear Terrorism (GICNT) for the period 2015-2017. In that capacity, it hosted the 10th Anniversary Meeting of the GICNT in The Hague in June 2016. This conference provided an opportunity for the 86 GICNT partners to take stock of what GICNT has achieved and to articulate the way forward.

Section II: Intra-State elements

1. National planning and decision-making process

- 1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The planning and decision-making process within the Netherlands is called the Policy-Plan-Budget cycle in which means are allocated to and within the Ministry of Defence in accordance with plans and priorities. Planning priorities in national defence planning are the result of the relationship and interaction between political and organizational ambitions, tasks, capabilities and means. In order to improve this national defence planning, a methodology has been developed that reflects a joint

interaction between the services and directorates and which integrates NATO and EU priorities. This methodology is the leading principle for the national planning system.

The Policy-Plan-Budget (PPB) cycle is an annual cycle with a budgetary outlook of five years based on initial political guidance at the beginning of a legislature and is yearly adapted. At the beginning of a legislature, the Netherlands government produces its Policy Directive, which is the leading policy document for the Ministry of Defence and is valid for a period of at least four years (or the length of the legislature). The Policy Directive provides political and policy input for the Defence Plan. The Policy Directive is translated to a Defence Plan issued by the Defence Staff and represents a more detailed outline of defence plans and policy for the period of the legislature. The Defence Plan explains the relationship between policy, planned expenditures and capability development versus activities, personnel and equipment. This document serves as the basis for the annual budget plan and PPB-cycle. The Chief of Defence, as the corporate planner and allocator, formulates this integrated proposal, which is then submitted to the Minister of Defence.

- 1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

According to article 97 (1) of the Constitution of the Netherlands the armed forces of the Netherlands exist to defend and protect the interest of the Netherlands and promote the international legal order.

2. Existing structures and processes

- 2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

The Constitution states that the Government has supreme authority over the armed forces. The government's security and defence forces are subject to parliamentary control. There are no paramilitary forces in the Netherlands and civilian security companies are subjected to specific legislation. All Netherlands' intelligence services, the General Intelligence and Security Service and the Military Intelligence and Security Service are also subjected to legal restraints and parliamentary control. Article 100 of the Constitution requires that parliament has to be informed about the use and deployment of defence forces in support of the international rule of law.

- 2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The Minister of Defence is politically accountable to Parliament with respect to the implementation of the outlined policy priorities and the operational objectives and with respect to the Defence Intelligence and Security Service. The Parliament allocates funds for the annual budget of the Ministry of Defence and the armed forces.

The organizational structure of the police is laid down in the Police act of 2012. It describes the responsibility for the organisation of the its actions of the Minister of Security and Justice. The Minister of Security and Justice is politically accountable to Parliament. The police acts under subordination of the Public Prosecution Service, where it considers the upholding of criminal law, and under subordination of the mayor, where it considers the upholding of public order and security. The mayor is politically accountable to the city council.

The Minister of the Internal and Kingdom Relations has at his disposal a General Intelligence and Security Service (AIVD), which investigates threats to national security. The findings of both intelligence services are reported on a confidential basis to a Parliamentary Commission consisting of leaders of political parties represented in Parliament.

- 2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The Constitution explicitly states three principal missions for the armed forces:

- to defend national and allied territory, including the Caribbean parts of the Kingdom, and the national interests of the Kingdom of the Netherlands;
- to promote the international rule of law and stability;
- to support and assist civilian authorities in maintaining law and order, providing disaster relief and humanitarian aid, on a national as well as an international scale. This task is based on a number of different laws such as the 2012 Police Act. These activities are always performed at the request of, and under the authority of, the civilian authorities and within the legal framework for such activities.

See also 2.1 and 2.2. Apart from individual criminal responsibility of military personnel, the overall political control for ensuring that the armed forces act entirely within the constitutional framework lies with Parliament. The Minister of Defence is politically accountable to Parliament and has to inform Parliament on any relevant development related to the armed forces, in accordance with procedures laid down in the Constitution.

3. Procedures related to different forces personnel

- 3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

The personnel system of the Netherlands armed forces is based on the appointment of professional volunteers. The Netherlands suspended military conscription in 1997 and legislation has been changed accordingly. However, the registration system is still in place and if the military necessity were to arise, conscription can be resumed and reservists can be drafted. On a voluntary basis, Netherlands residents can be appointed as reservist to non-operational posts and be deployed in peace support operations.

- 3.2 What kind of exemptions or alternatives to military service does your State have?

Since the Netherlands has suspended military conscription, offering alternatives to compulsory military service is no longer applicable.

- 3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The military law and disciplinary rules are almost entirely shaped according to civil law and do not infringe upon the civil rights of military personnel. These civil rights can only be limited in the event of military operations in times of war or during peace support operations. The Inspector-General for the Armed Forces serves as “*Ombudsman*” for all personnel.

4. Implementation of other political norms, principles, decisions and international humanitarian law

- 4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

All military personnel receive instruction in international humanitarian law, which is also included in annual basic training refresher courses. In addition, lessons incorporating other relevant international conventions and commitments are provided, for instance those within the framework of the United Nations or the North Atlantic Treaty Organization. Particular attention to international humanitarian law is given in the Soldiers’ and Officers’ Handbooks.

- 4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The training of all military personnel contains classes on military law, international humanitarian law and criminal law. Additionally, attention is given to humanitarian law and human rights in the training prior to any deployment.

- 4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

The legal framework for the use of the armed forces in domestic operations contains a number of checks and balances, including legal review of any request or intention to deploy the armed forces for such operations. Furthermore, any such deployment is conducted under the authority of the civil authorities. Additionally, attention is given to human rights in the training prior to any international deployment (see 4.2, above). There is also parliamentary oversight through the means of the Article 100 obligation (see II.2.1) to inform Parliament on missions in support of the international legal order, periodic updates on missions sent to Parliament and a formal evaluation at the end of all missions.

- 4.4 What has been done to provide for the individual service member’s exercise of his or her civil rights and how does your State ensure that the country’s armed forces are politically neutral?

Individual service members have the same rights as other citizens, which may only be limited by law and out of operational concerns. Personnel are allowed to organize themselves into unions and have recourse to legal means if they consider themselves unfairly treated. Furthermore, a system of integrity advisors is present throughout the armed forces.

Political neutrality is ensured through the civilian control of the armed forces.

- 4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Legal advisors are available within the Ministry of Defence and are consulted on most policy documents, including the Netherlands Defence Doctrine. The Director of Legal Affairs may also provide advice *ex proprio motu* on any (policy) issue he/she considers relevant. Under the obligations derived from Article 36 of the 1st Additional Protocol to the Geneva Conventions, states are obligated to ensure that their means and methods of warfare are in accordance with international law. The Netherlands has an advisory committee which ensures such adherence. Finally, legal advisors are present at various levels of command to advise commanders on international law in accordance with Article 82 of the 1st Additional Protocol to the Geneva Conventions.

Section III: Public access and contact information

1. Public access

- 1.1 How is the public informed about the provisions of the Code of Conduct?

The Code of Conduct is not explicitly mentioned, but the way it is implemented in the Netherlands Armed Forces is made public through means as described in 1.3.

- 1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

The Netherlands' replies to the Questionnaire are publicly available at the OSCE Website www.osce.org/fsc. No additional information directly related to the Code of Conduct is provided.

Through the Netherlands Ministry of Defence's Directorate of Communication, press and individual citizens are free to request all information regarding the Netherlands Armed Forces.

- 1.3 How does your State ensure public access to information related to your State's armed forces?

The Government informs the public in an active way on matters related to the armed forces, using all possible means for this purpose, such as social media, websites (<http://www.rijksoverheid.nl/>), (<http://www.defensie.nl/>), audio-visual materials, briefings and publications. Besides this active approach, there is ample opportunity for

the press and the public to put forward questions related to the armed forces. They can also request an inspection of any non-classified defence document. In addition, media can embed with virtually all units deployed on any mission, limited in their reporting only in operational and personal security matters, to protect the troops, the mission and the journalists themselves. To stimulate this embedded journalism, the NLD MOD regularly organizes press trips to areas of operations where Netherlands troops are deployed. The public access to information related to the armed forces is based on the Netherlands Act on Public Access to Government Information of 31 October 1991.

2. Contact information

- 2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

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ANNEX

to Question 1 of the Information exchange on
the Code of Conduct on politico-military aspects of security

1(a): *List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party*

- 1) Convention on Offences and Certain Other Acts Committed on Board Aircraft
14 September 1963, Tokyo (entry into force for the Netherlands: 12 February 1970)
- 2) Convention for the Suppression of Unlawful Seizure of Aircraft
16 December 1970, The Hague (entry into force for the Netherlands: 26 September 1973)
- 3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
23 September 1971 (entry into force for the Netherlands: 26 September 1973)
- 4) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973, New York (entry into force for the Netherlands: 5 January 1989)
- 5) International Convention against the Taking of Hostages, 17 December 1979, New York (entry into force for the Netherlands: 5 January 1989)
- 6) Convention on the Physical Protection of Nuclear Materials, 3 March 1980, Vienna (entry into force for the Netherlands: 6 October 1991)
- 7) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 23 September 1971, Montreal, 24 February 1988, Montreal (entry into force for the Netherlands: 10 August 1995)
- 8) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,
10 March 1988, Rome (entry into force for the Netherlands: 3 June 1992)
- 9) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, 10 March 1988, Rome (entry into force for the Netherlands: 3 June 1992)
- 10) Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1 March 1991, Montreal (entry into force for the Netherlands: 3 July 1998)
- 11) International Convention for the Suppression of Terrorist Bombings, 15 December 1997, New York (entry into force for the Netherlands: 9 March 2002)
- 12) International Convention for the Suppression of the Financing of Terrorism, 9 December 1999, New York (entry into force for the Netherlands: 10 April 2003)

1 (b): Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

- 1 European Convention on the Suppression of Terrorism, 27 January 1977, Strasbourg (entry into force for the Netherlands: 19 July 1985)
- 2 Agreement concerning the application of the European Convention on the Suppression of Terrorism among the member States of the European Community, 4 December 1979, Dublin (accepted by the Netherlands, treaty not yet entered into force)

WOMEN IN THE ARMED FORCES IN THE OSCE REGION

ANNEX II (NLD year 2017)

Instead of the regular Annex II (Indicative list of issues pertaining to women, peace and security) which is regularly submitted parallel with the Code of Conduct, NLD provides herewith the NLD contribution to the 2017 OSCE Office for Democratic Institutions and Human Rights questionnaire on women in the Armed Forces in the OSCE region which offers an more exhaustive insight into the Dutch position on women in the Armed Forces.

Legislation and policy framework

1. *Have there been any specific policies and/ or legislation (including secondary legislation) related to women's services in the Armed Forces adopted in the last 10 years (or under discussion now)? If so please provide details.*

It was in 2015 that the third Netherlands' National Action Plan 1325 (NAP 1325) has been launched on the 8th of March 2016. Coordination of the third NAP has been a co-operation of the Dutch Gender Platform "WO=MEN" (pronounce: Women equals Men) and the Ministry of Foreign Affairs.

Between 2000 and 2015 all action plans and policies within the Armed Forces (AF) have been cancelled, due to reduction in expenditures.

In 2016 the NLD AF produced the DAP 1325 and currently provides implementation plans. Next to this, the NLD AF is currently describing a policy concerning Diversity and Inclusion (D&I). Its goal is to establish an inclusive organization.

The difference between DAP 1325 and the D&I-policy is that DAP 1325 focuses on operational excellence and the latter on organizational excellence. Both are considered to need long stamina of the NLD AF to reach positive effects.

2. *Does national legislation concerning gender equality, sexual discrimination or equal pay apply without restriction to the Armed Forces? If there are restrictions, please describe them.*

Yes, national legislation concerning gender equality, sexual discrimination and equal pay fully apply to the Armed Forces. There are no restrictions.

3. *Are there any restrictions on the inclusion of women in the Armed Forces? Are there positions or units women are excluded from?*

No, women are fully opted to apply to all positions within the NLD AF.

4. *If women are excluded from any positions or units, what are the reasons for this?*
Not applicable (see answer 3).

Recruitment and advancement

5. *Are enlistment requirements in the Armed Forces different for women and men; for example as regards physical fitness requirements or physical characteristics?*

Physical fitness

Gender differences in physical fitness requirements are limited to the following table, which is internationally known as 'Cooper's test'.

Women			
Age	Cooper's test (meters)	Push-ups	Sit-ups
<30 yr	1900	10	20
31 - 35 yr	1800	8	17
36 - 40 yr	1700	6	14
41 - 45 yr	1600	5	11
46 - 50 yr	1500	4	8
51 - 55 yr	1400	3	5
56 - 60 yr	1300	2	2
61 yr<	1200	1	0
Men			
<30 yr	2400	20	30
31 - 35 yr	2300	18	21
36 - 40 yr	2200	16	18
41 - 45 yr	2100	14	15
46 - 50 yr	2000	12	12
51 - 55 yr	1900	10	9
56 - 60 yr	1800	8	6

Length

There are no differences in male and female lengths. There are, however, differences in length requirements depending on the function for which people apply. Generic is the minimum requirement of 155cm.

6. *Please give the percentage of female and male applicants to the Armed Forces – received and recruited.*

Definitions and translations	
First some definitions are in order to explain the graphs and details below.	
The term 'received' is defined as the amount of applicants, the amount of people applying with the NLD AF.	
The term 'recruited' are the people that are truly entering the NLD AF and are admitted to the initial training.	
Translation:	
Sollicitaties	= applicants
Aanstelbaren	= recruits
CZSK	= Navy
CLAS	= Army
CLSK	= Air Force
KMar	= Royal Marechaussee (sometimes addressed as MP)
Defensie	= Ministry of Defence, NLD Armed Forces (including civilian and military employees)

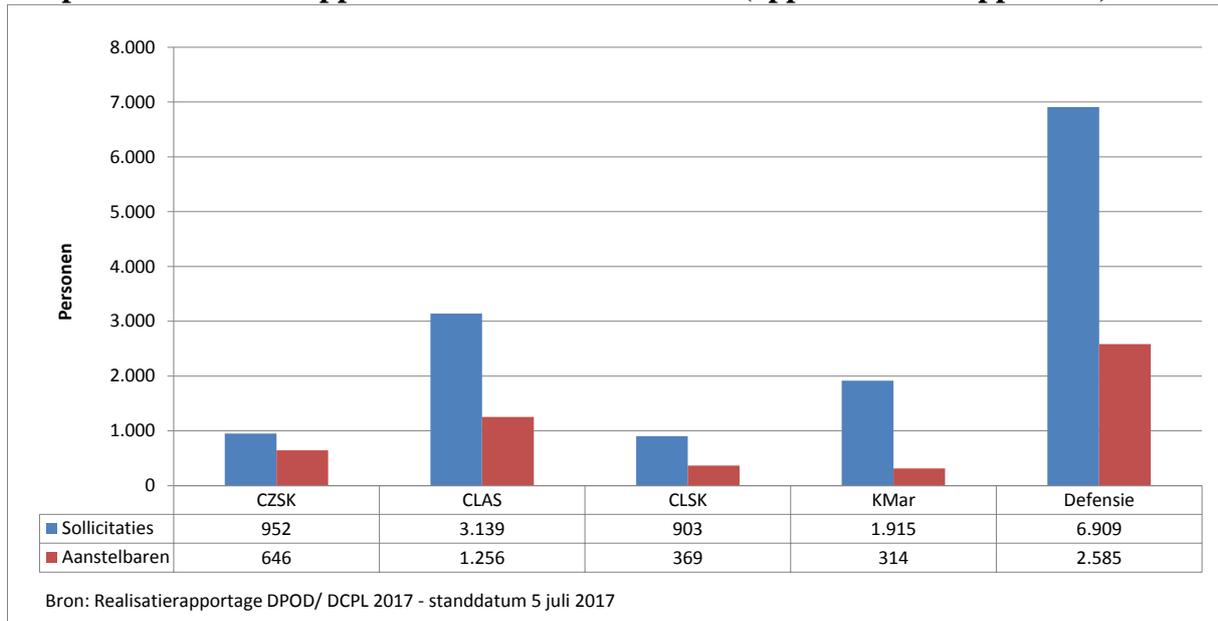
The data

Graph A below shows the amount of applications per branch (Navy, Army, Air Force, Royal Marechaussee) and for the NLD AF as a whole (for the first half of 2017).

It is important to note that the amount of applications may be 'doubled', because one person may apply for different positions.

Graph A shows that the amount of applicants in the first half of 2017 decreased (6909) from the same period in 2016 (7425). The amount of recruits has increased (2585 vs 2186). The percentage of recruited women for the NLD AF is 9,8%.

Graph A: Amount of applicants to the Armed Forces (applicants and appointed)



*Copyright Graph 'DPOD/ TOS, 2017'.

7. *Are there any laws or policies that set minimum or maximum targets for recruitment of women in any positions or units?*

No, there are no laws or policies that set targets for recruitment of women.

8. *Are there any policies (including legislation and guidance) that promote the recruitment of women in the military?*

In 2016 a campaign specifically targeted on women (military) has been launched as part of the “diversity charter” in order to increase the number of women in the NLD AF. Its effects are not yet fully apparent, but there appears to be an increase of 2% increase of applicants. The amount/ increase of applicants is not yet clear.

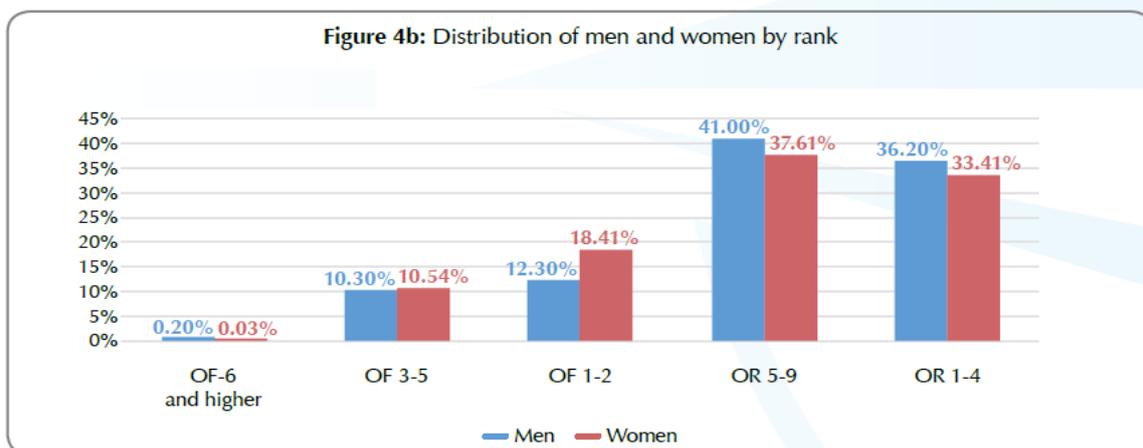
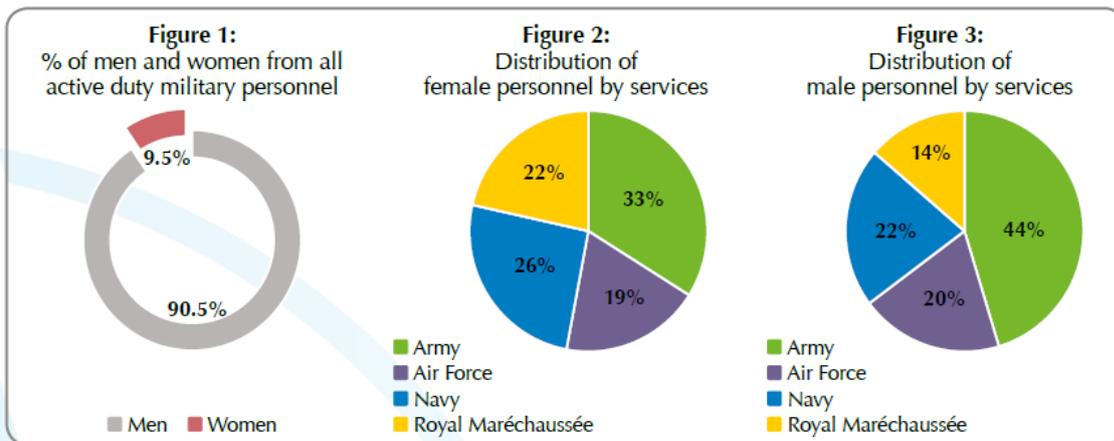
For the NLD MOD there are currently (as of 2016) two positions responsible of improving gender equality on a political/strategic level: one position at the Chief of Defence, Directorate of Operations and the other at the Principal Directorate of Personnel.

9. *What is the number and percentage of male/ female active duty military personnel in the Armed Forces? Please provide data for each service and for each rank.*

The following figures (of the year 2016) depict the percentage of male/female active duty military personnel within the NLD AF. The NLD AF have 9,5 % female military personnel.

The distribution per branch/service and gender is depicted in the figure 3 below. The percentage of military women in the Army is 33%, within the Air Force 19%, the Navy 26% and the Royal Marechaussee 22%.

Figure 4b shows the distribution of gender by rank. Within the ranks of OR 1-4 33,41% are women and within the ranks OR 5-9 37,61% is female. For the officers the following percentages count: OF 1-2 18,41%, OF 3-5 10,53% and for the highest ranks 0,03% is female.



*Copyright Figures '2016 summary of the National Reports of NATO member and Partner Nations to the NATO Committee on Gender Perspectives' to which the NLD AF contributes yearly.

10. What were the percentages and number of female personnel deployed in military operations (3 months or longer) in the last 5 years?

The number of female personnel deployed in military operations in the last 5 years is 1003. Some women were deployed to several operations (3 months or longer) and are all counted separately.

11. Please give percentages of women and men who received a promotion in 2016.

The table below presents the numbers and percentages of women and men who received a promotion in 2016.

	MAN	WOMAN	Total		MAN	WOMAN	Total
ARMY	3702	265	3967	ARMY	93%	7%	100%
AIRFORCE	1502	167	1669	AIRFORCE	90%	10%	100%
NAVY	1672	205	1877	NAVY	89%	11%	100%
MP	1188	242	1430	MP	83%	17%	100%
Total	8064	879	8943	Total	90%	10%	100%

Conditions of service and retention

12. Are there differences in the average length of service of women and men? Please explain.

No, there are no differences.

13. What are the frequently recurring reasons given by women and by men for leaving the Armed Forces?

The overall numbers of women and men that leave the MOD over the period of two years is depicted below. The number of employees that left the MOD in 2015 is 3211. The number of employees that left the organization in 2016 is 3568.

For women who leave the NLD AF on request the most important reasons are that they are dissatisfied with the primary terms of employment and find a more interesting opportunity elsewhere.

Number of employees leaving the NLD AF, segregated by gender.

		2015			2016			
Subject		Male (M)	Female (F)	Total	Male (M)	Female (F)	Total	
Irregular exit (not according to contract)	On request	1689	175	1864	2058	248,63	2307	
	Redundant	107	28	135	32	8	40	
	Health issues	164	33	197	167	32	199	
	Initial training	97	17	114	100	11	111	
	OR1/OR2 no promotion possible	114	22	136	112	22	134	
	Not fit for job	5	1	6	11	3	14	
	Negligence/Disarray	9	2	11	11	0	11	
	Misconduct	93	1	94	75	3	78	
	Temporary assignment	5	2	7	14	3	17	
	Discharged from confidential position	9	1	10	3	0	3	
	Deceased	20	3	23	23	1	24	
			2312	285	2597	2606	333	2939
	Regular exit (according to contract)	End of contract	72	8	80	8	1	9
UGM/ Pension/Retirement		529	5	534	607	14	621	
		601	13	614	615	15	630	
Grand Total (numbers)		2913	298	3211	3221	347	3568	

14. How are military equipment (e.g. tanks, aircraft, and submarines), military facilities and military uniforms adapted for women and men? Please provide details.

Military equipment and facilities

There is no different equipment (tanks, aircraft, submarines) adopted for gender. Currently, as women are allowed to apply for submarine positions, the new submarines may be adapted to gender (facilities, such as showers and toilets).

Military uniforms

There is no special equipment for women, such as weapons, vests and helmets. Currently it is investigated if lighter vests are applicable for women; investigation is about safety. Women have different uniforms (skirt, blouse, shoes, jackets, hats).

15. Are there differences between salaries and benefits of servicemen and servicewomen?

No, there are no differences.

16. What provisions for family-friendly work and work/life balance, such as parental leave, are in place for the military personnel?

Social support:

- Pregnancy leave 6 weeks prior to date of birth of child
- Maternity leave 10 weeks from the date of birth of child
- Paternity leave 2 days
- Parental leave 13 weeks for either parent, to be taken prior to the 8th birthday of a child.
- Calamity leave available for employees when immediate care for a direct relative (husband, wife or child) is necessary
- Breastfeeding, the mother is entitled to facilities at the workplace to breast feed her child or to express milk
- Furthermore:
- Special programme to support parents when both are members of the armed forces:
 - Given the operational situation and in consultation with parents, services will endeavor not to deploy both serving parents at the same time, when childcare is required.
- Support for single parents/ divorced parents, widows/widowers looking after their children.
 - Single parent with child(ren) under 5 years of age: request possible to postpone deployment from mission.
 - Financial allowances possible to partly compensate for the extra expenses, when on deployment.
- Childcare policy
 - Provision protecting parent from deployment
 - Extra weeks of subsidized maternity/ paternity leave
 - Breast feeding breaks
 - Flexible working and service hours or variable start/ finish times of working day
 - No daycare at the MOD and Military barracks

Additional work-life balance:

- Flexible working hours
- Working at home (remote logging in)
- Part-time work

16. Please describe the formal and informal mechanisms available for servicemen and servicewomen to complain about gender related harassment (including sexual harassment), discrimination, bullying and/ or abuse?

Prevention

1. Code of Conduct (Gedragcode Defensie; Behavioural Code MOD) as described in Secretary General Order/A 984
2. Next to existing procedures the NLD MOD carries out several training-, and educational programs that focus on preventing misconduct in general.

Formal mechanisms

1. 'Klachtenregeling Defensie' (Procedure for Complaint) as a procedure to adequately and meticulously deal with misconduct as actions carried out by personnel of the MOD. This procedure has been recently updated.
2. The Central Organization on Integrity (Centrale Organisatie Integriteit Defensie, COID) and the Inspector General of the Armed Forces (Inspecteur Generaal Krijgsmacht) are both bodies within the NLD AF where employees may be counselled.
3. There is a committee that specifically addresses official complaints of behavioural misconduct within the MOD (in Dutch: Commissie Ongewenst Gedrag, or COG).
4. Within the Royal Netherlands Marechaussee (with tasks similar to Military Police) personnel is employed dedicated to investigate statements of personnel concerning crimes.
5. Throughout the organization confidential counsellors are appointed to listen to complaints and if necessary direct plaintiffs/ complainers to correct (internal or external) social service agencies. These counsellors may also mediate between parties.

Informal mechanisms

The Netherlands' Armed Forces have existing networks for LGBT, employees with a bi-cultural background or women's groups, organize activities for their party members or at MOD level. The members of these groups provide a network of trusted colleagues (different from confidential counsellors) and may downplay initial anger, sadness or stress. The networks' members are specifically informed about the professional help and formal mechanisms within the NLD AF.

17. What is the number of complaints of gender related harassment, discrimination, bullying and abuse in the Armed Forces received during 2016? Please disaggregate between anonymous and non-anonymous complaints if possible, and between complaints received from women and men. Has there been any significant change in the number of complaints in the last 5 years?

Data provided

Behavioral misconduct in general: in 2016 64 cases have been registered (N=103 in 2015, N=56 in 2014). A committee that specifically addresses official complaints of behavioural misconduct within the MOD (in Dutch: Commissie Ongewenst Gedrag, or COG) carried out the investigations into behavioural misconduct in general (e.g. bullying; discrimination, harassment). The number of investigations by the COG are included in the total number of cases. However, when solely focusing on these official complaints the numbers are: in 2016, N=4; 2015, N=8; 2014, N=2 cases of behavioural misconduct.

18. Please describe any strategies, policies and/ or training within the Armed Forces on gender related harassment, discrimination, bullying and/ or abuse?

The Central Organization on Integrity and the Inspector General of the Armed Forces are both bodies within the NLD AF where employees may be counselled. Especially the Central Organization on Integrity provides (moral) training for students, leaders and organizes

symposia on different topics related to integrity and diversity & inclusion. This organizational body may also provide (external) counselling on bullying.

Also the Central Organization on Integrity provides folders, posters and tailored information on topics such as bullying; discrimination; harassment.

Is sexual harassment and gender based violence by a member of the Armed Forces against another member of the Armed Forces subject to civil or military prosecution?

The formal mechanisms mentioned under Q17 will be advised by the Royal Netherlands Marechaussee (with tasks similar to Military Police) if the particular case at hand is subject to civil or military prosecution.

19. Have you surveyed the satisfaction of servicemen and service women in the last 5 years?

If so please give a brief summary of any significant differences in responses between men and women.

Within the Netherlands' Armed Forces all employees (civilian and military) are invited to take part in work satisfaction questionnaire. This questionnaire is called PICTURE and has been running for over ten years. So yes, satisfaction of servicemen and servicewomen within the NLD AF is being surveyed for considerable time. The research consists of a questionnaire – based on the Job Demands-Resources model – inquiring into a wide range of topics that are important for work satisfaction.

The findings show that there are few significant differences between men and women. Most notably, work engagement and work stress are almost exactly the same. That being said, some differences can be perceived in three topics: work-circumstances, work-home interaction and undesirable behavior (harassment, bullying etc.).

- Women are more positive about their work circumstances than men. For example, 65% of the women believe they have the resources to do their work as opposed to 49% of men (PICTURE data form 2015 and 2016). They are also considerably more satisfied with the quality of the resources they have to work with (computers, office layout, equipment e.g.).
- Gender differences on the topic of work-home interaction are significant, as men have more difficulty combining work with their private lives than women. 48% of all men who took part in the research found it hard to combine their duties at work versus home, whereas 38% of the women had difficulty combining both (PICTURE data form 2015 and 2016).
- Finally, undesirable behavior. Women experience undesirable behavior more often than men. This goes for all forms of undesirable behavior, but there is specific behavior in which women are in particularly overrepresented. Especially gossiping, being discriminated based on gender and sexual harassment are more reported by women than by men.

On top of the recurrent questionnaire PICTURE also a survey diversity and inclusion started in 2015 amongst 8300 employees. The final report of this survey was published in January 2017. This survey resulted in the policy on diversity & inclusion (D&I) which is currently being reviewed.

20. What is the percentage of female medical staff (including medical doctors, nurses etc.) serving in the Armed Forces?

The percentage of female medical staff is 34 percent.

21. Is there any network to support women in the military (e.g. women's networking groups, female staff associations, contact points)? Please explain.

See Q17. There is a women's network as well as a network for LGBT and employees with a multi-cultural offspring.

22. Is there a military entity that deals with the equal opportunities of men and women in the Armed Forces?

See Q8+17, The Central Organization on Integrity (Centrale Organisatie Integriteit Defensie, COID) and the Inspector General (Inspecteur Generaal Krijgsmacht, IGK) are both bodies within the NLD AF where employees may be counselled. For the NLD MOD there are currently (as of 2016) two positions responsible of improving gender equality on a political/strategic level: one position at the Principal Directorate of Operations and the other at the Principal Directorate of Personnel.

23. Are there trained gender advisors in the Armed Forces?

For the NLD AF, the appointment of NLD Gender Advisors was continued for the Resolute Support Mission in TAAC-North. In 2016 two Gender Advisors, all female and each deployed for 6 months, have been deployed in Mazar-e-Sharif (Afghanistan). The decision to appoint mainly female military personnel for this position remained the same as last year's: the gender advisor personally visits women in the Afghan National Security Forces and civil organizations. It is under debate to send 1 male Gender Field Advisor, accompanied by a female Gender Advisor, to Mazar-e-Sharif.