

Netherlands

**Institute for
Human Rights**

Netherlands Institute for Human Rights

Written contribution

**to the Group of Experts on Action against
Violence Against Women and Domestic Violence**

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Introduction

By presenting this report, the Netherlands Institute for Human Rights provides the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) with information for its consideration of the first thematic report of the Netherlands. The Institute constitutes the National Human Rights Institution of the Netherlands and has been accredited with A Status by the Global Alliance of National Human Rights Institutes in 2014 and 2021. The Institute protects, monitors, explains and promotes human rights in the Netherlands through research, advice, and awareness raising. Its mandate also covers urging the Government to ratify, implement and observe human rights treaties. One instrument used by the Institute to carry out this mandate is reporting to treaty monitoring bodies, including GREVIO.

In the preparation of its report, the Institute has consulted a variety of experts and professionals in the field. This was highly beneficial for the Institute to get a better understanding of practice on issues addressed in the Convention. At the same time, it helped to obtain some insight in the existing awareness of the Convention and to bring the principles and obligations to the attention of these stakeholders, where useful.

When referring to national legislative and/or policy initiatives within its report, the Institute has chosen to follow the terminology used in the government report, published in June 2024.

General reflections

From 2020-2023, the issue of gender equality and violence against women was a priority issue on the agenda of the Netherlands Institute for Human Rights. It focussed its activities primarily on intimate partner violence and sexual harassment in the workplace. Throughout the years, it has closely followed the initiatives taken to prevent and combat violence against women and has itself contributed to raising awareness among the public and advising the government on the implementation of the recommendations formulated by GREVIO in the Baseline review. The present report is based on the Institute's own work, as well as on the research and other activities of many stakeholders. The Institute is very pleased to observe that the number of stakeholders that are aware of the relevance of the Convention of Istanbul for their work has increased significantly. The Institute is grateful to all professionals who have made time for interviews with us and provided us with insights in their work.

In this introduction, it first provides some reflections on the developments since the publication of GREVIO's Baseline review and subsequently some key issues addressed in this report.

The awareness of the prevalence of different forms of violence against women has increased, as has the acknowledgement of the role gender plays. Professionals have become more gender sensitive in their work. This holds true also for the government. The Institute notes with satisfaction that government officials have taken seriously the findings and the recommendations in the Baseline review. The Institute is confident that GREVIO's well-reasoned findings have contributed to an increased awareness and understanding how gender plays a role and, subsequently, to changes in policy. However, since the Netherlands is a late adapter, still more needs to be done. In September 2023, the government submitted a national action plan on gender-based violence to parliament. So far, this has not been scheduled for consideration.

Awareness does not necessarily mean that there is a full understanding on how to address violence against women in a gender sensitive manner. The Institute is fully aware of the challenges all professionals face in terms of capacity and funding. Also, we have seen how difficult it is to change existing structures and methods of work. Nevertheless, the Institute and other stakeholders have continued to point to the need for better coordination of policies, which is an obligation under the Convention.

A series of scandals that received broad media attention has also contributed to a better awareness of violence against women, notably sexual harassment. The government appointed an independent government commissioner, with the task to initiate a debate in society on sexual transgressive behaviour and sexual violence. The commissioner pays due attention to the underlying causes of such behaviour and violence. The revision of the provisions on sexual violence in the Criminal Code also contributed to a debate in society on the criminal responsibility for sexual assault and rape. At the same time, the discussions that take place show the persistence of stereotypical attitudes towards gender roles. We often see cases in which victims are blamed for being harassed, or for damaging the reputation of the perpetrator. In its work, the Institute witnessed a lack of awareness at companies on their responsibilities to secure a safe and harassment-free workplace. A point of concern is that the debate also brings out the gender backlash among certain groups in society. A variety of participants in the debate, including politicians and media personalities, challenge the notion of gender. This can be detrimental to women's rights, as well as the rights of LGBTI-persons, and increase the risk of violence against them.

Another noteworthy topic is that the issue of femicide is at present being taken much more seriously. Until recently, the term was barely known among government officials. The continued actions by various stakeholders, including relatives of women who have been murdered, have effectively placed the issue high on the agenda. Recently, a plan of action was published, which is quite comprehensive on the topic. This plan still remains to be scheduled for consideration by the house of representatives.

Recently, a new government was installed, which has yet to present its first coalition agreement and budget for the coming years. The Institute hopes that the coalition agreement will reserve the necessary funding to combat and prevent all forms of gender-based violence and domestic violence. The Institute will continue to follow the implementation of the Convention and continue to contribute to the implementation of GREVIO's recommendations. It must be guaranteed that the progress that has been made will not be lost and that further measures are taken to prevent and eradicate all violence against women.

Key issues identified in the report

As noted above, quite some progress has been made in the past four years. All necessary measures must be taken to consolidate this progress and to take this as a starting point to formulate an effective all-encompassing policy to prevent and combat all forms of violence against women. The Institute considers that the steps taken have the potential to constitute a basis for such a policy. However, its report also shows that 'delivering support, protection and justice' requires firm action to guarantee structural improvement of actions to prevent and combat all forms of violence against women.

A prerequisite is to guarantee effective coordination. The government has for a long time persisted that the existing structures and policies were adequate to prevent and combat all forms of violence against women. The Institute, as well as other stakeholders, pointed to the lack of coordination between programmes and the absence of a high-level authority with a mandate to guarantee that all policies and practices are in compliance with the Convention. Also, not all forms of violence are addressed in the various policy documents. Reiterating that coordination is a core obligation under the Convention, the Institute is pleased to see that a first step has now been taken: the government will examine how coordination can be improved.¹

Enhanced coordination should lead to comprehensive policies in the near future. Each (potential) victim should be able to rely on access to adequate professional support services, properly trained law enforcement officials and judges. Acknowledging the development of various policy initiatives, without further investments there is a risk that these will not be effective. Further, as mentioned above, there continues to be a need for an all-encompassing policy. The Institute is concerned that the various policy documents exist next to each other, rather than constitute a comprehensive, integrated policy. Further steps, including making available the necessary funding, are also needed to ensure proper implementation of the different policy initiatives. The Institute would also welcome further clarification on policy documents that have been submitted to parliament but that have not been considered, such as the action plan on gender-based violence.

Investments are also necessary to see to it that all relevant professionals are trained and that sufficient support services can be delivered to all (potential) victims of violence. The absence of consistent expertise at relevant government authorities on the meaning, scope and dynamics of gender-based violence and domestic violence was a common thread in the interviews that the Institute held in preparation of its report. While it seems that awareness on (specific forms of) gender-based violence has increased, more remains to be done to structurally improve and embed expertise within organisations. Finally, further improvement of data collection and research should be carried out on a structural basis to provide insight into the effectiveness of the measures taken.

Comprehensive and coordinated policies (article 7)

In its Baseline evaluation report on the Netherlands, GREVIO urged the government ‘to adopt and implement integrated, state-wide, effective, comprehensive and coordinated policies addressing all forms of violence against women and domestic violence – beyond dependency relations.’² The Institute reiterates the need for a comprehensive action plan that covers all forms of gender-based violence and domestic violence. While the government has taken important steps forward, there is still not such a comprehensive action plan. Policy on gender-based violence and domestic violence is fragmented and incomplete. As the first section in the government report shows, there is a variety of action plans, agendas and other initiatives. Different forms of violence are covered by different policy documents, without proper coordination: the different plans fall under the responsibility of different government departments and do not (explicitly) explain the links to other relevant documents. Further,

¹ *Kamerstukken II, 2023/24, 28345, nr. 278, Plan van aanpak ‘Stop femicide!’ [Action plan ‘Stop femicide!’]*, p. 19-20.

² GREVIO, GREVIO’s (Baseline) Evaluation report Netherlands, GREVIO/Inf(2019)19, par. 44.

some forms of violence, including economic violence and the digital dimension of violence, are not covered by any of the documents.

Future outlook on children- and family protection

The programme 'Violence does not belong anywhere' finished at the end of 2021. This programme focused on addressing domestic violence, including domestic violence against women. As indicated in the government report, some of the initiatives that were developed within this programme were to be continued in the new programme 'Future outlook children- and family protection' (*Toekomstscenario kind- en gezinsbescherming*). In addition, regional action plans that were drafted as an outcome of the programme continued to be implemented with government support until 2022.

The new programme 'Future outlook children- and family protection' provides the outlines for future policies and practices on the protection of children and families in 5-10 years (2026-2031). The programme states that it does not focus exclusively on (families with) children, but on all domestic situations that are unsafe. It aims for a fundamental change in the working methods of the various institutions and professionals involved. However, there is hardly any attention in the programme, nor in the progress reports on its implementation, on the specifics of intimate partner violence. Also, there is barely attention for the role of gender in domestic violence, neither in intimate partner relations nor where it concerns violence against children. The progress report states that the current problems in youth care require a focus on improving child and family protection. Since the programme does not deal with gender roles or gender sensitivity, there is no guarantee that it is implemented in a gender sensitive manner. The Institute is concerned about this omission, which is not in compliance with the government's acknowledgement that gender plays a role in domestic violence and that gender sensitive policies are needed to address it.

Action plan gender-based violence

In September 2023, the government published the 'Action plan gender-based violence'.³ The goal of this action plan is to strengthen existing initiatives to prevent and combat gender-based violence. The action plan focusses on three priorities: training of professionals, preventing femicide and interventions for perpetrators.

The Institute appreciates the efforts that the government has put into the development of this action plan. The Institute regrets, however, that the government did not seize this opportunity to develop a genuinely comprehensive action plan on gender-based violence. The plan primarily focuses on intimate partner violence and does not cover all forms of gender-based violence. Second, more steps towards addressing existing gaps in policy would have been welcome. For example, the action plan does not contain any measures to improve the coordination between the different action plans, programmes, etc. that have been and are being developed by various ministries, nor measures to further advance the coordination between the national and regional/local levels. In fact, the action plan does not specify how it relates to other action plans and programmes that are relevant to preventing and combating gender-based violence, such as the Future outlook children- and family protection and the National action programme on sexual transgressive behaviour and sexual

³ *Kamerstukken II, 2023/24, 28345, nr. 269, Bijlage 2, Aanpak gendergerelateerd geweld [Action plan gender-based violence].*

violence (*Nationaal actieprogramma aanpak seksueel grensoverschrijdend gedrag en seksueel geweld*).

Action plan 'Stop femicide!'

In June 2024, the government presented the Action plan 'Stop femicide!'.⁴ The goal of this action plan is to prevent lethal violence against women and girls by (ex-)partners or family members. The plan is built upon four pillars: primary prevention, gaining insight into (threats of) violence, interventions and assistance and insight into the problem and approach. The action plan lists ten priorities for the period 2024-2025, ranging from promoting equality between men and women to better protection of victims.

The Institute welcomes this milestone, which has the potential to contribute to the prevention of femicide in the Netherlands. The Institute is particularly satisfied that this action plan recognises the need for better coordination and direction in policy making and contains concrete steps towards achieving this. Further, the Institute appreciates that the action plan recognises gender inequality as a root cause of gender-based violence and lists the promotion of equality between men and women as one of its priorities.

It is, however, a point of concern that no (additional) funding has been made available for the implementation of the action plan. All the measures contained in the action plan will have to be financed out of the general budget available for domestic violence and child abuse. In light of the ambitions of the action plan, steps need to be taken to guarantee that the action plan can be effective.

The Institute welcomes that the action plan acknowledges that psychological violence, such as intimate terror and coercive control, often precedes femicide. At present, prosecution for psychological violence very rarely takes place. This is partly due to gaps in the existing legal framework. Practice shows that certain forms of psychological violence, most notably coercive control, cannot effectively be prosecuted under any of the existing criminal offences. While appreciating the steps to improve the use of existing criminal provisions, the Institute holds the position that a separate criminal offence is required to effectively address coercive control and to bring legislation and practice in accordance with article 33 of the Convention of Istanbul. This provision requires that harmful patterns of behaviour, including coercive control, can be effectively prosecuted and punished.⁵ The Institute has pointed out that the provisions in the Criminal Code do not adequately cover the patterns of behaviour that characterise coercive control. Steps are necessary to comply with GREVIO's recommendation in the Baseline review on article 33.⁶

Sexual Offences Act

On 1 July 2024, the Sexual Offences Act entered into force. This act thoroughly revises the criminal code provisions on sexual violence, in particular as regards the criminalisation of rape and other forms of sexual violence. It also introduces the offence of sexual harassment in public places. The criminal law will offer more protection to victims of sexual violence. In

⁴ *Action plan 'Stop femicide!'* (note 1).

⁵ College voor de Rechten van de Mens, *Inbreng College voor de Rechten van de Mens t.b.v. agendapunt 10 van het Commissiedebat Strafrechtelijke onderwerpen*, [Submission by the Netherlands Institute for Human Rights to a parliamentary commission debate on criminal law issues], 20 januari 2023, www.mensenrechten.nl

⁶ GREVIO, (Baseline) Evaluation report Netherlands (note 2), par. 219.

the drafting process, the Convention of Istanbul as well as the European Convention on Human Rights have played a significant role. On the occasion of the entry into force of this act, the Ministry of Justice and Security has started an awareness raising campaign and other measures, such as training of professionals. The Institute underlines the need for such measures, given the fundamental changes of the criminal code. It reiterates the need for continuous monitoring of the impact of the act, as this is likely to lead to an increase in the number of reports of sexual violence. This requires investments in the number of various professionals, including those who receive reports of violence and those who provide support and counselling to victims of sexual violence. The Institute also stresses that initiatives to prevent sexual violence should be coordinated, in particular with other initiatives such as the National action plan on sexual transgressive behaviour and sexual violence.

National action programme on sexual transgressive behaviour and sexual violence and the independent government commissioner on sexual transgressive behaviour and sexual violence

The Institute welcomes the adoption of the National action programme on sexual transgressive behaviour and sexual violence and the appointment of an independent government commissioner who initiates and stimulates a debate in society on changing societal norms. The action programme, adopted in 2022, explicitly formulates the link between the unequal power relations between men and women, both at the societal and family level. The programme aims to change societal culture in order to eradicate sexual transgressive behaviour and sexual violence. The Institute welcomes the integral approach taken in the programme and has called upon the government to guarantee that this approach is also adopted in other relevant areas of government policy, for example policy relating to other forms of gender-based violence, labour participation and political participation. The programme, as well as the mandate of the government commissioner, will end on 31 December 2026. Also after that, strong measures to prevent sexual transgressive behaviour and sexual violence will be necessary. The Institute would welcome a commitment by the government that the prevention of sexual transgressive behaviour and sexual violence will continue to be a priority.

Suggestions for questions:

What steps will the government take to ensure a comprehensive policy framework to prevent and combat all forms of gender-based violence?

How will the government ensure that all existing policies on domestic violence, including the future outlook children- and family protection, are implemented in a gender sensitive manner and address gender roles?

What steps will the government take to ensure sufficient human and financial resources for the implementation of relevant laws and policy documents, including the recent Sexual Offences Act and the action plan 'Stop femicide'?

What steps will the government take to ensure that all forms of psychological violence, including coercive control, are sufficiently criminalised?

Data collection and research (article 11)

Persistent lack of disaggregated statistical administrative data

In its Baseline evaluation report, GREVIO strongly encouraged the Dutch authorities to develop standardised data categories for mandatory use by law-enforcement agencies, the judiciary and all other relevant actors on the gender and age of the victim and perpetrator, their relationship, type of violence and the geographical location.⁷ As the Institute observed in its submission on the comments of the reply of the Netherlands to the reporting form on the implementation of the recommendation of the Committee of the Parties, it welcomes the collection of data through population-based surveys, such as the prevalence monitor on domestic violence.⁸ Also, as from January 2024, the Public prosecutor's office has started to record the number of female victims of violent crime, including murder and manslaughter.⁹

While the Institute welcomes these important steps forward, it points out that the recording of cases of gender-based violence and domestic violence by law enforcement authorities should be further improved. For example, the data systems of the police and the public prosecutor's office do not distinguish between psychological violence and physical violence. This is partly due to the fact that registration takes place on the basis of the crimes as laid down in the Criminal Code. Since psychological violence is not a separate crime, it cannot be deduced from the recorded criminal offence whether a case involves psychological violence, physical violence, or both – this requires further research of the case file. According to the government, distinguishing between physical and psychological violence would increase the margin of error, thereby rendering the data less accurate. Furthermore, it is held that such a distinction would increase the administrative burden and would therefore be an undesirable measure.¹⁰ As the government reported to the Committee of the Parties, the recording systems of the police and the judiciary are primarily set up to support the working processes of their tasks and are not designed for reporting or research purposes.¹¹ The Institute reiterates that current practice is not in accordance with article 11 of the Convention. Public authorities such as the judiciary, the police and social welfare services, should set-up data systems in place that go beyond the internal recording of the needs of the agency.¹² An additional administrative burden does not justify non-compliance with article 11.

Suggestion for question:

What steps will the government take to bring the collection of administrative data in line with article 11 of the Convention, guaranteeing that all relevant authorities systematically collect disaggregated administrative data on the basis of mandatory

⁷ GREVIO, (Baseline) evaluation report Netherlands (note 2), par. 72.

⁸ Netherlands Institute for Human Rights, *Comments on the reply of the Netherlands to the reporting form on the implementation of the Recommendation of the Committee of the Parties adopted on 30 January 2020*, March 2023, p. 5-6.

⁹ Interview with public prosecutor Nicolle Sommers, *Opportuun*, 2024, no. 1.

¹⁰ *Aanhangsel Handelingen II*, 2019/20, nr. 3944, Response 8, 9, 10 and 14 by the minister of Health, Welfare and Sport to questions raised in parliament.

¹¹ Reply of the Netherlands to the reporting form on the implementation of the Recommendation of the Committee of the Parties adopted on 30 January 2020, IC-CP/Inf(2023)3, 27 January 2023, p. 12, section 17.2.

¹² Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, CETS 210, par. 76.

data categories, including gender and age of the victim and perpetrator, their relationship, type of violence and the geographical location?

Training of professionals (article 15)

As mentioned above, a number of action plans has been published in the period since GREVIO's publication of the Baseline review. The Institute welcomes that the action plan on gender-based violence acknowledges the need for training of professionals and includes this as a priority action. The action plan on femicide further elaborates on the training of professionals on that theme. Further, the government announced an investigation into the current state of affairs in training and education which is to identify the gaps and needs.

The need for training is illustrated by various signals the Institute has received that point to a lack of basic knowledge among relevant authorities, including the police and the judiciary, about gender-based violence and domestic violence. As a result, reports of such violence are not always properly recognised and responded to. A pertinent example provided to the Institute concerned a situation in which police officers did not recognise a report of violence involving cohabiting and registered partners as a case of domestic violence, simply because the violence took place outside the home (in public). Family lawyers also informed the Institute that many family court judges lack the expertise to distinguish between situational couple violence and structural intimate partner violence. These examples illustrate that a lot remains to be done in order to ensure an adequate level of expertise among all relevant authorities on the meaning, scope and dynamics of gender-based violence and domestic violence.

Acquisition of expertise

Mandatory training on (aspects of) domestic violence is provided in the basic educational programme of all relevant authorities, including the police and judiciary.¹³ Accordingly, all relevant professionals receive basic training on the topic of domestic violence at least once (at the start of their career). It is not clear to what extent this training covers all forms of violence covered by the Convention, including economic and psychological violence. It seems that structural, recurring or periodic training is not provided. Organisations do offer more in-depth courses or specialist training on domestic violence, stalking and honour-related violence, but, as the government reports, these courses are not mandatory. Due to limited places and resources, not everyone is able to follow these courses.¹⁴

To stimulate the professional development of its staff, the police organisation and individual police units regularly organise information days or seminars on relevant topics, including online violence and red flags in domestic violence cases. Participation is on a voluntary basis, but the police reports considerable interest in these initiatives. The Institute welcomes these types of initiatives and encourages the government to take steps to guarantee that the police structurally embed training on these issues in the professional training.

Despite the training provided, victim support organisations and lawyers report significant differences in expertise between professionals, and consequently, differences in how reports

¹³ Inspectie Justitie en Veiligheid, Gestalkt. Gezien. Gehoord? Vervolgonderzoek op 'De aanpak van de stalking door Bekir E. (2019)', [Inspectorate of Justice and Security, *Stalked. Seen. Heard? Follow-up investigation into 'The approach to the stalking by Bekir E.(2019)'*], 2024, p. 27.

¹⁴ Inspectie Justitie en Veiligheid (note 13), p. 27.

of violence are handled. Whether reports of violence are handled adequately, depends on the expertise and time of the individual professional involved.¹⁵ Another example is the lack of expertise on the role gender and domestic violence play in divorce proceedings. As a consequence, family court judges handling divorce and / or child custody cases do not adequately take this into account in their decisions (see further the information provided under articles 31 and 48). Family lawyers also report that harmful perceptions continue to be echoed within the family court system. Examples include the idea that both partners are to blame for the violence, that intimate partner violence automatically ends after the termination of a relationship, that a violent partner can still be a good parent, and that it is always in the child's best interest to have contact with both parents. Another problem is that parents – often mothers – who speak out about the violence they have suffered at the hands of the other parent are regularly discredited and accused of causing parental alienation.¹⁶

While acknowledging that not every professional can be an expert on all forms of gender-based violence, all professionals dealing with victims of gender-based violence and domestic violence, including the police and family court judges, should be aware of the role gender plays in situations of violence and have the expertise to take this into account in proceedings.

Retention of expertise

In 2024, the Inspectorate for Justice and Security concluded that in recent years, all relevant authorities have invested in expertise about stalking.¹⁷ Accordingly, professionals with specialist knowledge on stalking are employed within all authorities now. However, their role is not always properly defined and cemented within organisations. The content of their role is not always clear and differs between regions. Another problem is that this role is sometimes exercised on top of regular police activities, which means that they may not always have enough time to properly fulfil this role. Expertise can be lost when experts move on to another role or leave the organisation. The Institute endorses the recommendation made by the Inspectorate to all relevant organisations to secure specialist positions in clear task and role descriptions and continue to invest in specialist knowledge through training and education.¹⁸ This is necessary to ensure that cases of stalking are dealt with effectively, victims are protected and the perpetrators are brought to justice.

Suggestions for questions:

How will the government guarantee that structural, mandatory training of all relevant professionals on the meaning, causes, manifestations and consequences of all forms of violence covered by the scope of the Convention, in line with article 15?

What steps will the government take to ensure that all relevant authorities secure specialist positions within their organisation in clear task and role descriptions and continue to invest in specialist knowledge through training and education?

¹⁵ Inspectie Justitie en Veiligheid (note 13), p. 33.

¹⁶ Ine Avontuur, 'Het negeren van huiselijk geweld is een systeemfout bij de aanpak van 'complexe' scheidingen' [*Ignoring domestic violence is a system error in the approach to 'high conflict' divorces*], NJB afl. 38, 2 December 2022.

¹⁷ Inspectie Justitie en Veiligheid (note 13), p. 25.

¹⁸ Inspectie Justitie en Veiligheid (note 13), p. 5.

General support services (article 20)

In the Netherlands, victims of violence seeking help can turn to their general practitioner or the social team in their place of residence. Around 40% of victims of domestic violence turn to their general practitioner.¹⁹ Research has shown that victims generally seek help for the consequences of violence, such as anxiety or sleeping problems, rather than for the violence that causes these problems.²⁰ Approximately 11% of adults report not having received help after reporting to Safe Home organisations, even though they experience problems. Among them are victims of intimate partner violence.²¹

A study commissioned by the government on the accessibility of support services showed the obstacles that victims encounter. It is a lengthy and complicated process to find the appropriate support services. First, victims get easily lost in the wide variety of phone numbers, websites and services. Finding the appropriate service for the form of violence they have experienced and that is suitable for their personal needs can be very cumbersome. Further coordination is necessary. Second, it is necessary that services are immediately available. Too often, victims have to wait before they can access a service. It also occurs that they are referred to another service which requires them to take action. The fact that only certain professionals may refer victims to certain services can constitute another obstacle. Third, some groups of victims have reported that the available services do not meet their needs. This is particularly the case for victims who do not speak Dutch and victims with a physical disability. Support services for perpetrators also warrant improvement. Only 25% of the information that is available at the national level, is available in English. Other groups for which there are no specific services are victims within Islamic, Hindu and Buddhist religious communities.²²

Victims reported that the first contact with a professional has not helped them to find the appropriate support services. It is therefore necessary that they are better guided through this first stage. It could help persons for whom it is difficult to access support services on their own, such as persons with disabilities and elderly people, if they have access to a support person. Such assistance would help prevent that persons give up finding the support they need.²³ Victims have reported that they would benefit from support services targeted to their specific situation and with expertise on the type of violence they have encountered, and that culturally sensitive and gendersensitive.²⁴

The government informed parliament that it would take into the account the results and the recommendations, also in light of the results of other research. It promised to further inform parliament on the steps taken. However, so far this information has not yet been submitted to parliament.²⁵

¹⁹ Majone Steketee a.o., *Huiselijk geweld: een complex en hardnekkig probleem. Derde cohortstudie: resultaten van de aanpak partnergeweld en kindermishandeling [Domestic violence: a complex and persistent problem]*, Utrecht: Verwey-Jonker Instituut, 2023, p. 81.

²⁰ Roos de Wildt a.o., *Laagdrempelige hulp voor slachtoffers en plegers van geweld in afhankelijkheidsrelaties [Easily accessible support for victims and perpetrators of violence in dependency relations]*, Utrecht: Verwey-Jonker Instituut, 2023, p. 99.

²¹ Steketee a.o. (note 19), p. 82.

²² De Wildt a.o. (note 20), p. 101.

²³ De Wildt a.o. (note 20), p. 102.

²⁴ De Wildt a.o. (note 20), p. 105.

²⁵ *Kamerstukken II, 2022-2023, 28345, nr. 261.*

Waiting lists at Safe Home organisations

The Institute is concerned that Safe Home organisations do not manage to perform a safety assessment within five days of receiving a report of violence, as they are obliged by law. The assessment is necessary to determine which organisation should take action. According to a report by the Health and Youth Care Inspectorate, none of the Safe Home organisations complete all safety assessments within the legal term of five days.²⁶ Five Safe Home organisations complete at least 80% of the safety assessments within this period. Thirteen organisations only complete between 32% and 60% of safety assessments within the time frame of five days. This means that on a monthly basis, the safety assessment of approximately 4200 reports is not completed in time. This is due to an increased number of reports and an increased number of complex and serious cases. At the same time, the organisations have a persistent shortage of staff. Waiting lists at partner organisations constitute an additional obstacle. Efforts to deal with backlogs often yield temporary positive effects, but do little to structurally shorten the waiting lists and waiting periods. The Inspectorate points to the serious consequences the waiting lists have for victims of domestic violence. In 2024, the Inspectorate will conduct further research into the consequences of the waiting lists for members of the family or households that has been reported.

The Institute is gravely concerned about the waiting lists at Safe Home organisations and the consequences thereof for victims of violence. Having to wait for help carries a risk of escalation of violence, which can be particularly detrimental to victims of coercive control, because reports of coercive control may not always seem acutely dangerous.

Suggestions for questions:

What steps will the government take to improve the accessibility and availability of general support services, in order to guarantee that all victims of violence have timely access to the support services targeted for their specific situation and needs?

What steps will the government take to ensure that Safe Home organisations are able to properly respond to reports of violence and perform a safety assessment within five days of receiving a report?

Specialist support services (article 22)

Specialist support services offered by women's shelters

Victims of domestic violence can be supported by women's shelters that have formed a national network since 1985. The members of the National Network for Women's Shelters (Valente) are always available to protect victims of domestic violence. They offer safe shelter and assistance, 24/7, and have nationally binding agreements among themselves on this. The networks offer nationally accessible crisis shelter, emergency beds, national specialisations, an on-call service for the National Expertise Centre for Honour Related Violence of the police, safe houses and ambulatory help in various forms. The collaboration agreements between the women's shelter and the 35 appointed centre-municipalities are

²⁶ Inspectie Gezondheidszorg en Jeugd, *Zorgen over aanhoudende lange wachttijden Veilig Thuis, [Concerns about the persistent long waiting time Safe Home] 2023.*

described in a policy framework.²⁷ Women residing in a shelter have access to a variety of services aimed at their recovery. The professionals at women's shelters discuss and assess the needs of victims of violence. They provide counselling, (legal) advice, support victims to seek representation at court or police, and referrals to more specialized services if necessary. Women Against Violence Europe (WAVE) reports that some shelters provide employment, but none of them provide financial and social welfare support. Shelters do not offer housing advice specifically, but refer to and collaborate with local organisations offering such services.²⁸

Obstacles

An investigation by the National ombudsman in 2017 found a number of obstacles for women residing in shelters.²⁹ These concerned issues such as access to counselling for children, financial support and access to housing. Also in 2017, the cooperating inspectorates published a report on obstacles women and their children encountered when leaving the shelter.³⁰ In a follow-up report (2019), the National ombudsman found that there were some improvements, for example regarding support for children. However, obstacles continued to exist. The National ombudsman concluded that women's debts during their stay in the shelter continued to increase and that access to government services remained complicated. Cooperation between the various municipalities involved remained problematic. Also, the problems regarding access to housing had not yet been fully solved.³¹

In response to these reports, the Dutch Association of Municipalities (VNG) worked with the National Network for Women's Shelters to identify the obstacles. The five most pressing obstacles were addressed in a plan of action leading to solutions in 30 (of 35) centre-municipalities. The outstanding issues continue to be addressed. VNG published a guide for civil servants working on women's shelters, women's financial position and debt relief, employment and income.³² The focus of this guide is to assist civil servants in helping women during their stay in the shelter in overcoming bureaucratic hurdles and getting access to welfare payments if needed.

The Institute welcomes this practical guide. Although it is relatively new, any information on its effect in practice would be welcome. Also, information on remaining obstacles would shed light on the situation for victims of violence. In particular, given the housing situation

²⁷ VNG & Valente, *Beleidskader bovenregionale plaatsing in de vrouwenopvang*, [Policy framework supraregional placement in women's shelters], 1 March 2024.

²⁸ WAVE, *Country report 2023, The status and value of women's specialist services in preventing and tackling gender-based violence against women*, Vienna: WAVE, 2023, p. 156.

²⁹ Nationale ombudsman, *Vrouwen in de knel, Een onderzoek naar knelpunten in de vrouwenopvang* [Women getting stuck. An investigation into obstacles relating to women's shelters], The Hague: Nationale ombudsman, 6 July 2017, report no. 2017/075.

³⁰ Toezicht Sociaal Domein/Samenwerkend Toezicht Jeugd (TSD/STJ), *Moeder en kind verlaten de vrouwenopvang. Wie is dat een zorg?* [Mother and child leave the women's shelter. Who cares?], Utrecht, TSD/STJ, May 2017.

³¹ Nationale ombudsman, *Vrouwen uit de knel, Onderzoek naar de stand van zaken rond de eerder door de Nationale ombudsman gesignaleerde knelpunten die vrouwen ervaren in de vrouwenopvang* [Women out of trouble. An investigation into the state of affairs concerning the obstacles identified in the previous investigation], The Hague: Nationale ombudsman, 14 mei 2019, report no. 2019/022.

³² VNG, *Vrouwen uit de knel. Gemeenten en vrouwenopvang samen aan de slag met de knelpunten*, [Women out of trouble. Municipalities and women's shelters tackling obstacles jointly], (rev. ed.) The Hague: VNG, 2024.

throughout the country, it would be useful to learn which percentage of women leaving the shelter can move on to permanent and affordable housing.

Capacity of women's shelters

Access to women's shelters is under serious pressure. There is a shortage of places, the Netherlands does not meet the standard GREVIO has set. In addition, many women cannot leave the shelter due to the overall shortage of housing. This can have as a consequence that other women cannot access a shelter. In determining which women can be accommodated in a shelter, the level of unsafety and acuteness of the danger is decisive. The main reasons for declining women access to the shelter are the lack of space for the victim, no capacity to support the victim and her children and ineligibility for support.³³ Individuals residing in the Netherlands without a valid residence permit, do not have a right to access to support services, such as shelters, under the Social Support Act (2015). In practice, some shelters support undocumented migrant women, while others do not. Since various legal provisions apply and different arrangements between local authorities and shelter organisations are in place, the situation is very complicated. In practice, not all undocumented migrant women who are victims of domestic violence have access to support services.³⁴

Exact data on the capacity of shelters are not available. The same holds true for the number of emergency shelters. This is partly due to the fact that not all shelters and municipalities use the same definitions. At present, Valente and VNG are developing a monitor on the capacity of women's shelters.³⁵ Almost throughout the year, women's shelters experience a capacity shortage. Despite agreements made in the quality mark, they work with waiting lists.³⁶ The scarcity of places plays a role in the decision making by professionals. There is a need for additional capacity in various forms, as well as more ambulatory specialist services.³⁷

Ambulatory support services

Also women not residing in a shelter can receive help through a shelter organisation. They receive ambulatory support services, if safety permits. These services assist women who want to escape their abusive situation but have options other than going to a women's shelter. This has as an advantage that women – and their children – remain in their own living environment whenever possible, or in alternative accommodation offering independent assisted living facilities. Such facilities are aimed at supporting women to rebuild their lives and live independently. As mentioned above, expansion of ambulatory services for clients for whom non-residential services meet the needs is necessary. However, such an expansion

³³ WAVE, *Country report 2023* (note 28), p. 156.

³⁴ Janine Janssen & Essa Reijmers, 'Knelpunten bij de opvang van ongedocumenteerde slachtoffers van geweld in afhankelijkheidsrelaties' [Bottlenecks in shelter for irregular migrant victims of violence in dependency relations], *Proces*, June 2023, pp. 175-185.

³⁵ Information obtained in an interview with Valente.

³⁶ Valente, *Normenkader keurmerk 'Veiligheid in de vrouwenopvang'*, [Quality mark 'Safety in women's shelters'], 5.1 under b: The shelter organisation can show that it does not work with waiting lists for clients whose safety risk has been classified as high.

³⁷ Valente, *Visie op capaciteit van het Landelijk netwerk vrouwenopvang*, [Vision on the capacity of the National network of women's shelters], Valente: May 2024.

will not significantly lower the need for services offered by women's shelters in residential care.³⁸

The Institute welcomes the development of a variety of support services for victims of domestic violence. This could better meet their needs. It underlines, however, that a sufficient number of residential support services should be available to guarantee that women whose safety does not permit ambulatory care have access to such care.

Access to ambulatory support services for victims with limited proficiency in Dutch

A study showed that the accessibility of ambulatory support services for victims of domestic violence who are not proficient in Dutch should be improved. There are no exact data on the number of victims of domestic violence in this group who do not receive help at an early stage. Research has shown that, in general, persons with a migration background make relatively little use of the services of social teams and other support services, even when the problems they experience are serious.³⁹ Language is one obstacle for access to support services, others include lack of awareness of the available support services and a limited social network. As a consequence, victims of domestic violence do not receive help at an early stage and may require more serious support services such as accommodation in a women's shelter. It was recommended that municipalities take specific measures to reach out to persons who are not proficient in Dutch. The study also found that there is a need to improve cultural sensitivity of professionals.⁴⁰

Support services by Victim Support Netherlands⁴¹

Victims of all forms of violence covered by the Convention can turn to Victim Support Netherlands. This organisation offers a broad range of services, from psychological support to support in a criminal procedure. In their work, Victim Support Netherlands professionals repeatedly observe that law enforcement officials do not always offer support for victims of domestic violence in conformity with the standards of the Convention. For example, police often interpret the term domestic violence too narrowly, by not labelling an incident as 'domestic' when the persons involved do not cohabit, when they are former partners, or when the violence took place in a public place.

Further, Victim Support Netherlands observe a lack of awareness of what constitutes violence in an intimate partner relationship. Victims do not always identify themselves as victims when they have experienced physical or sexual violence. They turn to their general practitioner with generic complaints, such as sleeping problems, rather than complaints about the violence they have experienced. In particular, there is a serious lack of awareness of psychological and economic violence. For victims, these forms of violence are even more problematic to identify.

³⁸ Valente, *Vision on the capacity* (note 37).

³⁹ H. Bellaart, a.o., *Wijkteams voor alle doelgroepen effectief. Een diversiteitskader met praktische tips. [Social teams effective for all groups. A diversity framework with practical tips]*, Utrecht: KIS, 2018.

⁴⁰ Suzanne Andeweg- van Leeuwen & Roos de Wildt, *Ambulante hulp aan laagtaalvaardige slachtoffers van huiselijk geweld. Een verkenning: hoe kan hulp beter aansluiten? [Ambulatory support services to victims of domestic violence who are not proficient in Dutch. An exploration: how to offer better support?]*, Utrecht: KIS, 2023.

⁴¹ This section is based on an interview the Institute had with two professionals of Victim Support Netherlands.

Also, whether or not a report to the police receives adequate follow-up on depends too much on the expertise of the individual officer involved and the time available to examine the report. Victims often encounter a lack of expertise on online violence. For example, police do not always have the necessary expertise to assess the online safety of the (potential) victim. Another point of concern is that victims are required to repeatedly provide information on what happened, because of lack of adequate communication among those involved in the procedure.

Suggestions for questions:

What measures does the government take to guarantee an adequate number of residential places in women's shelters?

What measures does the government take to guarantee that all women have access to adequate support services?

Support to victims of sexual violence (article 25)

Research has shown that a minority of victims of sexual violence turn to a Sexual Assault Centre (*Centrum Seksueel Geweld*) within seven days. This is a multidisciplinary service offering comprehensive services to victims of sexual violence. As from 2018, this service is available throughout the Netherlands. Thanks to awareness raising by the Centre among the public and professionals, the number of requests for support is increasing. In light of the entry into force of the Sexual Offences Act on 1 July 2024, and the accompanying campaigns raising awareness on sexual violence, an increase in requests for support may be expected.

Victims aged 18 and older have to pay the compulsory excess of their health insurance. Some victims choose not to use the services of the Sexual Assault Centre, including the forensic medical research, because of these costs.⁴² During a one-year pilot (September 2020 – September 2021), victims who sought help within one week could apply for reimbursement of these costs from the Criminal Injuries Compensation Fund (*Schadefonds geweldsmisdrijven*). This pilot had positive effects: victims may more easily choose to seek help. Further, victims considered the measure to constitute an acknowledgement of their status as victim and feeling of justice for not having to pay for an act perpetrated by someone else. The study affirmed that various barriers to seek help may exist and that the costs may exacerbate other barriers.⁴³ So far, there has not been a follow-up of this pilot.

Various initiatives have been taken to improve access to treatment and assistance for victims of sexual violence. As from 2023, the Sexual Assault Centre received additional funding for three years in order to expand its activities and guarantee availability of its services throughout the country. Further, the government and organisations involved jointly investigate how the organisation of assistance and support to victims of sexual violence can be improved. This is one of the actions under the National action programme sexual

⁴² Valérie Pijlman a.o., 'Welke factoren spelen een rol in de overweging om hulp te zoeken na seksueel geweld? Een beknopt overzicht van het hulpzoekgedrag van slachtoffers' [Which factors play a role in considering to seek help after sexual violence? A summary overview of help-seeking by victims], in *Tijdschrift voor criminologie*, 2022 (64) 2, pp. 208-219, p. 214 (with further references).

⁴³ Valérie Pijlman a.o., *Onderzoek naar de 'tijdelijke regeling vergoeding eigen risico zorgverzekering slachtoffers van seksueel geweld'* [Research into the 'temporary reimbursement compulsory excess of health insurance for victims of sexual violence'], Amsterdam: NSCR, 2021, [with English summary].

transgressive behaviour and sexual violence.⁴⁴ As regards sexual violence against minors, it has been recommended that accessibility of support services offering immediate care should be improved.⁴⁵

Suggestions for questions:

What measures does the government take to take away the barriers for access to support services for victims of sexual violence?

What measures does the government take to guarantee that the Sexual Assault Centre can offer its services structurally, and can offer its services to all current and future victims of sexual violence, including minors?

Custody, visitation rights and safety (article 31)

In the Baseline review, GREVIO urged the Netherlands to take steps, including required legislative amendments, in order to ensure that courts have to consider all issues related to violence (violence against women and domestic violence) in the determination of custody and visitation rights.⁴⁶ So far, article 31 of the Convention has not been implemented in national legislation. There is no legal provision that prescribes that courts should take incidents of domestic violence into account in the determination of custody and visitation rights of children. In the Baseline review, GREVIO pointed out that, when determining whether custody or visitation rights are in the best interest of the child, the focus should be on the safety of both the parent and the child. This should include a risk assessment of the current dangers of domestic violence to both the child and parent, taking into account all circumstances. So far, the law has not been changed to implement article 31, nor are guidelines in place to guarantee that courts apply article 31. A number of judgements from a limited number of courts show that awareness of the need to take domestic violence against the mother into account is a welcome and promising development. Nevertheless, lawyers point out that this is not standard practice. In many proceedings on custody and visitation rights courts either do not at all or insufficiently take into account a history of domestic violence against the mother, nor the current risk that violence continues after separation.⁴⁷ The weight courts attach to granting visitation rights to an abusive (ex-) partner constitutes grave risks for the safety of women during the divorce proceedings and thereafter. Courts' practice displays a need for further training on how to take into account a gender perspective in such proceedings. This should guarantee that they have the required knowledge on the nature, causes and consequences of domestic violence, and intimate partner violence in particular. Training should be aimed at raising awareness on views still prevalent in the judiciary and addressing perceptions that are harmful to women and children who are victims of domestic violence by the mother's (former) partner. For example, the idea that contact with both parents is always in the best interest of the child still prevails and mothers who speak out about the violence they have suffered are at risk of being discredited and accused

⁴⁴ Nationaal Actieplan seksueel grensoverschrijdend gedrag en seksueel geweld [National action programme sexual transgressive behaviour and sexual violence], Action 5.

⁴⁵ National Rapporteur of trafficking in human beings and sexual violence against children, *Monitor seksueel geweld tegen kinderen 2018-2022* [Monitor sexual violence against children 2018-2022], Den Haag: NRM, 2023. See also [Microsoft Word - 220209 CSG Rapport Drempels voor disclosure.docx \(centrumseksueelgeweld.nl\)](#)

⁴⁶ GREVIO, (Baseline) Evaluation report Netherlands (note 2), par. 205.

⁴⁷ Avontuur (note 16).

of parental alienation.⁴⁸ Also, an investigation on the role of family judges and juvenile judges in cases concerning child protection and custody and visitation, did not go into detail on the role of violence against women or domestic violence in such cases.⁴⁹

The government requested advice from the Council for the Administration of Criminal Justice and Protection of Juveniles to assess whether there is sufficient attention for the safety risks of children during high conflict divorces. The advice is expected to be published in the fall of 2024.⁵⁰ The request does not explicitly address safety risks for the mother as a (potential) victim of violence. This may have as a consequence that the advice addresses violence against the mother only if it poses also a threat to the child. The Institute will continue to follow developments on this issue.

Suggestion for question:

What steps will the government take to implement article 31 of the Convention into national legislation and to encourage the judiciary to consider all issues relating to violence against women and domestic violence when determining custody and visitation rights?

Prohibition of mandatory alternative dispute resolution processes or sentencing (article 48)

Alternative dispute resolution in family law proceedings

As the government reports, no new measures have been introduced to guarantee that mediation or procedures which can be considered tantamount to the latter are not used in family law proceedings such as divorce proceedings or proceedings related to custody and visitation of children, where there is a history of violence. According to the government, mediation is voluntary and is not pursued when there is a history of violence or if there are suspicions of violence (response to question 39). The Institute was informed that judges indeed suggest mediation less frequently in cases of domestic violence. However, family lawyers informed the Institute that this seems to be motivated by judges' experience that mediation is generally not effective in such cases, rather than the understanding that domestic violence is a contra-indication. A document, setting out the way in which courts will deal with high conflict divorce proceedings involving children, deals, among other issues, with mediation. It does not, however, refer to the need for the judiciary to take into account power imbalance that may exist or situations of domestic violence.⁵¹

The Institute points to the government's responsibility to take steps to guarantee that legal professionals must be aware of the role that gender plays in cases of violence against women and domestic violence and the risks this entails for victims. Concrete

⁴⁸ Avontuur (note 16).

⁴⁹ *Recht doen aan kinderen en ouders. Rapport van de reflectiecommissie familie-en jeugdrecht van de rechtbanken en de gerechtshoven, [Doing justice to parents and children. Report of the reflection commission family and juvenile judges in courts of first instances and courts of appeal], 2023.*

⁵⁰ *Kamerstukken II 2023/24, 28345, nr. 274; Kamerstukken II 2023/24, 28345, nr. 270.*

⁵¹ *Visiedocument Rechtspraak (echt)scheiding ouders met kinderen [Guiding document judiciary on divorcing or separating parents with children], de Rechtspraak, 2016.*

recommendations to this effect have been formulated in a number of studies and guides.⁵² Steps should be taken to guarantee that, when considering alternative dispute resolution, judges must always take into consideration the safety of the victim and ensure that no pressure is placed upon them to participate in mediation.

Mediation in criminal law cases involving domestic violence

Research into the practice of mediation in criminal domestic violence cases shows a number of challenges. It shows that mediators have limited knowledge of the various forms of intimate partner violence and have not received special training to deal with domestic violence cases. They receive little information on the risk assessment by the criminal court, the public prosecutor and the mediation agency. Mediators do not use an instrument such as MASIC (Mediator's Assessment of Safety Issues and Concerns).⁵³ Mediators themselves reported a need for further training on dynamics of a relationship and how to deal with this during a mediation process. Further, additional training for the judiciary, public prosecutors and the staff of mediation agencies is necessary.⁵⁴

The report includes practical guidelines for mediators in criminal cases concerning intimate partner violence, based on the 2012/29/EU Victims' Directive. At this stage, it is not clear to what extent these guidelines are applied in practice, or what steps have been taken to address the problems mentioned in this report.

Suggestion for question:

What steps will the government take to provide legal professionals with clear guidelines on the use of alternative dispute resolution processes in divorce proceedings involving domestic violence, including the principle that domestic violence is a contra-indication for mediation?

What steps will the government take to train professionals involved in mediation in criminal cases on the dynamics of intimate partner violence?

General obligations and immediate response, prevention and protection (articles 49-50)

Response and investigation in reports of sexual violence

It is likely that the entry into force of the Sexual Offences Act on 1 July 2024 will result in an increased number of reports of sexual violence. The Institute welcomes the steps that are being taken to deal with such reports expeditiously and to improve the support to victims of sexual violence.⁵⁵ However, it notes that there is little progress in dealing with the backlog of

⁵² See, for example, Katrien de Vaan, Hanna Harthoorn en Kristen Martina, *Gendersensitiviteit in de Nederlandse aanpak van huiselijk geweld: nadere concretisering van de GREVIO-aanbevelingen, [Gender sensitivity in the Dutch approach of domestic violence: further concretisation of GREVIO's recommendations]*, Amsterdam: Regioplan, 2021; NJi, Movisie & CCV, *Blinde vlekken en botsende beelden bij partnergeweld en complexe scheidingen [Blind spots and conflicting views in partner violence and complex divorces]*, 2024.

⁵³ Katinka Lünemann en Annemieke Wolthuis, *Handleiding mediation in strafrecht bij partnergeweld, [Guide on mediation in criminal law cases concerning domestic violence]*, Utrecht: Verwey-Jonker Instituut, 2019, p. 13.

⁵⁴ Lünemann and Wolthuis (note 53), p. 17.

⁵⁵ *Kamerstukken II, 2022/23, nr. 34843, 63, Bijlage, Actieplan versterken aanpak zedenzaken [Annex, Action plan strengthening handling of cases of sexual violence]*, 19 oktober 2022.

cases on sexual violence. Neither the police nor the public prosecutor manage to meet the process time they set for dealing with reports. According to the government, from 2024 the results of the measures announced in the action plan should be visible.⁵⁶

In addition to the time to process reports on sexual violence, the treatment of victims by the police warrants attention. A report by the Inspectorate of Justice and Security concluded that in general, victims of sexual violence are positive about their contacts with vice police officers. Nevertheless, they also report negative experiences. Victims report that the police discourages them to file a report, and places a heavy emphasis on the difficulties of the case or the negative consequences of filing a report. This is exacerbated by the fact that the police often imposes a reflection period before victims can file a report, despite instructions not to do so. After having filed a report, victims often feel inadequately informed about the progress of the investigation. They do not have a fixed contact person for any follow-up questions. The Inspectorate made several recommendations to address these issues, including improving work instructions with regard to the informative conversation, the reflection period and the period after filing a report and increasing the capacity of the sexual crimes units.⁵⁷ In the response to this report, the minister pointed – among other developments – to the increase in the number of specialised police officers.⁵⁸ The Inspectorate has started a follow-up investigation into the implementation of its recommendations.⁵⁹ The results have not yet been published.

The foregoing shows that already at present law enforcement officials experience problems in dealing adequately and expeditiously with reports of sexual violence. The entry into force of the Sexual Offences Act requires strong measures of implementation in order to do justice to the victims of sexual violence. This requires a variety of structural measures, including sufficient human and financial resources, training of professionals and effective cooperation between relevant professionals, and the continuous monitoring of the effectiveness of these measures.

Response and investigation in cases of stalking

After the murder of sixteen year aged Hümeyra Ergincanli, who was killed by her ex-partner in December 2018, the Inspectorate for Justice and Security conducted an investigation into the way in which authorities handled the various reports of stalking filed by Hümeyra in the months prior to her death and the criminal response thereto.⁶⁰ The Inspectorate concluded that there had been serious shortcomings. The authorities had not paid enough attention to the victim's safety and the criminal response was not sufficiently geared towards bringing the stalking to an end. Cooperation between the relevant authorities fell short. The Inspectorate made several recommendations, including the need to always prioritize victim safety and

⁵⁶ *Aanhangsel Handelingen II*, 2023/24, nr. 526, (response by the Minister of Justice to questions raised by parliamentarians on the time to process reports of sexual violence).

⁵⁷ Inspectie Justitie en Veiligheid, *Verschillende perspectieven, een onderzoek naar de taakuitvoering van zedenrechercheurs en hun bejegening van slachtoffers*, [Different perspectives, an investigation into the way in which vice police officers execute their tasks and communicate with victims of sexual violence], 2020.

⁵⁸ *Kamerstukken II*, 2019/20, 34843, nr. 42.

⁵⁹ Inspectie Justitie en Veiligheid, *Vervolgonderzoek naar de bejegening van slachtoffers door zedenrechercheurs, plan van aanpak*, [Follow-up investigation into the way in which vice police officers execute their tasks and communicate with victims of sexual violence] 2022.

⁶⁰ Inspectie Justitie en Veiligheid, *Inspectieonderzoek naar de aanpak van de stalking door Bekir E.*, [Inspectorate investigation into the handling of the stalking by Bekir E.], 2019.

bringing the stalking to an end in cases of ex-partner stalking, implementing the police work instruction on stalking and promote the usage of the Screening Assessment Stalking and Harassment (SASH, see further below, on article 51 of the Convention).

In a follow-up report, the Inspectorate concluded that there had been significant improvements in authorities' response to stalking.⁶¹ Authorities are generally more alert in cases of stalking and have invested in relevant expertise. However, the Inspectorate still identified various shortcomings. The role of specialists is not always properly integrated into the organisation (see above, on article 15 of the Convention). At times, there is still a lack of cross-organisational management of cases. Communication with victims is still inadequate. Victims are not sufficiently informed about the progress of their case. Victims experience little support – partly due to the lack of communication – and therefore lose confidence in government authorities. In many cases, there is no permanent point of contact for a victim within the police or the public prosecutor's office. The Inspectorate formulated concrete recommendations, among other measures to improve cooperation between all actors involved and to guarantee that a victim has a contact person dedicated to her case.

The Institute welcomes the guidelines for the approach to stalking, developed by experts and commissioned by the government.⁶² These guidelines help organisations in the social, care and justice sector to understand what is needed on the local level to recognise cases of stalking and respond appropriately. The guidelines were developed with the input of a wide variety of organisations, including the Association of Dutch Municipalities (VNG), the police and the National network for women's shelters (Valente).

The Institute appreciates that stalking is addressed seriously and looks forward to seeing the results of all efforts.

Specialist police and prosecution units for cases of gender-based violence

As the government reports, the police and public prosecution office do not have specialised units for cases of gender-based violence. However, in both organisations, there are experts with specialised knowledge on domestic violence, child abuse, honour-related violence and/or sexual violence (see the government response to question 42). Within the police organisation, the role title and/or description of these experts differs between regions. The Institute reiterates the recommendation of the Inspectorate on Justice and Security that the role of these specialist positions should be secured in clear task and role descriptions (see further above on article 15 of the Convention).

The Institute also takes note of a promising initiative at the public prosecutor's office in Rotterdam, that has appointed a public prosecutor who deals with domestic violence and stalking cases on a full-time basis. The Institute encourages the public prosecutor's office to evaluate the effectiveness of this approach and, in the case of positive results, investigate whether this can be implemented in more regions.

⁶¹ Inspectie Justitie en Veiligheid (note 13).

⁶² Regioplan, *Handreiking aanpak stalking*, [Guide to address stalking], Amsterdam: Regioplan 2023.

Suggestion for question:

What steps will the government take to further improve the support to victims by the police, including by ensuring that victims are provided with clear and complete information and that they are sufficiently informed on the progress of their case?

Risk assessment and risk management (article 51)

Risk assessments not in all cases of violence

The government reports that the police uses the domestic violence risk assessment tool. However, the Institute was informed that the police do not automatically carry out a risk assessment in all cases of violence, but only in cases of grave violence. As noted in the next paragraph, in cases of stalking, risk assessments are always carried out. The Institute observes that the government report does not contain information about the application of the risk assessment tool, which dates from 2008, in practice. It is therefore unclear in which cases risk assessments are carried out, and whether they are carried out periodically to examine whether circumstances have changed. The Institute was informed that the results of the assessments are not shared with Victim Support Netherlands for privacy reasons. This can hinder Victim Support Netherlands' ability to adequately support the victim. They should, as a minimum, be informed of the seriousness of the risk in the case.

Screening Assessment for Stalking and Harassment (SASH)

The Police Instruction on Stalking stipulates that for every report of stalking, the police must administer a Screening Assessment for Stalking and Harassment (SASH). This is a questionnaire that helps to determine the (extent of the) risk for the victim. It provides the basis for determining whether further measures should be taken to mitigate the risk of escalation and protect the victim. The application of the instrument requires specific expertise. Therefore, only police officers who have completed an online course are allowed to fill out the SASH.⁶³ The Inspectorate of Justice and Security found that much progress was made in the past five years: the SASH is now well known within the police organisation and its use has been fully implemented.⁶⁴ However, there continues to be room for improvement. For example, not every police officer who fills out the SASH has followed the mandatory online course, which may lead to errors. Also, the SASH is not always updated when additional reports are filed, which is necessary to determine whether an additional or different response is necessary.⁶⁵

The police generally shares the outcome of the SASH with other relevant organisations, including the public prosecutor and Safe Home. The Institute was concerned to learn, however, that the police does not share the outcome of the SASH with victims and victim support organisations. As a consequence, victims are not aware of the extent of the risk they face. Victims' rights organisations insist that they should be informed on the outcome of the risk assessment, in order to be able to offer adequate support to the victim.

⁶³ Inspectie Justitie en Veiligheid (note 13).

⁶⁴ Inspectie Justitie en Veiligheid (note 13), p. 39.

⁶⁵ Inspectie Justitie en Veiligheid (note 13), p. 20.

Retrospective analysis of femicide cases

Femicide remains a big problem in the Netherlands. Statistics Netherlands reports that in the period 2018-2022, 217 women were killed. Almost 80% of these women (172 in total) were killed by an ex-partner or a family member. For men, this is 15%.⁶⁶ The actual number may be higher, for example where the killer was not considered to be a partner or ex-partner or cases that have been registered as suicides but were in fact cases of manslaughter or murder.

A retrospective analysis of gender-based killings of women is not standard practice in the Netherlands. A few cases have led to a thorough examination, either by an *ad hoc* established commission or by the Inspectorate of Justice and Security.⁶⁷

The attention for femicide has increased significantly in the past years and has led to new government policy plans.⁶⁸ One of the government priorities laid down in an action plan is to obtain better insights into the nature and scope of femicide in the Netherlands. The Research and Data Centre (WODC) has been commissioned to examine to what extent the standard use of a scientific review after (attempted) murder and manslaughter in the domestic sphere can be a suitable instrument for the Netherlands in the prevention of femicide.⁶⁹ The Institute looks forward to the results of this research and the steps the government will take on that basis.

Suggestion for questions:

What steps will the government take to ensure that authorities use the SASH in a correct and consistent manner, and that the outcome of the SASH is shared with victims and victim support organisations?

What steps will the government take to ensure that a proper and comprehensive risk assessment is made in all cases of gender-based violence and domestic violence, and not just in cases of stalking?

Temporary domestic exclusion order (article 52)

The temporary domestic exclusion order is an administrative measure, issued by the mayor. It can be issued when three criteria have been fulfilled: the person initiated a serious and imminent danger or threat thereof, this person must be an adult, and the person must reside in the victim's home more than incidentally.

Relatively few temporary restraining orders are issued. According to the most recent figures available, in the first six months of 2023, per 100.000 inhabitants 11 temporary restraining

⁶⁶ CBS, *Slachtoffers moord en doodslag 2018-2022 [Victims of homicide and manslaughter]*, (www.cbs.nl).

⁶⁷ See, for example, *Kamerstukken II*, 2015/16, 29628, nr. 644, Bijlagen, Politie, eenheid Zeeland-West-Brabant, *Onderzoeksrapport TweeSteden [Report on the inquiry TweeSteden]* en Commissie Eenhoorn, *Conclusies en aanbevelingen onderzoeksrapport TweeSteden [Conclusions and recommendations report on the inquiry TweeSteden]*, 2016 and Inspectie Justitie en Veiligheid, (note 60).

⁶⁸ *Stop femicide!* (note 4).

⁶⁹ WODC, (under research in progress) *Analyse bij gevallen van (poging tot) moord en doodslag na huiselijk geweld en/of kindermishandeling [Analysis of cases of (attempted) murder and manslaughter after domestic violence and / or violence against children]* (www.wodc.nl).

orders were applied for, 9 were granted. Temporary restraining orders are initially issued for 10 days; most are extended. The majority of these orders are issued for 25-28 days.⁷⁰

While the orders may be issued outside the context of a criminal procedure, in most situations the procedure to request this order is started only after an urgent report of domestic violence has been made to the police. The procedure to request this measure is then started after apprehension of the perpetrator by the police.⁷¹ The temporary domestic exclusion order could better serve its purpose, if it were applied also outside the context of a (potential) criminal procedure. The danger or threat need not meet (potentially) the qualification of a criminal offence; it is sufficient that it is plausible that imminent danger exists. If this criterion would prevail, there would be more opportunities to make use of the temporary restraining order.⁷²

In the 2020 Baseline review, GREVIO identified a number of concerns with respect to the Temporary Domestic Exclusion Order Act.⁷³ These included, among other issues, the scope of application of the Act. The Act is applicable only in situations in which the perpetrator resides in the victim's residence 'more than incidentally'. Another concern is that a temporary restraining order applies only to the home, instead of the victim herself. It noted that this is a particular problem in cases of stalking, when the victim and perpetrator do not live together or when the perpetrator does not reside in the home 'more than incidentally', in which case a temporary domestic exclusion order may be refused. GREVIO observed [that this is not in line with the requirements of the Convention.

In 2023 an evaluation on the interpretation and application of the criterion 'more than incidentally' used in the law was carried out.⁷⁴ This criterion is included in article 2, par. 1 and 2 of the Temporary Domestic Exclusion Order Act. A temporary restraining order may be imposed on an adult if facts or circumstances show that his or her presence in the dwelling presents a serious and immediate danger to the safety of one or more persons living with him or staying in the residence 'other than incidentally' or if, based on facts or circumstances, there is a serious suspicion of such danger. It appeared that practice varied on the factors used to establish whether a person stayed in the residence 'more than incidentally' and whether it applies to the victim or the perpetrator. The research showed that unclarity exists especially in situations where a person is threatened with violence in her house by a former partner who does not enter the home. Ambiguities in the interpretation of the criterion 'other than incidental' has consequences for the possibility to impose a temporary domestic exclusion order.

⁷⁰ CBS, *Impactmonitor aanpak huiselijk geweld en kindermishandeling 2023 [Impact monitor on handling of domestic violence and violence against children]*, (www.cbs.nl), chapter 5.5-5.7.

⁷¹ Katinka Lünemann *et al.*, *Ups en downs tijdelijk huisverbod binnen de G4. Verklaringen voor dalende aantal tijdelijk huisverboden in de G4 en inzichten voor de toekomst [Ups and downs temporary restraining orders in the G4 (the four largest cities). Explanations for the decreasing number of temporary restraining orders in the G4 and insights for the future]*, Utrecht: Verwey-Jonker Instituut, p. 11-12.

⁷² Lünemann *et al.*, (note 71), p. 38.

⁷³ GREVIO, (Baseline) Evaluation report Netherlands (note 2), par. 276-285).

⁷⁴ Jolanda uit Beijerse & Charlotte Turfboer, *'Anders dan incidenteel'-criterium in de Wet tijdelijk huisverbod. De beroepsrechtspraak in de bredere context van de toepassingspraktijk, [The criterion 'other than incidental' in the Temporary Restraining Order Act (with an English summary)]*, Rotterdam: Erasmus School of Law, 2023.

The Institute is concerned that the interpretation of this criterion may in practice result in shortcomings in the protection of (potential) victims of violence. The Convention requires that all victims of domestic violence are protected. Where protection is limited to a residence instead of a person, this may not be in compliance with article 52 of the Convention if no other instruments are available and protection of victims is insufficient.⁷⁵

Another issue warranting attention, is that a temporary restraining order may be issued in cases of psychological violence, or where there is a reasonable suspicion of a threat of psychological violence. However, in practice this rarely happens.

Suggestions for questions:

What steps will the government take to ensure that, in case of imminent danger to the victim, temporary restraining orders are also applied outside the context of a (potential) criminal procedure?

What steps will the government take to ensure that the protection granted by the Temporary Domestic Exclusion Order Act is tied to the victim, instead of the residence?

Measures of protection (article 56)

Victims' Rights Extension Act

The legal protection of the rights of victims has been extended. The Victims' Rights Extension Act entered into force in three stages. As from 1 July 2024 the Act has fully entered into force. This Act aims to further strengthen and embed the position of the victim in criminal proceedings. As part of its implementation, the government published a proposal for an administrative order containing measures to better protect the privacy of victims in criminal proceedings in February 2024.⁷⁶ The draft order stipulates that the address, domicile, telephone number, email address, residence, date of birth and social security number of victims will no longer be included in court documents. In a letter to the Minister for Legal Protection, the Institute emphasised the importance of this proposal for victims of gender-based violence and domestic violence.⁷⁷ The Institute expressed its support for the proposal, which is in line with the obligation contained in article 56, paragraph 1 sub f of the Convention. The Institute encourages the government to rapidly pass and implement this governmental decree.

New public prosecutor instruction on victims in criminal proceedings

On 1 March 2024, the new public prosecutor instruction on victims in criminal proceedings entered into force.⁷⁸ The Instruction elaborates on the mandate and duties of the public prosecutor in respect of victims. The Instruction contains important safeguards, including the presumption of victimhood and assistance to victims who do not speak Dutch. While

⁷⁵ Lünemann et al. (note 71), p. 25.

⁷⁶ Ontwerp Besluit bescherming slachtoffergegevens in processtukken, submitted to the House of representatives on 28 June 2024 [Draft administrative order on the protection of victims' data in criminal proceedings].

⁷⁷ College voor de Rechten van de Mens, Brief over wetgevingsadvies Conceptbesluit bescherming slachtoffergegevens in processtukken, [Letter on legislative advice Draft order on the protection of victims' data in criminal proceedings], 10 April 2024.

⁷⁸ Aanwijzing slachtoffers in het strafproces (2024A001).

welcoming these improvements, victim support organisations have pointed out that the Instruction contains several elements of concern.⁷⁹ The Institute is particularly concerned that the new Public Prosecutor's Instruction unduly limits the access of victims to court documents that are relevant to them. Section 7.1 of the Instruction states that the public prosecutor may refuse victims access to court documents if the interest of the victim does not sufficiently outweigh other interests, including the interest of the investigation, the interest of the protection of personal privacy or the interest of the investigation and prosecution of criminal offenses. The Instruction also states that the public prosecutor does not need permission from the investigatory judge to refuse access to these documents, and that the victim cannot object to this decision. This is contrary to article 51b of the Code of Criminal Procedure, which stipulates that:

- victims have the right to access all court documents that are relevant to them (art. 51b sub 1);
- the public prosecutor may only refuse this if granting access would be incompatible with the specific interests listed in 187d sub 1 of the Code of Criminal Procedure, which do not correspond to the interests mentioned in the PPO Instruction (art. 51b sub 3);
- that the public prosecutor needs the written permission of the investigatory judge to refuse the victim access to court documents that are of relevance to them (art. 51b sub 4).

The Institute is gravely concerned that the Public Prosecutor's Office has adopted an Instruction that runs counter to victims' rights established in national criminal law. In this regard, the Institute also notes with concern that victim support organisations describe an 'eternal battle with the Public Prosecutor's Office over obtaining court documents'.⁸⁰

The Public Prosecutor's Office Instruction also contains an overly restrictive interpretation of article 51c of the Code of Criminal Procedure, which lays down victims' right to legal assistance, including preliminary investigation into criminal proceedings. Section 9.1 of the Instruction states that, on the basis of paragraph 3 of this provision, victims cannot be represented by a lawyer or other representative in the preparatory stage. Victims' rights organisations have pointed out that this wrongly suggests that lawyers and representatives are completely sidelined during this stage of the investigation. This does not correspond to reality and undermines the finding that legal assistance for victims in an early stage of the investigation can have a positive effect on their overall experience within the justice system. The Institute finds it important that the Instruction is amended to properly reflect the principle that victims have the right to legal assistance in all stages of the investigation and proceedings.

⁷⁹ Slachtofferhulp Nederland, LANGZS & Fonds Slachtofferhulp, Open brief n.a.v. de vernieuwde Aanwijzing [*Open letter in response to the new Instruction*], 21 February 2024 (www.langzs.nl)

⁸⁰ Slachtofferhulp Nederland et al. (note 79), p. 2.

Suggestions for questions:

What steps will the government take to bring the Public Prosecutor's Office Instruction in line with victims' rights established in national law, most notably article 51b of the Code of Criminal Procedure?

How will the government ensure that the Public Prosecutor's Office Instruction properly reflects the principle that victims have the right to legal assistance in all stages of the investigation and proceedings, in accordance with article 51c of the Code of Criminal Procedure?

Emerging trends on violence against women and domestic violence

Digital dimension

The Institute is concerned about the high levels of violence perpetrated through digital means against women and lgbtiq+ persons. Of particular concern are the rising levels of online sexual harassment, the emergence of so-called 'stalkerware' that can be used to track women against their knowledge and online aggression and intimidation.

Survey data shows that online sexual harassment disproportionality affects young women (aged 18-24) and bisexual women. The Institute is hopeful that the recent criminalisation of online sexual harassment will help to better protect victims against this form of gender-based violence. However, the Institute points out that additional measures are needed to bring the numbers down, including policies aimed at prevention, awareness and specialist care and support for victims.

In 2020, a Dutch news platform (RTL) reported a significant rise in the use of so-called 'stalkerware' - spyware-applications used to track people against their knowledge. Whereas anti-malware companies reported a couple of hundred cases of stalkerware 'infections' in 2018, this number rose to 6500 infections in 2019. The actual number is probably much higher, since many people do not run anti-malware programmes on their phones. RTL estimates that tens of thousands of women fall victim to stalkerware on a yearly basis. The use of stalkerware can in itself constitute a form of gender-based violence, and can lead to other forms of gender-based violence.

Another big problem is the online abuse faced by women who contribute to public debate, including politicians and journalists. A 2022 report revealed that eight out of ten female journalists had experienced aggression, intimidation or threats in the year prior, with online verbal aggression being the most common form of violence.⁸¹ In May 2024, research conducted at the request of the Ministry of the Interior and Kingdom Relations revealed that women in local politics routinely receive significantly more online aggression than their male colleagues.⁸² The abuse directed at women is often sexist and/or sexual in nature. Women of colour also receive racist abuse.

Online abuse, or the risk thereof, seriously impacts the behaviour, functioning and ambitions of women in politics and journalism, and their use of social media in particular. It negatively

⁸¹ i&o Research, *Vrouwelijke journalisten en veiligheid [Female journalists and safety]*, Amsterdam: 2022.

⁸² Atria, Ipsos i&o, *Onderzoek naar de omvang, aard en gevolgen van online agressie en geweld tegen vrouwelijke politici in Nederland [Research into the scope, nature and consequences of online aggression and violence against female politicians in the Netherlands]*, Amsterdam: Atria, 2024.

affects their private lives, causing increased anxiety, general feelings of unsafety and/or physical symptoms. The research into local politicians found that women are generally less satisfied with the way their organisation deals with incidents of online violence and aggression, which could be an indication that organisations are not responding to the abuse in a sufficiently gender sensitive manner.

The abuse directed at women in the public eye has a chilling effect on their willingness to participate in public debate.⁸³ In its 2021 annual report, the Institute asked the government to guarantee that gender is taken into account in its actions to prevent and combat violence against persons taking part in public debate.⁸⁴ Any updates on the progress in this regard would be useful.

Suggestion for questions:

What steps is the government taking to combat and prevent violence perpetrated through digital means? Please also explain how the government will ensure that gender is taken into account when taking action to combat and prevent violence perpetrated through digital means, including when responding to incidents of such violence?

⁸³ GREVIO, 20 October 2021, *General Recommendation No. 1 on the digital dimension of violence against women*, GREVIO(2021)20, par. 13.

⁸⁴ Netherlands Institute for Human Rights, *Annual report human rights in the Netherlands 2021, A safe environment for public debate*, Utrecht: 2022.