



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	The Netherlands
<b>Title:</b>	In future decisions the Commission on the Code for Commercials will judge whether commercials are in line with CEDAW
<b>Date:</b>	20 December 2016
<b>Expert:</b>	Marlies Vegter
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Decision by the Commission on the Code for Commercials on the discriminatory nature of the Suit Supply commercials
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Miscellaneous (Decision by the Commission on the Code for Commercials)
<b>Field:</b>	Other (Sex and discrimination in commercials)
<b>Applicable law:</b>	Article 2 Code for Commercials, Article 5 CEDAW

### Content

**Decision of the Commission:** On 12 October 2016, the Commission on the Code for Commercials (hereafter: 'RCC') made it clear that as from that date the RCC will not only judge whether sexist commercials violate standards of decency and good taste, but also if these commercials are in conflict with the CEDAW Convention because they confirm negative stereotypes about women and the female body.

The decision was taken after a complaint by the Clara Wichmann Fund for test cases about the commercials of the company Suit Supply. In these commercials, men dressed in suits are displayed while 'using' (partly) undressed women. The men undress the women, use them as a slide or slap their buttocks, while the women remain passive and are especially portrayed because of their bottom, breasts and lips. Many people find the commercials disgusting. Previously, 144 complaints were filed about a campaign of the company in 2010. Suit Supply's 2016 campaign also met with much resistance. The Clara Wichmann Fund filed a complaint. The complaint explicitly asked the RCC to not only evaluate the tasteless character of the commercials but to examine whether the commercials are a violation of the CEDAW Convention because of the way in which negative stereotypes about women and their bodies are exploited.

The RCC subsequently ruled that the standards laid down in the CEDAW Convention ought to be seen as 'living law' in Dutch society and therefore must be taken into account when deciding whether Dutch commercials violate norms of good taste and decency. In future decisions the RCC will therefore also examine whether commercials are sexist, confirm negative stereotypes about women and/or are discriminatory.

**Key points of analysis:** The decision by the RCC is not binding. The Commercial Code is based on self-regulation in the commercial branch. Nevertheless, the decision is relevant, as it means that the framework within which commercials are judged has become

considerably wider. Furthermore, the standards of the CEDAW Convention slowly gain more importance in Dutch law through decisions like this one. The practical relevance of the decision is relatively small, as the appeal body of the RCC ruled that the commercials on billboards by Suit Supply were not unlawful/disgraceful, and only the commercial on the website was unacceptable. Suit Supply can therefore still continue with its campaigns. The growing attention for the CEDAW Convention and for the effects of stereotyping is especially relevant.

**Internet link source:**

<http://www.clara-wichmann.nl/nieuws/2016/reclame-code-commissie-toetst-aan-vrouwenrechtenverdrag> (comment by the Clara Wichmann Fund);

<https://www.reclamecode.nl/webuitspraak.asp?ID=159616&acCode> (the decision by the RCC) accessed 20 December 2016.