

29th Council of Europe Conference of Ministers of Justice
“Breaking the silence – united against domestic violence”
Tromsø, 18-19 June 2009

SPEECH

Mr Ernst HIRSCH BALLIN, Minister of Justice, NETHERLANDS

Dear Colleagues, Ladies and Gentlemen,

The Netherlands are no exception where it concerns the occurrence of domestic violence, and its prevention is one of our top priorities. Forty five percent of the people in the Netherlands between eighteen and seventy years old have experienced (been subjected to or witnessed) at some time in their lives domestic violence in their own family circle, where one should feel the safest! The occurrence of domestic violence concerns tens of thousands of cases each year, but it is hard to determine the exact figures.

Until recently, victims of domestic violence in the Netherlands hardly ever reported their abuse. It was a taboo, veiled in shame, wrapped in silence. Victims had no faith that their situation would improve if they would file a report. This not only concealed the real numbers of cases from us, but, more importantly, prevented us from offering victims of domestic violence proper protection.

Tackling this problem requires a major effort. The fact that we are here today to discuss this is an opportunity we should seize. Together, we can achieve more than if we work alone. We can learn a lot from each other. Therefore, exchanging best practices during this conference is very important to me. In my opinion, many of these best practices should in fact be included in the Council of Europe Convention that is now being prepared.

To tackle the problem of the low number of reports, we set to work in the Netherlands a few years ago. A number of measures have now been taken that help to focus attention on domestic violence, and reveal the scope of the problem.

In the first place, we now hold professionals accountable, such as family doctors, who are in the best position to identify such problems. They had only rarely reported domestic violence in the past. Not so much because they didn't want to do so, but mainly because they didn't know if they were allowed to disclose their suspicions, and if so, how they should do that.

For that reason, we will soon introduce a so-called obligatory report code. This doesn't mean that reporting will become obligatory, but that the use of a report code will be obligatory in the case of domestic violence or the suspicion of domestic violence. A report code is a step-by-step plan that outlines how the professional should handle the signalling and reporting of such cases. The report code will apply to the entire health care sector, the educational sector, the welfare sector, and also all professionals confronted with domestic violence or child abuse.

In addition, we have taken measures to offer victims of domestic violence much better protection. An important measure is the Temporary Restraining Order Act. This Act provides for protection similar to the kind mentioned by inter alia my Turkish, Slovak and Hungarian colleagues. It makes it possible to impose a restraining order of 10 days on a domestic violence offender in situations that form an immediate threat to the victim and any children. In practice this means that the offender is prohibited to

enter the family home. In the ten days that the restraining order is effective, an assistance plan is put in place for all the parties involved. In this way we protect the victims and at the same time help them to get their lives back on track, whether or not with their partner. If necessary the restraining order can be extended for up to a month. This measure is in force since January and our first experience is very positive.

Migrant women can be extra vulnerable. In particular because of contingent residence permits. If migrants hold a resident status that is directly linked to that of their partners, it can place a person in a dependent position. This period of dependency should not be too long. A migrant with a contingent permit can apply for continued residence after three years, which is an independent status. If the relationship however has ended within three years as a result of domestic violence, the victim will be granted continued residence on that ground. In 2008, 357 of such permits were issued.

All these measures have resulted in the fact that in the Netherlands, a lot more cases of domestic violence are being reported. Assistance providers and victims now dare to report these cases, also because the latter now have confidence that their situation will actually improve, if they file a report. Gradually, things are coming to light that used to remain in the dark.

Because of this development, the nature and scope of the problems also become more clear to us. This enables us to get a better understanding of the causes and backgrounds of domestic violence. We can see how it influences several generations. It is often difficult to break the cycle of violence. If a person grew up in a family where violence was used to solve conflicts, this often results in a lifelong trauma. It also increases the risk that this person might also become a victim or offender in his or her own relationships later in life.

In the Netherlands, a wonderful, impressive film on this subject was produced in 2008. It is called "Singing in the Darkness" and will be shown in the film room at a quarter to two today and again tonight. I invite all of you to go and see it. In addition, I would like to offer you a copy of this film. You will find the DVD on your desks after lunch.

Dear Colleagues, in our countries domestic violence is too widely spread. We cannot close our eyes to this. Therefore, let's seize this unique opportunity and learn from each other and help each other where possible. Eventually we must see to it that all best practices in combating domestic violence wind up in the Council of Europe Convention. The three examples I mentioned certainly qualify for that, in my opinion.

Thank you for your attention.