

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Report submitted by the Netherlands
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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**Report by the Dutch government on the implementation
of the Council of Europe Convention on preventing and
combating violence against women and domestic
violence (Istanbul Convention)**

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Introduction

On 1 March 2016, the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter: the Convention) entered into force for the Netherlands. On 12 February 2018, the secretariat of the monitoring mechanism of the Convention called upon the Netherlands to submit a report on its implementation. It concerns a baseline evaluation based on a questionnaire drawn up by the 'Group of Experts on Action against Violence against Women and Domestic Violence' (Grevio). In accordance with note 1 of this questionnaire, this evaluation covers the years 2016 and 2017.

Over recent decades, various governments have given priority to combating domestic violence / violence against women. During these years, Dutch policy has developed from a policy targeting (sexual) violence against women (1980s and 1990s) via a policy aimed at domestic violence (as of 2002) to a wide-ranging, comprehensive approach to violence in dependent relationships for all forms of this violence, with the associated legal framework (see further chapter II). Reporting on the implementation of the Convention must be placed within this context. In this respect, as requested, it deals specifically with the period 2016 - 2017, but where relevant and necessary, it looks back on previous years or looks ahead to 2018 and beyond.

Since the constitutional restructuring of 10 October 2010, the Kingdom of the Netherlands has consisted of four countries with equal status: Aruba, Curaçao, Sint Maarten and the Netherlands, including Caribbean Netherlands consisting of Bonaire, Sint Eustatius and Saba (BES). The position of the BES broadly resembles that of Dutch municipalities, with adjustments based on their small scale and location in the Caribbean, among other things (see further Annex 1).

The Convention was approved for the entire Kingdom of the Netherlands on 24 June 2015.

The report covers only the European part of the Netherlands. For the BES, it was decided during the ratification process that the Convention should not apply to these special municipalities of the Netherlands. This is because research¹ has shown that a catch-up phase is still needed to meet the obligations arising from the Convention. To this end, an administrative agreement 'Approach to domestic violence and child abuse in Caribbean Netherlands 2017 - 2020' was concluded in June 2017. This agreement focuses on prevention, enhancing expertise of the professionals, strengthening assistance and the chain approach, including setting up safe shelters for victims of domestic violence and child abuse, establishing an easily accessible reporting structure and a legal framework. The ultimate goal is to have the Convention apply to the BES in due course.

As independent countries within the Kingdom, Aruba, Curaçao and Sint Maarten decide how and within what timescale they want to implement the ratification and implementation of the Convention.

This report follows the chapter division of the Convention and the Grevio questionnaire. It was drawn up on the basis of input from the Ministries of Health, Welfare and Sport, Justice and Security, Education, Culture and Science and Social Affairs and Employment, the Association of Netherlands Municipalities several municipalities and various organisations such as the Dutch Federation of Shelters, Sexual Assault Centres, the national network Safe at Home, the police and the Public Prosecution Service.

¹ *Approach to domestic violence on the BES islands*, Regioplan, Amsterdam, 2014.

Chapter I Purposes, definitions, equality and non-discrimination, general obligations

I.1. Human rights and gender equality

The Convention is a human rights treaty. Violence against women and domestic violence infringe on people's rights and integrity. According to the Convention, women are disproportionately victims of domestic violence. The Convention is consistent with other international conventions and resolutions signed by the Netherlands, in particular the Convention on the Elimination of All Forms of Discrimination against Women adopted by the United Nations², Goal Five of the Sustainable Development Goals 2015 - 2030 and the UN resolution 71/170³ from 2016. The Convention establishes a clear link between human rights, equality between women and men and the prevention of violence against women / domestic violence (see also Articles 1.1, 4.1, 4.2 and 12 of the Convention). In order to eliminate these forms of violence, it is important to strengthen the position of women and combat discrimination. This has a preventive effect.

In the Netherlands, the principle of equal treatment is laid down in Article 1 of the Dutch Constitution. This article is a general provision that prohibits the government from discriminating against its citizens. To guarantee the right to equal treatment between citizens, Article 1 of the Constitution has been elaborated in several laws, such as the Equal Treatment Act, the Equal Treatment in Employment Age Discrimination Act, the Equal Treatment of Disabled and Chronically Ill People Act and the Equal Treatment (Men and Women) Act.

The importance of human rights in the Netherlands is indisputable. They are an integral part of our democratic constitutional state and that is in the public interest. This interest is expressed in the Constitution, the human rights treaties to which the Netherlands has a binding commitment, (subordinate) legislation, policy and institutions. An overview of this is shown in the National Human Rights Action Plan from December 2013⁴, which explains how the government carries out its task to protect and promote human rights in the Netherlands, the concrete objectives and priorities the former government set for this, and the role of other bodies, institutions and citizens in achieving human rights in the Netherlands. The aim of the above-mentioned action plan is to systematically monitor and promote the implementation of human rights in the Netherlands. The present government is preparing to draft a new action plan.

In addition, the government pursues emancipation gender equality policy aimed at equal treatment and strengthening the position of women as well as the equal rights for lesbian women, gay men, bisexuals, transgenders and intersex persons (LGBTI persons). In recent years, the emphasis has been on economic independence, women in top positions, equal pay and social safety of women, the social acceptance of LGBTI persons, with the emphasis on social safety and with accents on acceptance in bicultural and religious communities and among young people.

The government's new Gender & LGBTI Equality Policy Plan 2018 – 2021 builds on this. This memorandum deals with three related themes which include serious bottlenecks: the labour market, social safety and acceptance and gender diversity and equal treatment.

Firstly, the government aims for equality between women and men in terms of labour and income. This concerns the following subjects: increasing financial independence of women, better promotion of women to higher positions and fighting the gender pay gap. In addition, the government strives for social safety and acceptance of all citizens: less intimidation and violence against women and more social acceptance and social safety for LGBTI persons. Finally, it concerns the freedom of citizens to shape their own identity without imposed gender norms and without unequal treatment. The focus is on the representation of women and LGBTI persons in the media, room for gender diversity for children and young people and strengthening equal treatment and empowerment of LGBTI persons. The policy plan outlines a series of measures in these areas.

² Recommendation 19 (from 1992) and Recommendation 35 (from 2017) of this Convention deal specifically with violence against women

³ *Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence*, 19 December 2016.

⁴ Annex to Parliamentary Papers II, session 2013/2014, 33 826, no. 1.

I.2. Scope, definitions and gender-sensitive policy

The Convention applies to all forms of violence against women, including domestic violence, which has a disproportionate impact on women. In addition, the Convention can be applied to all victims of domestic violence, including men.

The various forms of violence mentioned in the Convention also occur in the Netherlands. In these cases, the victim – for whatever reason – is in a dependent position with respect to the perpetrator and has insufficient options to overcome this unequal power situation. This may also involve dependence within a home or family circle, relational dependency (for example, between partners or ex-partners, or between parents and children), economic dependence or a combination thereof. It can also involve dependence of a professional (inside or outside an institution). Forms of violence in dependency relationships are partner or ex-partner violence, child abuse, elder abuse, parent abuse, honour-related violence, forced marriage and abandonment, female genital mutilation and human trafficking. All these forms of violence are punishable on the basis of the Penal Code (see further Chapters V and VI). In addition, administrative law measures can be taken against the perpetrator or family law measures to protect children against their parents.

Dutch policy focuses on all victims and all forms of violence in dependency relationships and is therefore formulated gender-neutral. There is no separate approach to violence against women. In recent years, the UN CEDAW Committee has asked critical questions about this gender-neutral approach. A number of non-governmental organisations and the Netherlands Institute for Human Rights also draw attention to the fact that the Netherlands does not have explicit gender-sensitive policies.

In the vision of the Dutch government, gender plays an important role in the origin and continued existence of violence, in addition to other factors such as age, education, ethnicity and sexual orientation. This means that attention must be paid to these factors in policy and implementation. Gender then concerns differences in the (power) position of women and men and relevant stereotypical socio-cultural role patterns and expectations. It is also important to have knowledge of the facts, for example, that it is mainly women who are victims of partner or ex-partner violence and sexual assault. In addition, it concerns customised work, given the many different forms of violence. A different approach is needed for cases in which a girl (or a boy) has been lured by a so called loverboy than those that concern stalking by an adult ex-partner.

In 2013, the former government carried out a gender scan. The final report on this⁵ shows that there is considerable potential in this area. The results were discussed in 2015 with municipalities, Safe at Home- organisations, the police and the Public Prosecution Service. In particular, there was a need for concrete guidelines on how to deal with gender in daily practice. Therefore, a toolkit⁶ for professionals and municipalities was developed that includes a factsheet on gender-sensitive working, a methodology for case study and a guide for municipalities. This toolkit was presented at a meeting in 2016 and distributed among the organisations involved. The new action programme *Violence doesn't belong at home* by the government and the Association of Netherlands Municipalities, which was launched in April 2018 (see further Chapter II.2), has established that partner violence cannot be considered without its (relational) context and views on male and female roles and expectations in relation to each other. The further implementation of this programme will examine how we can further strengthen a gender-sensitive approach in this context by using the aforementioned toolkit, among other things.

The definitions from the Convention on violence against women, domestic violence and gender are consistent with the definitions used by the government and are endorsed by the government. In the Social Support Act 2015, domestic violence is described as physical, mental or sexual violence or threat by a family member, housemate, spouse or former spouse or caregiver. In the Youth Act of 2015, child abuse is defined as follows: each form of threatening or violent interaction of a physical, psychological or sexual nature, which the parents or other persons - in respect of whom

⁵ *Gender scan approach to domestic violence. Final report*, Regioplan. Amsterdam, December 2013.

⁶ *Beyond prejudices and stereotypes*, Regioplan, Movisie and Atria, 2016.

the minor child is in a relationship of dependence or a lack of freedom - actively or passively impose on the minor child, as a result of which serious injury is inflicted or threatens to be inflicted on the minor child in the form of physical or psychological injury (see further about the Social Support Act and Youth Act Chapter II.1).

In this report, depending on the subject, varying use is made of the terms 'violence in dependency relationships', 'violence against women', 'domestic violence' and 'violence in domestic circles'.

Article 1.1.c of the Convention requires a coherent and comprehensive policy to combat violence against women and domestic violence. Dutch policy is explained in more detail in the following chapters. Although the Convention naturally also applies to other forms of violence in dependency relationships (such as child abuse and elder abuse), this report is limited to forms of violence against women and domestic violence (physical, psychological and sexual), including honour-related violence, forced marriage and abandonment, female genital mutilation and human trafficking (including loverboys), where the policy makes no distinction between sex, descent, religion, age, etc. (see Article 4.3 of the Convention). Where relevant and necessary, it is indicated how gender (or related aspects) is taken into account or when activities are specifically aimed at female victims (including those younger than 18 years). It also specifically addresses children as witnesses of domestic violence (see Chapter IV.4).

I.3. State obligations and due diligence

Article 5.1 of the Convention asks the parties to refrain from any involvement in acts of violence against women and to ensure that the authorities of the State, government officials, agents, institutions and other players acting on behalf of the State comply with this obligation.

Various laws and regulations lay down what to do in case of violence by professionals towards clients. This includes physical, mental and sexual violence. Under the Youth Act, Article 4.1.8 stipulates that immediate report must be made to the Youth and Health Care Inspectorate in formation if there is violence in the provision of youth assistance, the implementation of a child protection measure or in juvenile rehabilitation.

The Social Support Act 2015 stipulates that violence in the provision of a facility must be reported immediately to the municipality in question (which is the supervisory authority).

Finally, the Healthcare Quality, Complaints and Disputes Act stipulates that violence in the care relationship must be reported immediately to the Youth and Health Care Inspectorate in formation.

With regard to Article 5.2 of the Convention, Dutch legislation provides a clear and adequate general legal framework within which the provisions served by the Convention can be maximised. The basic assumption is that the criminal proceedings should not increase the suffering and injury to the victim. Dutch legislation and the implementation of criminal law are designed to provide adequate protection for victims against secondary victimisation, i.e. preventing victims from being traumatised by their treatment during criminal proceedings.

Dutch policy with respect to victims is aimed at all victims, regardless of their gender. Dutch legislation and the instructions from the Public Prosecution Service also provide that victims are informed about the release of suspects and convicted persons. Victims also receive information about definitive release, leave and escapement.

The Code of Criminal Procedure contains rules for the public prosecutor (and by extension, the police) and the judge to treat victims with care (Articles 51aa and 288a, second paragraph, Code of Criminal Procedure). Various instructions from the Public Prosecution Service also contain instructions on the rights, treatment and care of victims.

Chapter II Integrated policies and data collection

Violence against women and domestic violence are totally unacceptable to the Dutch government. The approach to this involves all forms of this violence, regardless of age, gender, ethnicity and socio-economic status. Dutch policy focuses on a comprehensive approach to all forms of violence in dependency relationships on the basis of the three P's distinguished by the Convention: prevention, protection and prosecution. The focus from recent years was to ensure a well-functioning system that does what it should do: prevent domestic violence and identify it as early as possible and stop it. This is not an easy task. It demands a solid joint approach by all parties involved: the government, municipalities, professionals and their organisations, non-governmental organisations, knowledge institutes and last but not least, experts by experience (both victims and perpetrators). It also demands collaboration between all stakeholders at the local, regional and national level. This is necessary in order to be able to connect the so-called care and safety chain, which are organised differently.

This policy is explained in this chapter. First, section II.1 discusses the legal framework, coordination of the policy, advisory bodies involved, cooperation with non-governmental organisations and civil society and financial resources. Subsequently, section II.2 outlines the implementation of the policy insofar as this is not discussed in the remaining chapters hereafter. Finally, in section II.3, this chapter concludes with an overview of the data collection, research and population and prevalence studies.

II.1. General

II.1.1 Legal framework

The approach to domestic violence (which affects women disproportionately) is firmly anchored in legislation. The Social Support Act 2015, the Youth Act (since 2015), the Mandatory Reporting Code (Domestic Violence and Child Abuse) Act (hereinafter referred to as: Reporting Code Act, since 1 July 2013 and tightened as of 1 July 2017; tightening shall take effect on 1 January 2019), the Temporary Domestic Exclusion Order Act (since 1 January 2009) and the European Victims' Rights Directive for the rights, support and protection of victims of criminal offences (entered into force on 1 April 2017) regulate several different legal aspects to deal with domestic violence. In addition, the implementation of other laws and regulations in the fields of criminal law, substantive law and migration and asylum are discussed in Chapters V, VI and VII.

In the Social Support Act 2015, the element of 'safety' in the municipality has been added to the concept of social support. The government considers this important since the sense of safety for residents is an essential part of the possibility of participation. This also concerns safety in the sense of 'being free' of the risk of violence within the domestic circle; there must be a safe place for everyone in the home situation – and elsewhere if that is not possible. The term does not refer to safety in the judicial sense. Together with the Youth Act, the Social Support Act 2015 organises a single Advice and Reporting Centre for Domestic Violence and Child Abuse for all victims of domestic violence and child abuse called Safe at Home⁷. This merger aims to achieve greater coherence in tackling domestic violence and child abuse. The statutory tasks for Safe Shelter organisations are included in the Social Support Act 2015. Finally, the Social Support Act regulates the responsibility of municipalities for the sheltering of victims of domestic violence, including their nationwide accessibility (a person who needs safe shelter must also be able to go to another municipality other than his or her own). Thirty-five municipalities have been designated, the so-called central municipalities for women's shelters. The municipalities are also responsible for the shelter of victims of human trafficking (these are people who make use of the protection scheme included in the Aliens Act Implementation Guidelines).

⁷ This involves a merger of the Advice and Reporting Centre for Child Abuse and Neglect and the Domestic Violence Advice and Support Centre. There is a nationwide network of 26 Safe at Home organisations. See also section 2.2 of this chapter and Chapter IV.6.

The Youth Act is concerned with promoting safety for young people in the parenting situation in which they grow up.

For the way in which supervision is regulated by municipalities, reference is made to Annex 2 of this report.

Since 1 July 2013, according to the Reporting Code Act, professionals have been obliged to use a reporting code in case of suspicion of domestic violence. The reporting code applies to the healthcare, education, childcare, social support, youth care and justice sectors. The reporting code focuses on domestic violence and child abuse, including sexual violence, female genital mutilation, honour-related violence, parent abuse (child-parent violence), elder abuse (including financial abuse) and forced marriage. The legal obligation for organisations and self-employed professionals to establish a reporting code and promote knowledge among employees aims at supporting professionals in picking up signals of domestic violence and child abuse. A reporting code contains an action plan, among other things. This action plan guides the professional step-by-step through the process from the moment he or she identifies problems to the moment he or she decides to prepare a report. The steps make it clear to the professional what is expected of him or her in case of signs of domestic violence or child abuse and how, taking the duty of confidentiality into account, he or she reaches a decision in a responsible manner about whether or not to make a report. The reporting code also focuses on children in the form of a child check (see further Chapter IV.4).

In 2017, the government revised the minimum requirements with which the reporting code must comply. As of 1 January 2019, every organisation that falls under the reporting code will be required to have an assessment framework that must be applied in step four⁸ of the reporting code. This will allow professionals to assess whether there is (a suspicion of) serious domestic violence or serious child abuse. If the assessment made on the basis of the assessment framework in step four shows that there is (a suspicion of) serious domestic violence or serious child abuse, the professional is expected to report this in step five to Safe at Home. The aim is for (suspicion of) serious domestic violence and serious child abuse to be known at Safe at Home. And that Safe at Home can carry out a safety test: with each report, Safe at Home carries out a triage within five working days and then performs further research if necessary. See section 2.1 of this chapter and Chapter III.3 for more information on the reporting code.

The Temporary Domestic Exclusion Order Act - which is governed by administrative law - makes it possible for the mayor to impose a domestic exclusion order on the person who has initiated a (serious) threat of domestic violence. The ban means that the perpetrator of domestic violence (the 'person removed from the home') may not enter his home for a certain period and may not contact his housemates (spouse, partner or children). The imposition of a restraining order is meant to prevent escalation of the violence in the given emergency situation and offer assistance to both the victim and the perpetrator. The domestic exclusion order exists in addition to the possibilities in the criminal law process of imposing a contact ban in case of domestic violence (see also section 2.5 of this chapter and Chapter V).

The European directive on minimum standards for the rights, support and protection of victims of criminal offences⁹ provides that all victims (including domestic violence) have the same rights in the European Union. With the entry into force in the Netherlands on 1 April 2017, several new rights for victims have been included in the Code of Criminal Procedure:

- Victims are referred to victim support by the police or the public prosecutor.
- Victims are informed of their rights and about available help during their first contact with the police.
- Victims are entitled to more information about the start and progress of the case.
- Victims are entitled to information about the release or escape of a suspect who is in pre-trial detention or of a convicted person. This right is no longer limited to victims of 'right to speak'

⁸ Step four is about weighing the violence.

⁹ Directive 2012/29/EU of the European Parliament and the Council of Europe from 25 October 2012.

offences. If required, victims are also informed about measures taken for their protection in case of the release or escape of a suspect or convict.

- Victims who do not sufficiently understand the Dutch language can request a written translation of the declaration confirmation, case information and procedural documents.
 - Victims may be assisted by a lawyer, a legal representative and person of their choice during the preliminary examination and the hearing. Assistance by a lawyer must not be refused.
 - Victims receive an individual assessment to determine their protection needs and to take measures, if necessary.
 - Family members of victims are entitled to protection and victim support.
- (See also section 2.5 of this chapter and Chapters V and VI).

II.1.2 Coordination

In the Netherlands, the Ministry of Health, Welfare and Sport fulfils the coordinating role in tackling violence against women and domestic violence. This means, among other things, that the ministry brings parties together to coordinate measures, to implement national policy and periodically monitor and evaluate the Dutch approach.

In addition, the Ministry of Health, Welfare and Sport works with the other departments that are important for the approach. This concerns the Ministry of Justice and Security, the Ministry of Education, Culture and Science, the Ministry of Social Affairs and Employment, the Ministry of the Interior and Kingdom Relations and the Ministry of Foreign Affairs. Together with the relevant ministries, the Ministry of Health, Welfare and Sport is accountable to the Lower House through progress reports.

In addition, the municipalities play a crucial role, given their responsibilities under the Social Support Act 2015, the Youth Act and the Participation Act¹⁰. With regards to tackling domestic violence, 35 central municipalities are responsible for the coordination and organisation of the shelter for all 380 municipalities in the Netherlands. The government works closely with these municipalities and the Association of Netherlands Municipalities. In order to pool and coordinate policy at the local, regional and national level, there is regular consultation between the municipalities / the Association of Netherlands Municipalities and between the municipalities, the Association of Netherlands Municipalities and the government¹¹.

In tackling violence against women and domestic violence, the Ministry of Justice and Security works in conjunction with the organisations that fall under its responsibility, including the Public Prosecution Service, the police, the Probation Service, the Child Care and Protection Board and Youth Protection.

Finally, the government maintains contacts with several legal advisory bodies, i.e. the Netherlands Institute for Human Rights, the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, the National Ombudsman and the Ombudsman for Children.

II.1.3 Advisory bodies

The Netherlands has several independent advisory bodies regulated by law that (also) advise on tackling violence against women / domestic violence.

The Netherlands Institute for Human Rights (since 1 October 2012) highlights, monitors and protects human rights, promotes compliance with them (including equal treatment) in practice, policy and legislation and increases awareness of human rights in the Netherlands.

In the last years, this Institute has called attention to various issues related to discrimination against women, including tackling violence against women and the importance of the Istanbul

¹⁰ This law regulates the responsibility of municipalities to ensure that everyone who can work is put to work and is offered support where necessary and needed. This law came into force on 1 January 2015.

¹¹ There is an official consultation four times a year and an alderman's meeting twice a year. In addition, there are regular administrative consultations between the government and the Association of Netherlands Municipalities/municipalities.

Convention, the problems surrounding the sheltering of victims, trafficking in women, political participation, economic independence, discrimination in the labour market, pregnancy discrimination, unequal pay and the need to eliminate prejudices. The Institute also calls attention to tackling domestic violence in the Caribbean Netherlands.

Since 2000, the Netherlands has a National Rapporteur, initially appointed for human trafficking. In 2009, the theme of child pornography was added, and in 2013, this was expanded to include sexual violence against children. Since then, the official name is National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. The National Rapporteur is financed by the government and serves as a fully independent rapporteur. He reports to the government about the nature and scope of human trafficking and sexual violence against children in the Netherlands. He also monitors the effects of the policy pursued in these areas and makes recommendations to improve the approach to human trafficking and sexual violence against children. The National Rapporteur is supported by a department of 14 employees. These are mainly (scientifically trained) researchers.

The National Ombudsman supervises the proper conduct of the government and investigates citizens' complaints about the government. He also has a research agenda. In this connection, in 2017, he issued a report about women in women's shelters (see also section 2.4 of this chapter).

The Ombudsman for Children promotes compliance with children's rights in the Netherlands. The UN Convention on the Rights of the Child serves as a guideline for this. Children are entitled to protection against child abuse. In that context, it issued a report in 2017 on the municipal commitment for prevention of child abuse.

II.1.4 Non-governmental organisations and civil society

In the Netherlands, non-governmental organisations and civil society play an important role in combating violence against women and domestic violence. Naturally, the government works in close cooperation.

Civil society involves many different organisations. For example:

- sector associations and professional organisations from, e.g. healthcare and support, education, childcare, such as the Dutch Federation of Shelters, the Royal Dutch Society for the Promotion of Medicine, the Primary Education Council (primary education sector organisation) and the national Safe at Home Network;
- knowledge institutes, such as Movisie, the national institute for the social domain, the Netherlands Youth Institute, the Atria knowledge institute for emancipation and women's history and the Pharos Dutch Centre of Expertise on Health Disparities;
- organisations / platforms aimed at specific forms of violence against women and domestic violence, such as the Coordination Centre for Human Trafficking, the Centre of Forced Marriage and Abandonment and the 'Honour and Freedom' Platform, which was set up for professionals and volunteers to share knowledge and to network.

In addition, there is collaboration with non-governmental organisations such as the Zijweg Foundation (for victims of domestic violence), Femmes for Freedom (for forced marriages, among other things), the Federation of Somali Organisations in the Netherlands (for female genital mutilation), Defence for Children, Augeo (an organisation that supports professionals in tackling child abuse), the Youth Task Force of Augeo and the Dutch Council of Women.

The Ministry of Education, Culture and Science also supports non-governmental organisations and other organisations that campaign against violence against women. In 2017, it was decided to grant eight alliances in the area of gender and LGBTI equality subsidy (from January 2018 to 2022). Of these alliances, two are explicitly concerned with gender-based violence. They are Act4Respect and Change from the Inside Out.

The goal of Act4Respect is to prevent gender-based violence among young people and young adults. Within Act4Respect, Rutgers, a knowledge centre in the field of sexuality, and Atria work

together with young people and partners from the field to improve the social safety of women and girls through a social norm campaign, advancement of expertise and support of professionals and interventions and impact studies among risk groups, among other things.

Change from the Inside Out focuses on promoting the acceptance of LGBT persons and gender equality within migrant and refugee communities. Specific attention is paid to harmful traditional practices such as female genital mutilation, honour killings and forced marriage.

II.1.5 Finances

The approach to violence in dependency relationships has various funding streams. Firstly, help to victims and the perpetrator's approach are two of the regular activities of the professionals involved. Depending on the problem, assistance can be financed, for example, by the Healthcare Insurance Act¹² or the Long-term Care Act. The judicial approach is part of the work of the police, the Public Prosecution Service, the Probation Service, the Child Care and Protection Board and the certified institutions.

Every year, the 35 central municipalities for women's shelter receive structural funds from the national government through the decentralisation allowance for women's shelter for the sheltering of victims of domestic violence and tackling domestic violence. In 2016 and 2017, this was approximately € 118 million per year. In 2018, this amount was structurally increased in connection with the work of Safe at Home in the context of tightening the reporting code (€ 11.9 million in 2018 increasing to € 38.6 million starting in 2021). In addition, due to the Social Support Act 2015, the Youth Act and the Participation Act, municipalities can use other funds for help, support and care.

In some cases, funds are also made available to municipalities from the national government. In 2016 and 2017, a total of € 4.2 million was paid to 16 municipalities as a financial bridge to jointly realise a nationwide network of Sexual Assault Centres and to guarantee structural offers of help for victims of sexual violence in the municipal care and support offer.

Finally, the ministries involved in tackling violence in dependency relationships – the Ministry of Health, Welfare and Sport, the Ministry of Justice and Security, the Ministry of Education, Culture and Science, the Ministry of Social Affairs and Employment – have set aside funds in the annual budget for, among other things, projects, pilots, development of tools, knowledge and research carried out by, among other things, non-governmental organisations and civil society (including justice organisations, national aid organisations and knowledge institutes).

II.2. Implementation

In November 2016, the Child Abuse and Sexual Abuse Task force issued¹³ its final report 'I do not look away'. In that same period, the Circle of Safety¹⁴ came out with its manifesto 'Tackling domestic violence'. The central theme of both publications is that much was achieved in recent years but we are not there yet. Despite solid commitment and numerous improvements, the results are still unsatisfactory. According to the reports, a substantial reduction in violence in dependency relationships is lacking. Intensive and comprehensive cooperation is necessary. Therefore, both argued for a national multi-annual programme with the important premise that it should be a joint programme of municipalities and the national government that supports and strengthens local, regional and national practice, with a lot of attention to learning from each other. A practice that focuses on long-lasting safety.

¹² Everyone in the Netherlands is obliged to take out basic health insurance (basic package). The national government determines the content of the basic package. It concerns medical care to which everyone is entitled. The government also sets the amount of the deductible (the amount that a person must first pay when using healthcare, after which the healthcare insurer pays the costs) and the amount of the healthcare allowance (a reimbursement of healthcare costs). There is no deductible for certain care such as GP care or obstetric care. The government also determines for which care a personal contribution must be paid. This is separate from the deductible.

¹³ This Task force (2012 – 2016) was set up by the government in the framework of the 'Children Safe' action plan with the aim of putting the subject of child abuse on the agendas of administrators, managers and professionals.

¹⁴ The Circle of Safety consists of several key figures from organisations such as the BlijfGroep (women's shelter), Zijweg Foundation, the Public Prosecution Service and Humanitas, a volunteer organisation for social services and community development.

Based on these reports, work was then done on such a programme. In April 2018, *Violence doesn't belong at home* (2018-2020) was launched by the Ministry of Health, Welfare and Sport, the Ministry of Justice and Security and the Association of Netherlands Municipalities in cooperation with the Ministry of Education, Culture and Science and the Ministry of Social Affairs and Employment. With this action programme, the government aims to reduce domestic violence and child abuse, limit the damage of violence and in so doing break through the circle of violence, the transfer from generation to generation. This requires good cooperation at the local, regional and national level from several disciplines (multidisciplinary) and is aimed at the entire family or all those directly involved and the social system (system-oriented). The programme has three lines of action, i.e. *Sooner and better in the picture*, *sustainable solutions* and *specific groups*. In addition, a research programme will be set up under the direction of an advisory committee. This programme will focus on developing a system of outcome monitoring, among other things. In addition to the research programme, there will be an outcome monitor to monitor the impact of the efforts of the organisations, professionals and governments involved. Additional financial resources will be made available for the implementation of the programme.

The action programme builds on the policy of recent years. In 2016 and 2017, the accent of government policy was on strengthening policy and practice, particularly at the local and regional level. The most important actions from those years are summarised and outlined below.

II.2.1 Reporting code for domestic violence and child abuse

In 2015, a quick scan was conducted into the use of the reporting code for domestic violence and child abuse¹⁵. This quick scan shows that the familiarity of professionals with the reporting code is generally (very) good. The familiarity and use of the child check is still inadequate. The professionals interviewed indicated that they have a need for conversation techniques. The Safety and Justice Inspectorate looked at the application of the Reporting Code Act in the judicial institutions and probation organisations, among others. The inspectorate has established that not all organisations comply with the aforementioned law and the implementation decree. In addition, proposals were made by civil society, the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children and the Lower House to improve and tighten the use of the reporting code. This has led to a number of measures. Aside from continuing investments in the promotion of expertise and in training and refresher training and post-educational training (see further Chapter III.4), breaking through the barrier of not knowing how to act among professionals and the implementation of the child check (for professionals who work with adults with the aim of checking whether the child or the children are safe, see further under IV.7), the most important measure of the past period is tightening the reporting code (see section 1.1 of this chapter). The further pursuit and implementation of these measures - and the support of the professionals involved - will be continued in the aforementioned action programme.

II.2.2 Safe at Home

Since the start of Safe at Home on 1 January 2015, the government, municipalities and the 26 Safe at Home organisations have invested heavily in strengthening, improving and further developing these relatively young organisations. The then Youth Care Inspectorate and Health Care Inspectorate¹⁶ also played an important role in this. They supervise the performance of Safe at Home. This has led to various reports in 2016 and 2017 with several areas for improvement. Several measures have been taken to achieve a well-functioning Safe at Home. For example, municipalities have provided extra funds in recent years. In addition, the Association of Netherlands Municipalities project 'Safe at Home – a solid basis' was implemented with funding from the Ministries of Health, Welfare and Sport and Justice and Security (February 2016 – 1 July 2017). Subsequently, a Long-term Implementation Programme was set up by the National Network Safe at Home that started with funding from the Ministry of Health, Welfare and Sport in July 2017 and will run until the end of 2020. Furthermore, the police, Safe at Home and the Public Prosecution Service are working hard to improve the police reports to Safe Shelter. Finally, with the

¹⁵ BMC, November 2015.

¹⁶ As of 1 October 2017, these two inspectorates have been merged into the Youth and Health Care Inspectorate in formation.

tightening of the reporting code (see section 2.1 of this chapter), Safe at Home has received a new role, the so-called radar function (managing and monitoring). For this purpose, additional funds have been made structurally available starting in 2018 to the 35 central municipalities for women's shelter (see section 1.5 of this chapter).

For more information about Safe at Home, please refer to section 3.1 of this chapter and Chapter IV.3.

The National Network for Care and Punishment of domestic violence and child abuse was created in 2016. This network is made up of judicial parties involved in tackling domestic violence and child abuse, such as the Public Prosecution Service, the police, the Child Care and Protection Board, the Council for the Judiciary and the Probation Service, as well as the National Network for Safe at Home. The aim of the National Network for Care and Punishment is to achieve a sustainable state of continually improving organisations that, by working together, are optimally supportive to the collaborating professionals in the families and those around them. Since 2016, various improvement measures have been implemented, such as the development of the Guide *Working Together in Criminal Child Abuse* (1 November 2017, in Dutch, to be found at www.rijksoverheid.nl) and the aforementioned improvement of the police reports to Safe at Home.

II.2.3 Regional approach Safe at Home

From 2012 to the end 2016, the 'Regional Approach Safe at Home' programme was implemented by the Association of Netherlands Municipalities and the Dutch Federation of Shelters, with funding by the Ministry of Health, Welfare and Sport. The aim of this programme was to arrive at a future-proof, flexible system of shelter and assistance to victims of domestic violence and child abuse. The project had three tracks. Firstly, strengthening the approach at municipalities. It was agreed with the 35 central municipalities for women's shelter that they will draft a regional vision for this approach, together with the surrounding municipalities, a coherent policy plan. Various guidelines have been developed for this. These regional visions ran until the end of 2017 / 2018 and are being revised at the time of writing this report.

Secondly, attention was paid in this project to specific groups. This has led to a guide for tackling elder abuse and a factsheet on female genital mutilation. Attention was also paid to children in shelters and victims of human trafficking. Thirdly, the Dutch Federation of Shelters, in cooperation with the Association of Netherlands Municipalities and municipalities, has worked on strengthening the quality of the aid offer (women's shelters in particular). Tools have been developed for this purpose. A policy framework for the inflow, through-flow and outflow of women's shelters has also been drafted together with a monitor. All products were presented at a major final conference in December 2016. The factsheet on the Istanbul Convention¹⁷, which explains what the Convention means for the Netherlands and especially for municipalities, was also presented at this conference.

For an impression of the policy at central municipalities in 2016 – 2017 please refer to Annex 3 of this report.

II.2.4 Women's shelters

In May 2017, the Joint Inspectorate Social Domain / Joint Inspectorate for Youth published the report *Mother and child leave the women's shelter. Who cares?*. The report focuses on the continuity of care and support for women and children who leave the women's shelter and the guarantee of their safety. The conclusion is that this group of women and children requires special attention in the transition to independence. The lack of continuity in care and support can be a major risk for relapse and therefore for safety as well. Thus, it is important that these women and children remain in view even after leaving the women's shelter. The recommendations from the report focus on the collaboration between the municipalities, the women's shelters and the chain partners.

In July 2017, the National Ombudsman published *Women in a tight squeeze. An investigation into bottlenecks in women's shelters*. He has investigated the extent to which the practical implementation of legislation and regulations concerning social and financial provisions corresponds

¹⁷ See www.regioaanpakveiligthuis.nl.

with the daily lives of women who stay in the women's shelter and then leave again. In his report, the National Ombudsman cites bottlenecks that play a role in the influx into the women's shelter, during the stay and during the outflow. According to his report, the outflow from women's shelters stagnates due to the lack of suitable accommodation for this target group. In addition, there are bottlenecks involving debts and the granting of benefits and supplements. The essence of the report is that hurdles arise mainly in the practical implementation. It is recommended that the Ministry of Health, Welfare and Sport take the lead together with the Ministry of Social Affairs and Employment.

Both reports show that it mainly involves strengthening practical experience at the local and regional level. The national government would like to support and facilitate this. When it comes to improving debt relief, the national knowledge and development programme 'Give it your best shot' was started with funding from the Ministry of Social Affairs and Employment to professionalise municipal debt assistance. This is one of the measures taken by the government as a result of the evaluation of the Municipal Debt Counselling Act and for which a total of € 7.5 million has been made available. Subsidies from the Ministry of Social Affairs and Employment have also been made available for special target groups in the shelter (until the end of 2018). Moviera (an organisation for sheltering and assistance for domestic violence) has been awarded a subsidy to improve the financial self-sufficiency of women in women's shelters. In this project, several organisations use their joint expertise to support clients in preventing debt and facing a financially healthier future. In addition, with a subsidy from the Ministry of Social Affairs and Employment, there are two other projects in women's and social shelters conducted by Fier, a national expertise and treatment centre in the area of violence in dependency relationships, and the Dutch Federation of Shelters. The results are expected in the course of 2018.

With financing from the Ministry of Education, Culture and Science, 'The New Future' project will be implemented by the Dutch Council of Women and the Dutch Federation of Shelters. This project focuses on promoting participation and economic independence of women in women's shelters. Since 2015, the project has received project subsidies twice. A national impact assessment in 2016 shows that the project has been achieving good results. Half of the participants have risen one or more steps in the so-called participation ladder (this ladder shows how someone performs across the full range of reintegration into the labour market, integration into society and education). The project has been extended until the end of 2018 and included in the aforementioned programme *Violence doesn't belong at home*. The methodology was recently included in the database of recognised social interventions from Movisie as well-substantiated.

In addition, in 2017, as a result of the aforementioned reports, discussions were conducted with various parties, including clients, shelter organisations, the Dutch Federation of Shelters, the central municipalities of women's shelters and the Association of Netherlands Municipalities. They showed that a number of municipalities have tackled some bottlenecks at the local level. A joint approach is needed for a number of bottlenecks. Therefore, in the autumn of 2018, a national working group will be set up with the Ministry of Social Affairs and Employment, the Ministry of the Interior and Kingdom Relations, the Dutch Tax and Customs Administration, the Association of Netherlands Municipalities, several municipalities and the Dutch Federation of Shelters. The government will also be supporting a number of experiments with organisations for women's shelters with focus on the needs of the client.

For more information on women's shelters, please refer to Chapter IV.2.1.

Women awaiting a decision on an application for a residence permit

Both the Istanbul Convention and the aforementioned European Directive on minimum standards for the rights, support and protection of victims of criminal offences (see section 1.1 of this chapter) prevent member states from distinguishing between victims based on their residence status when granting shelter for victims of domestic and honour-related violence.

The group of victims of domestic violence awaiting a residence permit now falls outside the Social Support Act 2015. However, the General Administrative Order provides that this category of

victims can be admitted to shelters (Article 1.2.2). The Ministry of Health, Welfare and Sport and the Ministry of Justice and Security recently decided to introduce such an administrative order to bring the Social Support Act 2015 in line with the Convention and the Directive. This General Administrative Order will determine that victims of domestic and honour-related violence are entitled to shelter during the period when they are awaiting a decision on the application for a residence permit. That is why, starting in 2018, € 2.5 million per year will be structurally added to the decentralisation benefit for women's shelter so that municipalities have the means to receive this group. This amount is based on a study on the size of the group concerned¹⁸. The aim is to have the General Administrative Order take effect in 2019.

II.2.5 Judicial chain

To increase the effectiveness of the approach for tackling domestic violence and child abuse, additional investments were made in interconnecting the various organisations in the care and justice chain:

- For example, an improved protocol-based information flow has been established from the police to Safe at Home organisations so that police reports of domestic violence and child abuse can be dealt with more quickly and effectively. The police is by far the greatest reporter to Safe at Home.
- The implementation and application of the Temporary Domestic Exclusion Order Act has been evaluated, followed by an expert meeting from which various improvement actions have been recommended, on which further attention is given within the framework of the aforementioned programme *Violence doesn't belong at home*.
- The justice organisations have been made aware of situations associated with the risk of honour killings.
- Since 1 November 2015, the police have been running a domestic violence and child abuse programme. This focuses, among other things, on the chain cooperation with the Public Prosecution Service and Safe at Home. In addition, it involves the further professionalisation of the police. A lot of attention is devoted to improving the skills and knowledge of the police officers: being able to recognise and effectively intervene in domestic violence and child abuse. Attention is also devoted to stalking by ex-partners.
- In 2017, a new working method was developed for a targeted approach to stalking by ex-partners. The most important area for improvement is the ever closer cooperation with partners such as Safe Shelter and the Safety House. The expertise on stalking is distributed within the network of detective psychologists and is more widely shared within the police units from there.

With regard to victim policy, Dutch policy focuses on all victims, regardless of their gender. Dutch legislation provides for a general legal framework, whereby the basic assumption is that the criminal proceedings should not increase the suffering and injury of the victim. Dutch legislation and the implementation of criminal law are designed so that victims are optimally protected against secondary victimisation. This means that every effort is made to prevent a victim from being traumatised again by their treatment during the criminal procedure. The Code of Criminal Procedure contains rules for the public prosecutor and the judge for the careful treatment of victims (Art. 51aa and 288a Code of Criminal Procedure). Various instructions from the Public Prosecution Service also contain directions about rights, treatment and care for victims. For example, Dutch legislation and the order from the Public Prosecution Service prescribe that victims are informed about the release of suspects and convicts. Victims also receive information about definitive release, leave and escapement. The possibilities for victims to be heard, to submit evidence and to be represented and measures for the protection of victims' sound and image material are regulated by law. The Netherlands has separate waiting areas at courts for victims to avoid contact between the perpetrator and the victim in court as much as possible.

For more information about the judicial approach, please refer to Chapters V and VI.

¹⁸ *Access to the shelter of victims without prior residence status*, Significant, commissioned by the Ministry of Justice and Security and the Ministry of Health, Welfare and Sport, 3 November 2017.

II.2.6 Specific groups

Forced marriage and abandonment

In 2016 and 2017, a number of actions were carried out to strengthen the chain approach to forced marriage and abandonment:

- The legislation has been amended (such as the Forced Marriage Prevention Act of 5 December 2015).
- Work has been done to improve the detection of (impending) forced marriages by professionals such as teachers and civil servants of the Basic Municipal Registry.
- Every year, the *Marriage against your will* campaign is carried out with information on what you should do in the event of impending forced marriage or abandonment.
- The Dutch Centre of Forced Marriage and Abandonment, the knowledge and expertise centre for professionals and assistance, has been in existence since 1 January 2015. The Centre also manages complex cases.
- A country-specific roadmap has been drawn up at the relevant embassies so that complex cases can be handled quickly and effectively.

Self-determination

From 2015 to 2017, the Ministry of Social Affairs and Employment implemented the *Self-determination* action plan that focuses on prevention. It builds on the plan of action *prevention of forced marriage 2012–2014*. The plan of action is broad in nature since forced marriage, marital imprisonment, abandonment, honour-related violence, forced living in isolation and the acceptance of homosexuality are symptoms of an underlying problem: denial of the right of people to shape their own lives. The lack of this individual ‘right to self-determination’ constitutes a restriction for people to have access to their fundamental rights and freedoms and is therefore a violation of human rights. The plan of action focused on making people aware that they are entitled to make their own choices about their own lives (for example, choices that play a role in school, education, work or leisure, choice of partner, divorce, religion). And that they also dare to make these choices. Identity, sexuality and personal development are areas in which the struggle for self-determination is conducted most often the hardest and in which people are most restricted. Frequent causes are dependency relationships and inequality between women and men. Autonomy and equality are guiding universal values. Resulting in economic independence and education, which are protective factors.

The actions from the plan of action focused, among other things, on local agenda setting and facilitation, a strong and active network, strengthening detection by professionals, research and social acceptance of LGBTI persons. For example, information was provided to municipalities through the website www.huiselijkgeweld.nl and through regional meetings with good concrete examples, guidelines and factsheets. Cooperation was also sought with the Association of Netherlands Municipalities and (key individuals from) migrant organisations. The information is also available for professionals from other organisations and institutions.

The evaluation of the plan of action, conducted in 2015 (baseline measurement), 2017 (first measurement) and in 2018 (final measurement) shows both promising results and items for attention. For example, it is promising that the training courses provided to educational professionals at schools have contributed to greater awareness of the problem and insight into how honour-related matters can be identified at an early stage. The brochure on forced marriage and abandonment also appears to have made a positive contribution toward a growing sense of awareness of the problem and greater alertness by professionals to signs of forced marriage and abandonment. The ‘Honour and Freedom’ platform has contributed to professionalisation through knowledge exchange. Furthermore, the training for professionals and volunteers who work with bi-cultural LGBTI persons leads to greater knowledge of the problems and the right skills in order to provide appropriate assistance. It is worrying that the knowledge level of professionals and volunteers outside the major cities still frequently lags behind. The professional assistance offer here is not always equipped to meet requests for help regarding self-determination. The plan of action may allow more people to become aware of their right to self-determination and to engage

professional institutions for assistance. Various professionals indicate during the focus groups of the evaluation study that both the quantity and the quality of the offer are currently inadequate due to waiting lists and the lack of experience and training. There is a risk that people will withdraw within their own circles if they notice that professionals can offer them little to no support. It is important, now that the plan of action has been completed, to further secure the results so that the returns are not cancelled out. In the *Violence doesn't belong at home* programme, the topic is further addressed, under the title harmful traditional practices. For the investigation into the effects of the plan of action, please refer to section 3.2 of this chapter.

The Ministry of Education, Culture and Science has awarded a three-year subsidy for the LEF project from Fier and Femmes for Freedom, an organisation devoted to combating forced marriages, child marriages, forced abandonment, hidden women and marital imprisonment. LEF focuses on combating harmful traditional practices and supporting girls and women from migrant and refugee communities in achieving their ambitions (self-determination).

Female genital mutilation

The Netherlands has a zero tolerance policy with respect to female genital mutilation. It is punishable as a form of (child) abuse, even when it is carried out in the country of origin and the suspect or the victim has Dutch nationality or has permanent residence in the Netherlands. In the Netherlands, few signals are known to the police. Almost all cases registered with Safe at Home involve 'imminent' female genital mutilation. In those situations, the process of child protection is more of an issue (to avoid girls from running a risk of actually becoming circumcised). In recent years, the government has worked on a comprehensive chain approach to female genital mutilation:

- There are special task employees for female genital mutilation at Safe Shelter. They give advice and receive reports. They can serve as a source of information for professionals who suspect (threatened or executed) female genital mutilation. Safe at Home can also perform an investigation after a report and take action if there is danger. If a crime is suspected, circumcision, the police are called in.
- There is a protocol for female genital mutilation that supports professionals who can identify female genital mutilation in signalling (imminent) female genital mutilation and adequately responding to signals.
- There is a network of key persons that is maintained by the Federation of Somali Organisations in the Netherlands. The key persons from this network discuss 'behind the front door' with the target group (migrants from high-risk countries) the health risks of female genital mutilation and the fact that performing female genital mutilation in the Netherlands and also abroad under certain circumstances is punishable by law.
- There is a 'Declaration against circumcision of girls', a government document translated into the relevant languages that refers to the health risks of female genital mutilation and which clearly states that female genital mutilation is forbidden and that perpetrators may be prosecuted.
- Women who are already victims of female genital mutilation can go to consultation hours at the Municipal Health Service that are subsidised by the Ministry of Health, Welfare and Sport, so they can be referred to the appropriate care.
- Midwives can meet circumcised women in their practice. They have been trained for this and there are obstetric experts on this theme who can advise them. They work according to a medical protocol.
- A female genital mutilation factsheet for municipalities was published in December 2016. This factsheet provides them with guidelines for policy.

Human trafficking

The term trafficking in women is also sometimes used for human trafficking. Trafficking in women emphasises the gender-specific nature and that is important to keep in mind. After all, it is mainly young girls and women who work in the sex industry as au-pairs or domestic workers. But the group of male victims is also becoming more and more visible in the Netherlands. Therefore, the Netherlands uses the gender-neutral term human trafficking.

The Dutch approach to human trafficking has several key elements. Firstly, for an effective approach, it is essential that all parties such as the police, the Public Prosecution Service, municipalities, healthcare institutions and the Inspectorate for Social Affairs and Employment work closely together. For this purpose, there is a Human Trafficking Task Force in which the most important players in combating human trafficking come together. The mandate for this task force has recently been extended to 2020. The main goal is to stimulate a coherent and multidisciplinary approach to human trafficking in which all partners who can make a contribution are involved. Aside from the forms of human trafficking already known, the attention of the task force will also be devoted to new manifestations such as criminal exploitation and the interfaces with human smuggling. The task force will strengthen the connection with regional partnerships that focus on tackling human trafficking.

Secondly, a number of national programmes have been running in recent years, including the project around the National Referral Mechanism, the programme that deals with handling 'loverboys' and the programme for tackling the exploitation of Roma children. Finally, there is the programme set up by the Social Affairs and Employment Inspectorate for tackling labour exploitation.

In 2013, an interdepartmental project was started with the aim of developing a national referral mechanism for victims of human trafficking. This mechanism should improve the care for victims and their access to it by improving the collaboration between the various partner organisations (justice, healthcare and migration), in which the focus of attention is on the victims. The aim is to deploy assistance for victims to meet their needs. Several initiatives have been launched in this project:

- The Human Trafficking Guide (www.wegwijzermensenhandel.nl) was developed in 2015. This website provides an accessible overview of available help and regulations for victims of human trafficking. The website also devotes specific attention to assistance to victims who are under-age.
- A pilot in which multidisciplinary research is carried out into whether people have been victims of human trafficking. Based on this, an advice will be given with an indication of the probability of victimisation. This recommendation can be used by the victim when applying for a residence permit and when acquiring assistance.
- A pilot for a hotline available 24/7 was carried out in the period 2016-2017.
- An overview with indicators that signal human trafficking has been renewed. This overview, available on the Human trafficking Guide website since 2015, can be used by all professionals who come into contact with potential victims of human trafficking.

A number of studies and projects relate to the theme of 'loverboys', or the loverboy method.

- The so-called Azough Committee, which was set up by the umbrella organisation of youth care providers, focused on improving the comprehensive approach of loverboys and assistance to under-age victims (girls) of human trafficking. In 2016, the committee provided a number of practical guidelines that support youth aid workers in identifying and helping victims and are meant to improve the cooperation between youth aid and the police. The committee's commitment also led to recommendations regarding the registration of victimised girls by the youth aid workers at the Coordination Centre for

Human Trafficking. All of this should lead to a better understanding of and insight into the nature and scope of human trafficking among under-age victims.

- In 2017, the products of the Azough Committee were also made available to under-age victims with a mental impairment, a group that runs a greater risk of becoming a victim. This should lead to better identification of sexual exploitation of girls and young women with a mild mental impairment.
- In 2016, the profiles of loverboys and the methods they use were officially examined. The results were used for the development of a so-called 'barrier model' that describes thresholds that the organisations involved can raise to make it more difficult for human traffickers to exploit vulnerable boys and girls.
- Various prevention projects have been developed, specifically aimed at preventing victimisation or more generally aimed at increasing the sexual resilience of young people (aimed at boys and girls). Primary and secondary schools are obliged to devote attention to sexuality and sexual diversity. In 2017, a total overview became available, containing all existing prevention interventions. This overview has been distributed among schools, municipalities and youth aid staff.
- In 2016 and 2017, research commissioned by the Ministry of Health, Welfare and Sport was done on male victims of sexual exploitation.
- The Netherlands Youth Institute has developed a checklist to help raise awareness among municipalities about policy to combat loverboy issues.
- In 2016, youth aid institutions were supported by the Netherlands Youth Institute in the further development and description of the treatment offer for victims of loverboys. This project is funded by the research programme *Effective working in the youth sector* from the Netherlands Organisation for Health Research and Development. The project led to the description of five treatment programmes in the form of a manual. These programmes have already been submitted or will be submitted in 2018 to the Recognition Committee for Effective Youth Interventions.

The Inspectorate for Social Affairs and Employment has established its programme for the period 2017-2019 for tackling labour exploitation. This programme offers a wide range of measures for improving cooperation and detection, among other things. To be able to protect vulnerable groups more effectively, the Inspectorate for Social Affairs and Employment will invest in preventive measures, in increasing the willingness to report and in a coherent (inter)national approach for tackling labour exploitation.

Starting in 2017, the police and the Public Prosecution Service have received additional funds to strengthen the approach to human trafficking. € 1 million was made available in 2017 and starting in 2018, € 2 million will be made available annually. These funds are used as follows:

- A 5% increase in the number of certified detectives for human trafficking cases per year and a comparable investment in the capacity, expertise and management of investigative procedures by the Public Prosecution Service.
- Training for front office police officers in recognising human trafficking signals.
- The Expertise Centre for Human Trafficking and Human Smuggling can hire more analysts (two in 2017, five in 2018) to strengthen the information position for more extensive and international research.

At the time this report was written, the Ministries of Justice and Security, Health, Welfare and Sport, Social Affairs and Employment, and Foreign Affairs are working on a comprehensive

programme for tackling human trafficking. Additional funding (partly structural) for the support of victims has been included in the Coalition Agreement. This will be further elaborated.

II.3. Data collection and research

This section discusses the policy information (3.1), research and reports (3.2) and population studies and prevalence studies (3.3) that are carried out or made possible by the government. In addition, data can be collected and research can be carried out by municipalities, non-governmental organisations and civil society. There are various websites on which all this knowledge is shared, including www.huiselijkgeweld.nl from Movisie (financed by the government).

II.3.1 Policy information

There are several general monitors in the Netherlands that focus on safety / violence against women. The biennial gender equality monitor is the most important one concerning gender equality policy. The focus is on women's empowerment. A chapter on violence against women is a regular component in this monitor. The last monitor (the ninth edition) took place in 2016. The results are published at www.scp.nl. The main conclusions from the 'Social safety' chapter are:

- Between 2008 and 2015, the violence experienced by women declined slightly while the percentage of male victims remained more or less the same.
- The perpetrator is known from more than 55% of the female victims and nearly 40% for male victims. Violence against women also takes place more frequently at home.
- The number of registered sexual offences has been decreasing continuously since 2005. There was a 12% decline between 2013 and 2015. The number of registered assaults and threats also declined between 2013 and 2015 by 10% and 13%, respectively.
- Between 2014 and 2016, both sexes had more women-friendly opinions on sexual relations with women and about violence against women. The views of men have shifted more strongly than those of women.

Furthermore, the LGBTI monitor is also conducted. This focuses on the acceptance of LGBTI persons. Attention is given to violence due to sexual orientation (m/f). The latest monitor in 2016 showed that lesbian and homosexual citizens have more experience with violence involving more threats and assaults. The results are published at www.scp.nl.

In addition, there is policy information specifically aimed at domestic violence and child abuse.

Safe at Home

Safe at Home organisations are obliged under the Social Support Act 2015 to provide policy information. The Safe at Home information protocol is included in the Social Support Act 2015 implementation regulation. This protocol describes the data that must be provided.

It concerns, among other things, the total number of recommendations, reports and studies, the recommendations and reports in the capacity of advice seekers and reason for contact and recommendations based on the nature of the violence. Statistics Netherlands collects the data for the policy information every six months and publishes it twice a year on its website. These figures are not broken down into the number of recommendations and reports in which there was a female victim.

Safe at Home policy information for 2016 can be found at: <https://www.cbs.nl/nl-nl/maatwerk/2017/17/kindermishandeling-en-huiselijk-geweld-2016>.

Safe at Home policy information for 2017 can be found at: <https://www.cbs.nl/nl-nl/publicatie/2018/25/beleidsinformatie-veilig-thuis-stand-van-zaken-in-2017>.

Work is currently under way on improving and revising the information protocol in order to attune the registration to the implementation practice of the Safe at Home organisations.

For further figures from the police, Public Prosecution Service and the Judiciary, please refer to Chapter V.13.1, 2 and 3.

II.3.2 Research and reports

Various studies with government funding were carried out in 2016 and 2017, both on tackling domestic violence and child abuse in general and on specific topics. Various reports were also published. Finally, research is also still in progress.

Impact study

In 2016, an exploratory study was carried out on behalf of the Ministry of Health, Welfare and Sport on the possibilities of conducting a social cost-benefit analysis on domestic violence and child abuse. The conclusion was that this could not be done for the total approach. The reason is that a separate impact study would have to be available for all measures. Moreover, how the effects of the various policy interventions influence each other would need to be known. Separate cost-benefit analyses cannot simply be added together. The exploratory study has been offered to the Lower House and can be found at www.seo.nl.

Intergenerational transmission

In 2016, the Verwey-Jonker Institute and Atria conducted a study on how the intergenerational transmission of violence in families can be overcome. The research report *Prevention of intergenerational violence in the Netherlands and the EU: Exploring what works* deals with the theoretical background of prevention practice and describes six promising projects in the Netherlands. In general, it is concluded that in the Netherlands relatively few interventions address gender-related inequalities and the importance of the empowerment and equal treatment of women, men and their children (daughters and sons) in a balanced and well-integrated manner. From examined projects of some countries of the European Union it seemed that this has been further developed and more firmly anchored in the intervention. Often, Dutch interventions lack a clear and systematic vision of the concrete effect of general-specific cultural patterns and social inequalities between women and men on relationships and family relationships. A guideline has been drafted based on the study (June 2016). All information can be found at www.preventieintergeneratieelgeweld.nl.

Plan of action 'Self-determination' (2015-2017) from the Ministry of Social Affairs and Employment

To gain insight into the effects and active elements of specific aspects of the plan of action *Self-determination* (see section 2.6 of this chapter), i.e. training for professionals/trainers/advisers and meetings for the target group, training courses and meetings have been visited and interviews held with professionals / advisers / ambassadors and the target group itself by a hired agency during the entire duration of the plan of action. In addition, a survey among various ethnic groups in the Netherlands was conducted to gain insight into the knowledge, attitude and behaviour of these groups in the Netherlands on the issues concerning self-determination. In 2015 and 2018, online questionnaires were carried out among respondents to gain insight into social developments. Finally, the reporting of online and social media on the subject of self-determination and related topics was examined (discourse analysis) to gain insight into the degree in which the themes from the plan of action were part of the public debate. The results of the study will be published in the course of 2018 at www.rijksoverheid.nl.

Effect measurement campaign 'Talking about your choices' by the Ministry of Social Affairs and Employment

To gain insight into the campaign *Talking about your choices* (see Chapter III.1.) of the plan of action *Self-determination* of the Ministry of Social Affairs and Employment, during the campaign all visitors to the website www.pratenoverjouwkeuzes.nl were asked to complete a short questionnaire (pop-up survey). At the end of the pop-up survey there was the possibility for respondents to leave their e-mail address so they could be approached again at a later time to complete the same questionnaire. The results are included in a separate report.

965 respondents completed the questionnaire at the first measuring point in 2015 and 1,010 respondents completed the questionnaire at the second measuring point in 2018.

This means that a sufficient number of responses were collected in both measurements to provide a representative picture of different ethnic groups in the Netherlands. Representative statements can also be made about the differences between men and women. The composition of respondents

is equivalent to the distribution of the Dutch population based on age (from 16 years), gender and ethnicity (the so-called 'Golden Standard' for a sample). Since the proportion of people with a migration background is relatively low, additional respondents were recruited for the different ethnic groups. Ultimately, by weighing, the groups were again aligned with the proportions in the Dutch population.

First of all, the survey discusses freedom with respect to educational and career choices of the respondents. Then freedom of choice of partner is discussed. Within these two themes, a distinction is made between four components, namely the attitude, intention, behaviour and environment of the respondent with respect to these themes. It concludes with an overview of the knowledge level in the area of self-determination.

In general, it is noticeable that in 2018, people had heard or knew just a bit more about different rights with respect to self-determination than in 2015. The only exception to this was knowledge about child marriages, namely that the Netherlands would like to legally prevent child marriages through the Forced Marriage Protection Act, which states that both partners must be at least 18 years of age to marry. Respondents were less aware of its existence in 2018 than in 2015. A possible explanation for this is the attention that arose in 2015, when it became known that forced marriages and marriages in which one of the partners has not yet reached the age of 18 will no longer be recognised in the Netherlands starting in December 2015.

The results will be published in the course of 2018 at www.rijksoverheid.nl.

Research on property offences

Commissioned by the Research and Documentation Centre, the International Victimology Institute Tilburg made a global estimate in 2017 of the nature and scope of property offences within marriage. It also investigated the civil law options how to tackle property offences within marriage and what relevant professional groups, such as staff of Safe at Home organisations, divorce lawyers and criminal law academics think about grounds for immunity from prosecution in the law. Property offences between married and registered partners cannot be prosecuted in the Netherlands.

The research shows that based on the research method used, an estimate cannot be given of the scope of the number of property offences within marriage and registered partnership. However, it has become clear that for all forms of property offences within the marriage, there is the possibility of conducting civil proceedings, in which case criminal law is more advantageous than civil law.

The research findings give no reason at this time to take steps towards abolishing the grounds for immunity from prosecution. For the time being, there seems to be no evidence of a major problem for which abolition of this legal basis is the solution.

The study was presented to the Lower House and can be found at www.wodc.nl.

Evaluation of the Temporary Domestic Exclusion Order Act

In 2013, research agency Regioplan conducted an impact evaluation of the Temporary Domestic Exclusion Order Act, which came into force on 1 January 2009.

In 2015, Bureau Beke reviewed the instruments under the Temporary Domestic Exclusion Order Act and its explanatory notes and issued a report with areas for improvement entitled: *Time to reassess?*.

As a result of these recommendations, an expert meeting was arranged by Regioplan in 2016. During the expert meeting, employees from municipalities, Safe Shelter, the police, the Public Prosecution Service, the Child Care and Protection Board, the probation service and legal experts discussed possible solutions proposed in the report on the basis of inventoried bottlenecks, for both the implementation process and any necessary adaptations in the legislation.

Human trafficking

The National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children issued the following reports in 2016:

- Prostitution and Human Trafficking;
- Human trafficking monitor. Figures for prosecution and adjudication 2011 – 2015;
- Sexual offences in court. Part 2: punishment;

- Human trafficking monitor: Figures of possible victims 2011 – 2015;
- View of vulnerability. An exploratory study on the vulnerability of children to human trafficking;
- Sexual offences in court. Part 1: the cases.

In 2017, they were about the following reports;

- Tenth report on human trafficking;
- Weighted risk. Part 2: Imposing treatment on sex offenders;
- Human trafficking victim monitor 2012 – 2016;
- Monitoring Target 16.2 of the United Nations Sustainable Development Goals;
- Effective Preventive. Preventing sexual violence through sexual and relational training in education;
- Weighted risk. Part 1: Communicating about recidivism in sex cases.

All reports can be consulted at www.nationaalrapporteur.nl / www.dutchrapporteur.nl.

In addition, in 2016, the Ministry of Health, Welfare and Sport commissioned Regioplan and the Foundation for Care and Shelter of Prostitutes and Victims of Human Trafficking The Hague to perform research on young male victims of sexual exploitation and domestic human trafficking, *Sexual exploitation of boys in the Netherlands*¹⁹(to be found at www.regioplan.nl).

Ongoing research

The Verwey-Jonker Institute and Erasmus University, in collaboration with various universities and colleges, are performing research on the effectiveness of the approach to domestic violence and child abuse. This involves a total of approximately 2,000 families who will be followed for a year and a half, starting in 2017. The research examines what help the families have received during this period, whether the violence has stopped, the situation with the well-being of parents and the well-being of children. The research programme consists of different components, including a longitudinal study on the intergenerational transmission of violence (completed in 2018), a cohort study on the effectiveness of the approach (to be completed in 2020) and a qualitative study on what has helped (to be completed in 2020).

The SAFE project, a self-support eHealth intervention to support women exposed to intimate partner violence, runs from the Netherlands Organisation for Health Research and Development²⁰ within the framework of the knowledge programme *Gender and Health*. Researchers, experts and victims of partner violence work together in this. The project aims to develop and test a self-help eHealth intervention for female victims of partner violence. The purpose of this intervention is to support these women in making choices in changing their living conditions. The project started in 2017 and will run until 2021.

In addition, the *Growing up safely* programme at the Netherlands Organisation for Health Research and Development consists of a sub-programme on child abuse and a sub-programme on loverboys. The sub-programme on child abuse has been running since 2016. In 2018, an additional assignment for the care for victims of loverboys was added as a sub-programme.

The aim of the child abuse sub-programme is to promote the prevention, identification, cessation and treatment of (the consequences) of child abuse through:

- research on the effectiveness of (elements from) existing interventions and instruments;
- research to support effectiveness research, focusing on risk factors and causes of child abuse, the role of the professional and preconditions for implementation.

The aim of the loverboys sub-programme is to further improve the care for victims of loverboys in order to promote independence and control over their own lives, limit damage and prevent relapse. Components are: research on the effectiveness of care programmes for victims of loverboys and research that supports practice in setting up and/or further designing a pathway approach for victims of loverboys.

¹⁹ Regioplan, Amsterdam, January 2017.

²⁰ The Netherlands Organisation for Health Research and Development is an organisation for health research and innovation in the care sector. The main contractors are the Ministry of Health, Welfare and Sport and the Netherlands Organisation for Scientific Research.

II.3.3 Population studies

Sexual health

The *Sexual Health Monitor* in the Netherlands 2017, conducted by Rutgers, is a representative population study among more than 17,000 respondents.

22% of the women and 6% of the men have experienced sex against their will and/or were forced to do sexual things they did not want. If you count kissing and unwanted sexual touching, this percentage is much higher, namely 53% of the women and 19% of the men. Five percent of the women and 2% of the men experienced sexual violence before their 12th year. Eleven percent of the women have had sexual intercourse against their will at one time as opposed to 1% of the men. Experiencing sexual violence has far-reaching consequences for a considerable number of the victims. Nearly half of the men and more than half of the women say that they have symptoms or problems as a result of their experience with sexual violence. This mainly involves psychological, sexual and relational problems. People who have experienced sexual violence also have poorer psychological health. Given the extent of the problem and the consequences it has for the victims, prevention of sexual violence and unacceptable sexual behaviour is of the utmost importance. The results are published at www.rutgers.nl.

In addition, Rutgers and Soa Aids Netherlands, in collaboration with the Municipal Health Services, are conducting the study *Sex under 25*. The 2017 study gives a representative picture of the sexual health of young people between the ages of 12 and 25. The first two editions took place in 2005 and 2012. 20,000 young people participated in the study. 2% of the boys and 11% of the girls indicated that at one time they were forced to do or allow something sex-related at one time. That is a slight decline compared to 2012: 4% of the boys and 17% of the girls were sometimes forced to have sex. The results are published at www.rutgers.nl.

Prevalence study on female genital mutilation

The study on the incidence and prevalence of female genital mutilation was started in 2017. It will be completed in the course of 2018. The first study was from 2013.

Prevalence study of domestic violence and child abuse

It is important to know how often domestic violence occurs. What is the nature and scope? What trends have occurred in recent years? For this purpose, an extensive prevalence study is being conducted, which is comparable to the studies on domestic violence and child abuse from 2010. The current study started in 2015 and will be completed in the autumn of 2018.

First, several preliminary investigations were carried out and completed. The study on the sources has established that the available sources of data are qualitatively sufficient to estimate the prevalence. In addition, the literature review on the concurrence and connection between domestic violence and child abuse has been completed. An important finding from the study is that when there are relationships where partner violence occurs, the risk of child abuse is significantly greater than in relationships in which no violence occurs.

In light of criticism of the lack of gender sensitivity of the previous prevalence study from 2010, it was decided to improve this for the new prevalence study. The advisory report *Improving gender sensitivity of prevalence study on domestic violence* was generated for this purpose in May 2016. This advice was drawn up by Regioplan in collaboration with Bureau Dijkstra, Research, Training and Advice. The advice defines gender sensitivity in the context of the prevalence study as clarifying from research the differences and similarities between women and men in being perpetrator and victim and in the impact of violence and to what extent these similarities and differences are related to gender. Based on this advice and an expert meeting held, several substantive and methodological improvements were made in the current study.

All preliminary investigations can be found at www.wodc.nl.

The following sub-studies of the prevalence study on domestic violence and child abuse are still ongoing:

a. Capture-recapture estimates of domestic violence and child abuse.

The aim of this study is to 1) assess the nature and extent of domestic violence, child abuse and, if possible, the extent of concurrence of domestic violence and child abuse in families using capture-recapture methods and 2) identify the development in nature and extent of domestic violence since the previous prevalence study of domestic violence in 2010.

b. Student research and the informant study

Two sub-studies are being carried out to gain insight into the nature and scope of child abuse. The study among students, held among students in the first four years of secondary education, shows how often child abuse occurred in 2016. Which students run the greatest risk under what circumstances and which students are actually victims or have been victims in the past of one or more forms of child abuse? This study *Student Study of Child Abuse 2016*²¹ was published in March 2017 and presented to the Lower House. It can be found at www.wodc.nl.

The informant study examines the scope of child abuse in the Netherlands, the types of abuse that occur, who the victims are, in which families this takes place and what the risk factors are. What are the outcomes of registered concurrence of domestic violence and child abuse in the families of children in whom the informants have suspicions or are aware of child abuse or domestic violence?

c. Prevalence estimate of victims and perpetrators

The purpose of this is to gain insight into the scope of victims and perpetrators of domestic violence based on self-report data collected among participants in the Longitudinal Internet Studies for the Social Sciences panel²² and a Statistics Netherlands population sample with participants aged 18 and above.

d. Perpetrator study

This study will examine the characteristics of and other relevant factors in perpetrators of a) domestic violence, b) child abuse in the home and c) child abuse and other forms of violence in the home. Who does what violence to whom in the domestic circle and in what context does what form of domestic violence and/or child abuse take place?

Finally, based on these sub-studies, a synthesis study will provide a coherent and gender-sensitive picture of the current prevalence and nature of domestic violence and child abuse and its concurrence in the family. This synthesis study will be published together with the sub-studies in the autumn of 2018.

²¹ ITS, Radboud University Nijmegen, 31 March 2017.

²² LISS stands for Long-term Internet Studies for the Social sciences. The panel is a probability-based (not a self-selection) panel of more than 4,200 households.

Chapter III Prevention

Chapter I of this report explains, among other things, how the Dutch government implements the policy of human rights, gender equality and the empowerment of women based on Article 12 of the Convention. In this chapter we will discuss the other articles from Chapter III of the Convention.

III.1. Awareness-raising

In 2016 and 2017, campaigns were carried out and endorsed by the different ministries for a number of subjects: sexual resilience, men, self-determination, sexual violence and domestic violence and child abuse.

Sexual resilience

Various campaigns aimed at sexual resilience have been funded in recent years by the Ministry of Education, Culture and Science. WE CAN Young (new name: *I am mine*) is a peer-to-peer campaign in 15 municipalities aimed at increasing the sexual resilience of young people with the purpose of preventing unacceptable sexual behaviour. This campaign has been running since 2012. The first interim results in 2014 provided adequate starting points to continue. The campaign was therefore followed up with a contribution from the municipalities and with co-financing from the Ministry of Education, Culture and Science. The methodology of the campaign is described for the database of socially effective interventions by Movisie. Steps will be taken to determine whether there are possibilities for a one-year final extension.

Men

The White Ribbon Campaign, which was supported by the Ministry of Education, Culture and Science, took place in 2016 and 2017. The campaign calls on men to endorse a statement that they will never commit violence against women, will never condone it and will never conceal it. At the time of writing this report, there is a discussion about whether there are possibilities for support for 2018. The campaign was conducted by Emancipator, an organisation for men and gender equality.

Self-determination

In 2016, the Ministry of Social Affairs and Employment launched the *Talk about your choices* campaign. This campaign is mainly aimed at young people who cannot always make the choices they would like to make. In many cases, this is because their social network or community thinks otherwise. The website of the same name (no longer available) had tips for young people on how they could initiate a discussion, the possibility for submitting their own story and links to websites of aid agencies. For the evaluation of this campaign, see Chapter II.3.2.

The *Getting married against your will* campaign was conducted in 2017. This campaign calls on young people who have to deal with a forced marriage or abandonment abroad to talk about it with someone they trust or to ask for advice and help. For help and advice, they can contact Safe at Home (0800-2000). Young people can find more information at www.trouwentegenjewil.nl. It consists of an online campaign that focuses on young people between the ages of 16 and 25, both potential victims and their friends. The potential victims are put on the right track in seeking advice and help. Through the campaign, their friends know how they can help potential victims.

Sexual violence

In 2016, Victim Support Netherlands conducted a social media campaign aimed at the families of victims of sexual violence. Through Facebook and Twitter, they were called upon to publicly support victims of sexual violence so that they dare to break the silence. There is also a website that people can turn to, www.verbreekdestilte.nl.

In October 2017, the Victim Support Fund, in collaboration with the Centres for sexual violence, organised a nationwide campaign against sexual violence. With this campaign *If it happens to you*, the Victim Support Fund was able to raise a lot of awareness about the theme of sexual violence and its consequences. The telephone number of the Centres for sexual violence (0800-0188) has

also been brought to attention nationwide. With the nationwide line, a significant increase in the number of telephone calls during that period was observed.

Domestic violence and child abuse

Finally, in 2012, the government launched the campaign *A safe home, give it your all*. This campaign ran until the end of 2017. The aim was to reach a wide audience with the same message for all forms of domestic violence: violence in a family environment is unacceptable and it is time to act now. An overarching concept for domestic violence and child abuse was developed for the campaign²³: the circle of violence. Domestic violence never stops on its own. It is a vicious circle until someone does something about it. Therefore, the aim of the campaign is to call on people to take action, whether it concerns victims, perpetrators or bystanders. Anyone can take action. The campaign consists of TV and radio spots on child abuse, partner abuse and elder abuse, a website www.vooreenveiligthuis.nl and a toolkit with materials that municipalities, professionals and Safe at Home organisations can use (such as articles for free local papers, facts and figures, leaflets and posters). The website www.vooreenveiligthuis.nl is designed to help people with the first step toward help and advice in case of suspicion of domestic violence and child abuse. People are helped through a selection menu. Reference is also made to the Safe at Home organisations.

In recent years, specific actions have been undertaken within the context of this campaign. For example: a roomie campaign for and by young people to make it possible to talk about (suspicion of) domestic violence (with the roommate (roomie), young people show that they are there for their friends), special attention for male victims of domestic violence, an item about the relationship between domestic violence and animal cruelty for regional radio and free local papers and specific attention for domestic violence at Christmastime. In 2017, use was made of personal stories on how people searched for solutions: *Every story helps*. The stories are posted on social media and in magazines, among other things.

The impact of the campaign is measured each year. In 2017, the results showed that approximately three-quarters of the Dutch population believe it is self-evident that action should be taken when there is a suspicion of domestic violence. In addition, 77% of the people believe that it helps to do something. On the other hand, it appears that people find it difficult to take action: they are uncertain or do not know what they should do. More than half of the Dutch population would feel uncomfortable if they did something and it turned out later that their suspicions were unjustified. At the same time, three-quarters of the people would feel uncomfortable if they did not do anything while something was going on.

Based on these results, at the time of writing this report, a new campaign is being developed as part of the programme *Violence doesn't belong at home* from the Ministry of Health, Welfare and Sport, the Ministry of Justice and Security and the Association of Dutch Municipalities.

III.2. Education

With the so-called core objectives primary and secondary schools are required to address certain topics. In addition to sexual education and promoting the acceptance of sexual diversity, the core objectives of sexuality and sexual diversity also focus on increasing sexual resilience by discussing relationships and sexuality. A report from the education inspectorate (June 2016) shows that 95% of the schools implement these core objectives. In the Netherlands, the government does not prescribe how the schools should put these core objectives into practice. Thus, the government does not interfere with the content of the lessons but it does require that schools implement the core objective. Each school can determine for itself exactly how that will take place. Course material is available to schools (online) through the School & Safety Foundation and Rutgers. Widely-used methods by schools are *Spring Fever* for primary education and *Long Live Love* for

²³ Since 2012, a comprehensive campaign has been conducted for the various forms of domestic violence, including child abuse, partner abuse and elder abuse. Before then, a separate government campaign on partner violence and a separate campaign on child abuse were carried out. There was no campaign on the subject of elder abuse yet.

secondary education (both developed by Rutgers). Especially for vocational training and secondary education, an additional toolkit *L.O.V.E online* has been developed for Long Live Love, which addresses the risks of sexting and grooming. Rutgers is now also revising Long Live Love for special education. Where it specifically refers to sexting, the online game *Can you fix it*, also developed by Rutgers, is a widely used, effective programme.

The government also stresses the importance of counteracting stereotypical gender roles in preventing violence against women. Combating stereotyping is part of various projects and subsidies from gender equality and LGBTI policy. To give just two examples: for the next five years, the government will be supporting the *Work and the Future Alliance* which focuses on combating stereotyping in education, the government and the business community. In addition, various social organisations both in the field of gender equality and LGBTI equality are organised in the *Gender Diversity* alliance. This partnership is financially supported by the Ministry of Education, Culture and Science. The aim of the alliance is to influence current (harmful) gender norms and create more room for gender diversity. This contributes to the equality between women, men and LGBTI people in the Netherlands.

III.3. Training professionals

In accordance with Article 15 of the Convention, a request is made to indicate, using two tables, how many professionals have undergone training (both basic training and in-service training) in the years 2016 and 2017. Such information is not tracked nationwide. However, the following can be reported about Articles 14 and 15 of the Convention.

Within the teacher training programmes (pedagogical academy primary education and second degree teacher training), attention is devoted to teaching about sex education and sexual resilience. In 2018, the generic knowledge base of these training programmes has been revised: sexual and gender diversity is now explicitly included. It will be implemented in the academic year 2018-2019.

In addition, the Reporting Code Act (see Chapter II.1.1) requires organisations to promote the knowledge of the reporting code among their own staff (e.g. through training). To encourage this, the Ministry of Health, Welfare and Sport has concluded a public-private partnership with a non-profit organisation, Augeo, for the development of e-learning for all professionals who are covered by the reporting code. Movisie has also developed training material and gives training courses to professionals on the reporting code and on domestic violence.

To ensure that future professionals are ready to work with the reporting code after their training, the Plan of Action Violence in Dependency Relationships *Learn to identify* has been implemented since 2013. The aim of this plan was to structurally embed domestic violence and child abuse in the curricula of the relevant training programmes. A monitor carried out in 2016 shows that attention to the theme of domestic violence and child abuse is secured in formal documents (qualification files, graduation profiles and curriculum schemes). The nationwide picture shows great variety between the various types of training and the different levels. For example, the council for secondary vocational education has included the theme in the qualification files of the relevant training programmes. For the teacher training programmes (pedagogical academy primary education and second degree teacher training), the theme is incorporated in the School & Safety Foundation. This ensures that these training programmes also devote sustained attention to this theme.

E-learning modules, information and other materials can be found on various websites (such as www.augeo.nl; www.movisie.nl; www.monitorlerensignaleren.nl).

The chain partners in the judicial chain are also being trained. The police force is training its professionals in initial education and in further education and training. For example, knowledge days regarding domestic violence are regularly held. Members of the Public Prosecution Service, for

example, are able to follow the courses 'ZSM²⁴ and domestic violence', 'Vice cases' and 'Domestic violence'. These courses are also accessible to judges and lawyers. Professionals are also trained with regard to human trafficking. Training professionals is an important aspect in tackling human trafficking. There are training courses and information meetings for many different professionals such as municipal employees and police officers, the Royal Marechaussee, judges and prosecutors as well as staff of the Immigration and Naturalisation Service and inspectors from the Ministry of Social Affairs and Employment Inspectorate.

Finally, in the period 2016 and 2017, 50 training courses were given by Fier and Kompaan and de Bocht on the subject of self-determination to approximately 750 teachers at secondary schools, vocational schools and higher professional education.

III.4. Preventive intervention and treatment programmes

III.4.1 Rehabilitation

An intervention called *Termination of Relational Violence* is offered from the probation service to perpetrators of domestic violence. This behavioural intervention is available nationwide. The intervention can be offered in a group or individually. The intervention is mainly based on the 'What works principles'. For most perpetrators of domestic violence who participate in the intervention, it is part of their sentence. The (ex-)partner is also involved in the intervention. Part of 'Termination of Relational Violence' is to show the perpetrators the reasons for their violence, how they can recognise the warning signs earlier in themselves, how they can avoid situations that lead to the behaviour and how they can control themselves better in future. Learning social skills is also part of the training. Also discussed is what domestic violence means and how the way women are placed in society and within the family in which the perpetrator grew up can have an impact on the perpetrator's thoughts and actions.

Another intervention offered by the probation service is the Dutch version of the Canadian programme *Caring Dads*. Participants can participate in this intervention as part of their sentence or voluntarily. It focuses specifically on the role and responsibility as a father and educator. The special feature in the approach is the focus on the recovery of paternity through confrontations with views of the men on upbringing, the children and the partner which stand in the way of this recovery. *Caring Dads* combines elements of paternity (family role, knowledge and skills) with the recognition of the (earlier) abuse and taking responsibility to improve the safety and well-being of the child. The needs and pace of the child are the leading factors. The programme consists of 17 two-hour weekly group sessions in which the men carry out interim homework assignments. The programme also includes a part devoted to contact with the mother. The theme that having a non-violent, respectful and co-parenting supportive relationship with the mother of the children belongs to good paternity is extensively discussed. An entire session and multiple exercises are devoted to the need for a respectful and supportive relationship with the mother. Fathers are encouraged to reflect on the messages they give their children through the relationship they have with the mother of the children.

Both interventions are subsidised by the Ministry of Justice and Security.

III.4.2 Custodial Institutions Agency

On behalf of the Minister of Justice and Security, the Custodial Institutions Agency carries out penalties and measures involving deprivation of liberty imposed by the court. The Custodial Institutions Agency is responsible for the daily care of offenders and works with them in many ways to prepare them for their return to society. The Custodial Institutions Agency has two implementation divisions within the organisation, namely Prison System/Temporary Custody and Forensic Care/Juvenile Detention Centres.

²⁴ Working Method of the Public Prosecution Service. ZSM stands for careful, quick and customised with regard to the settlement process. The Public Prosecution Service, the police, Child Care and Protection Board, victim support and assistance work closely together within ZSM.

Prison System and Temporary Custody

Adult offenders are placed within the prison system to enforce the punishment or measure imposed by the judge. Foreign nationals are placed in temporary custody pending their deportation to the country of origin.

In the prison system and the detention of foreign nationals, the domestic violence and child abuse reporting code intervenes to remove the (imminent) violence in case of observance or suspicion of relational violence. Specific interventions and programmes for the perpetrators of relational violence do not exist within the Prison System and Temporary Custody departments.

Forensic Care and Juvenile Detention Centres

Forensic Care consists of Forensic Psychiatric Centres, Forensic Psychiatric Clinics and Forensic Psychiatric Departments where litigants subject to the imposition of a hospital order are treated. Forensic care other than treatment of patients detained under a hospital order is also offered. The Forensic Care and Juvenile Detention Centres are devoted to treatment of forensic patients and the orthopedagogical processes for young people. The scope of these facilities is broader than merely the implementation of the imposed punishment and reintegration into society. As a result, these facilities have broader intervention options within the framework of relational violence.

The Quality Forensic Care programme has the treatment module aimed at perpetrators of relational violence. This module is available for all forensic care providers to use for their treatment. Furthermore, all forensic outpatient clinics have treatment programmes for perpetrators of relational violence. The Custodial Institutions Agency does not prescribe which programme they must offer. This is left to the expertise of professionals. They are expected to use scientific insights in structuring the treatments.

III.4.3 Sex offenders

There is a preventive approach with regard to (potential) perpetrators of sexual abuse of children (the 'Stop it now' programme) at the Online Centre of Expertise on Child Sexual Abuse funded by the Ministries of Justice and Security and Health, Welfare and Sport. This programme focuses specifically on people with paedophilic feelings.

III.5. Participation of the private sector and the media

III.5.1 Media and private sector

To prevent violence against women, it is important to tackle stereotyping. The media deserve specific attention since they continuously influence how people think and judge and play an important role in perpetuating existing stereotypes. Therefore, the Ministry of Education, Culture and Science facilitates and finances the coalition *Image formation in the media*. This is an initiative from the media itself. This coalition took the initiative to tackle stereotyping in 2017 and 2018 and to promote awareness about prejudices. This concerns deliberate and inadvertent prejudices about women and men, but also about age, ethnicity and socio-economic status.

In addition, there is *Mediawijzer.net*, the Dutch network for digital literacy, founded as a government initiative in 2008. The aim of *Mediawijzer.net* is to enable all children and young people in the Netherlands to be media literate. More than 1200 organisations, companies, independent professionals and media literacy institutions are connected to the network, e.g. information and communication technology (ICT), the art & culture sector, libraries, education, upbringing, media coaches and media makers. Attention is also devoted to safe media use (in connection with sexting).

Finally, since 2017, stereotypical images from the media are brought to the attention of media makers through civil society by means of the #Limitedview campaign. This also takes place with improper, stereotypical choice of language in reporting.

III.5.2 Measures for sexual harassment in the workplace

The Dutch Working Conditions Act obliges the employer to implement a policy to prevent and combat psychosocial workload. Psychosocial workload includes (sexual) harassment and violence

on the work floor, factors that can lead to work stress in the work situation. The working conditions policy (health & safety policy) is a generic policy. It is up to the employer to implement a policy that fits within the organisation and that adequately covers employees' risks. If specific groups of employees run particular risks, the employer must adjust its policy accordingly.

A source of information that provides a picture of specific risks based on gender, age or sector is the Netherlands Working Conditions Survey. This survey is conducted annually by the Dutch Organisation for Applied Scientific Research, commissioned by the Ministry of Social Affairs and Employment²⁵. The survey asks employees, among other things, to what extent they have had to deal with various forms of undesirable behaviour during the past year, including unwelcome sexual overtures from colleagues, supervisors or third parties. Biannually, the Social Affairs and Employment Inspectorate also publishes *Occupational Health and Safety at Work*, a report about compliance of the occupational health and safety obligations based on supervision by the Inspectorate. In 2016, separate attention was devoted to undesirable social behaviour²⁶. The conclusion from 2017 is that in the Netherlands we generally seem to have more to do with external unwelcome sexual overtures (e.g. from clients, patients or students) than with internal unwelcome sexual overtures (by managers and/or colleagues). There are differences between the sectors, but it is striking that external sexual harassment mainly occurs in healthcare and hospitality while internal sexual harassment mainly occurs in services and public administration. Finally, we see that female employees (particularly young female employees) and young employees in general (15-24 years) have to deal with sexual harassment more often (mainly external, but also internal).

To pay extra attention to the subject, the Ministry of Social Affairs and Employment devoted particular attention to psychosocial workload, including undesirable social behaviour, within the *Sustainable Employability* programme in the period from 2014 through 2017. This topic was mainly addressed in (communication) campaigns on harassment at work (2015), aggression and violence by third parties (2015/2016) and undesirable behaviour at work (2016). In addition to agenda-setting activities, employers, employees and other people involved have been given tools to help prevent psychosocial workload and promote a safe working culture. One example is the sexual harassment guide, an instrument developed in collaboration with the Dutch organisation for applied scientific research (see: <http://www.duurzameinzetbaarheid.nl/124618/WegwijzerSeksueleIntimidatie.pdf>). This guide provides the employer / HR employee, colleagues and the victim with a framework for action to tackle sexual harassment at work.

In 2016 and 2017, coupled with these activities, there was a programme on undesirable behaviour at work that mainly focused on supporting various stakeholders. This resulted, among other things, in an instrument that focused on members of the Works Council, who can often influence the development of a good policy within organisations. In addition, in 2017, a conference for managers was organised on how they can identify and address undesirable behaviour.

A study was also carried out on the possibilities for strengthening the role and position of trusted advisers, since the trusted adviser within an organisation can make a significant contribution toward tackling undesirable behaviour and can assist victims of undesirable behaviour (including sexual harassment). This study was shared with the Lower House on 14 June 2018, together with a policy response outlining the efforts of the Ministry of Social Affairs and Employment in strengthening the position of trusted advisers in practice in the coming period²⁷. Finally, a Psychosocial Workload Action Team is helping 20 organisations that would like to get started on the (development and improvement of) psychosocial workload policy aimed at different sub-aspects (including undesirable behaviour).

²⁵ See: <http://www.monitorarbeid.tno.nl/nea>

²⁶ See pages 113-127 of Health and Safety in operation 2016 (<https://www.inspectieszw.nl/publicaties/rapporten/2017/05/16/arbo-in-bedrijf-2016>).

²⁷ Parliamentary Papers II, Session 2017/2018, 34 843, no. 31.

The Social Affairs and Employment Inspectorate supervises compliance with the Working Conditions Act. Using the self-inspection tool 'workload and undesirable behaviour', organisations can examine their own organisation "through the eyes of an inspector" and see whether additional measures are needed to adequately protect employees within the organisation against psychosocial workload and excessive work pressure, among other things. The Social Affairs and Employment Inspectorate can also report non-compliance with the Working Conditions Act. An investigation always follows reports by the Works Council or trade union.

The Ministry of Social Affairs and Employment is involved in the action programme *Violence doesn't belong at home* by the Ministry of Health, Welfare and Sport, the Ministry of Justice and Security and the Association of Netherlands Municipalities (see Chapter II.2.). From the perspective of good employment practices, this programme examines the role that employers can play in identifying domestic violence early and engaging in discussions about it.

Chapter IV Protection and support

This chapter builds on Chapter II, which outlines the legal framework and implementation of the Dutch policy.

IV.1. Information, support and assistance for individual complaints

IV.1.1 Information

Victims receive information in various ways. Victims who report to the police receive good and timely information about assistance and support and legal measures in a language they understand. At the first report to the police, they receive a declaration of rights issued in different languages so they are aware of their rights. The police website, www.politie.nl, has information on domestic violence, stalking, child abuse and sex offences. Through its website and leaflets, Victim Support Netherlands provides information to victims in general and about legal assistance for domestic violence, case management in the event of serious violent and sexual offences, sexual abuse against children and sexual abuse in youth care institutions or foster families in particular. At some Safe at Home organisations, there are information leaflets in different languages about the Safe at Home working method. Various Safe at Home organisations have leaflets for victims with information about further support and about the different forms of domestic violence. Each Safe at Home organisation has its own website where more information can be found²⁸. Women's shelter institutions also provide information to victims through leaflets and their websites. For victims of human trafficking, a leaflet has been developed in various languages on how to move forward. There is a leaflet in different languages for parents from countries where girls' circumcision is practised. In 2018, a leaflet was published on forced marriage to help Dutch victims of abandonment who want to return to the Netherlands.

IV.1.2 General support services

If desired, Victim Support Netherlands can be called in to support victims in the further criminal (legal) process. If there is a serious threat to safety, municipalities or the Public Prosecution Service can take measures. Since the implementation of the new European Directive on minimum standards for the rights, support and protection of victims of punishable offences (see also Chapter I.1), victims are individually assessed so that the specific protection needs are recognised in order to prevent secondary victimisation, repeated victimisation, intimidation and retribution. This means that with the physical declaration, the police assess whether a victim has specific protection needs for which protection measures can be taken, if necessary and desired. For certain victims, additional measures are needed such as protection from residential address or temporary address, restraining order or protective order, appointment on location or assistance at a hearing. In all steps of the legal process, attention is devoted to the victim, and the police, the Public Prosecution Service, Victim Support Netherlands and other (chain) partners (such as Safe at Home) work closely together.

It is also possible to call on the Violent Offences Compensation Fund for financial support and recognition of victimisation. This fund also collaborates with Victim Support Netherlands.

In addition, the various care facilities such as general practice care and mental health care as well as social support such as social work and social relief are accessible to all persons legally resident in the Netherlands, including victims of domestic violence. There is no separate record of the number of victims of violence against women and domestic violence that annually make use of care facilities and social support.

²⁸ Safe at Home is currently developing a joint national website.

IV.1.3 Assistance with individual complaints

Dutch legislation arranges and provides support in filing complaints for citizens in general, including victims of domestic violence and child abuse.

The Healthcare Quality, Complaints and Disputes Act has been in force in the Netherlands since 1 August 2016. This law applies to all healthcare providers such as nursing homes, hospitals, general practitioners and physiotherapists. Company doctors and insurance physicians who assess the health status of clients or provide medical support to clients are also covered by this law. Since 1 January 2017, people can go to the complaints officer of the healthcare provider for free. The client can initiate a lawsuit as well. The law also offers a low-threshold alternative: the independent dispute resolution body. It renders a decision to which both parties must adhere. The disputes committee can also award compensation for damages. In addition, the client is entitled to good information if something went wrong in providing care. The client is entitled to information about the quality of the care when he requests it.

The right to complain about care and support from care and welfare organisations has been regulated in the Social Support Act 2015 since 1 January 2015. The municipality must determine in the ordinance which facilities require an arrangement for handling complaints from clients (2.1.3 paragraph e, Social Support Act 2015). This concerns both general facilities and tailor-made facilities. The provider of these facilities then draws up a regulation for handling clients' complaints on the supplier's behaviour toward a client (3.2., first paragraph, under a, Social Support Act 2015).

It is the intention of the Social Support Act 2015 that the citizen files a complaint about the treatment by a provider with the provider concerned. If the provider does not have a complaints procedure because the municipality has not required it, the municipality handles the complaint itself. If the provider does not handle the complaint satisfactorily, the citizen can then turn to the municipality with his complaint if desired. Citizens can also file a complaint about a provider directly with the municipality. If the provider has a complaints procedure, it is logical that the municipality will refer the client to the provider. In practice, most municipalities choose to make a complaints procedure compulsory for all facilities, also from the perspective of transparency and simplicity for the citizen and because in the context of the healthcare laws (Healthcare Quality, Complaints and Disputes Act) and the Youth Act, handling complaints is placed with the provider. The provider can then ensure a good relationship between the complaints regulations in the Social Support Act and the complaints regulations based on the Youth Act and the Healthcare Quality, Complaints and Disputes Act. Careful handling of a complaint could prevent legal procedures (objection/appeal).

For the citizen, it is important that the complaints procedure is clear in all situations. The municipality clearly communicates the procedure to the citizen through leaflets, websites and in the investigation it undertakes. If, nevertheless, complaints are not filed with the right organisation, the municipality and providers must ensure through proper agreements that the complaint is filed at the right organisation and handled there.

The Social Support Act covers women's shelter institutions and Safe at Home organisations. All Safe at Home organisations have an independent complaints committee and leaflets about this. For support in a complaint about a Safe at Home organisation, people can appeal to a trusted adviser of the Child Care Advice and Complaints Bureau. The women's shelters also have regulations for complaints.

Furthermore, every police unit has a complaints committee. The National Ombudsman is the contact person (www.nationaleombudsman.nl) for complaints about how governments work. Some municipalities (e.g. Amsterdam, Rotterdam and The Hague) have appointed their own ombudsman.

IV.2. Specialised support services

IV.2.1 Women's shelters

Women's shelters in the Netherlands are always available for the protection of victims of domestic violence. In most cases it involves women and children, but men are also victims of domestic violence. The national system of women's shelters guarantees that, if necessary, these victims

receive immediate and safe shelter and help with recovery, 24/7. The members of the national system of women's shelters have made binding agreements about this. The women's shelters offer more than shelter alone. They closely cooperate with their partners at a national and regional level to facilitate open discussion about domestic violence and stop it where possible. The cooperative agreements between the women's shelters and the central municipalities of women's shelters are described in a national policy framework established in 2016 by the Association of Netherlands Municipalities and the Federation of Shelters²⁹.

Domestic violence has many manifestations. The problem often remains hidden for years until it leads to an acute crisis. Then rapid and direct help for recovery is needed. The women's shelter focuses on preventing an escalation together with the chain partners. It is better for women and the children to work on a solution in their own environment. This basically takes place in their own region. However, there may be situations where a solution is needed in another region. This often involves a major, acute safety risk or threat from a (family) network, as with honour-related violence. The national system of women's shelters arranges this shelter to a safe place in the Netherlands.

The national system of women's shelters is a partnership of approximately 20 institutions. These institutions offer a nationwide system of safe shelter and assistance for recovery. They work for the clients from their own region and also have room for acute demands from another region. Clients (or referrers) do not have to seek shelter elsewhere by themselves. Through the intake, the women's shelter in their own region searches for a solution within or outside the region. The national system of women's shelters provides the following facilities to make this possible:

1. Nationally accessible crisis beds

The members of the national system of women's shelters together have a sufficient number of crisis shelter beds for the safe shelter of clients from their own region and beyond. The severity of the crisis is determined on the basis of validated risk screening. The shelter complies with national quality standards for the shelter of victims of domestic violence³⁰.

The crisis shelter takes an average of six to nine weeks. During that time, a recovery plan is drawn up with the client aimed at overcoming patterns of violence. Children receive appropriate help.

2. Emergency beds

The national system of women's shelters has a number of emergency beds for those who need immediate attention. The police, the Public Prosecution Service, the institution for women's shelter, the municipal health service or Safe at Home decide who can go to such an emergency bed, naturally with children as well (up to 18 years of age). Clients can stay on an emergency bed for an average of three days. During that time, the institution looks for a safe accommodation for a longer period.

3. Nationwide specialisations

The national system of women's shelters has nationwide specialisations for several issues. These are designed for young girls who are or have been victims of honour-related violence (Tilburg, Leeuwarden), for male victims of domestic violence (Amsterdam, Rotterdam, Utrecht, The Hague, Tilburg and Zwolle) and for victims of human trafficking (Rotterdam, Leeuwarden, Amsterdam and Assen).

Specialised care

Asja run by Fier is a small-scale safe treatment setting for girls and young women aged 12 to 23, who have ended up or are at risk of ending up in prostitution through coercion, deception and violence. Asja offers a pedagogical basic climate, a day programme, education, daytime activities, counselling, treatment (adult and youth mental health care), systemic therapy, safety and

²⁹ Policy framework for national inflow, through-flow and outflow of crisis admission in acute crisis situations of victims of domestic violence in women's shelters, December 2016.

³⁰ Quality document Shelter of Victims of Domestic Violence, Regional Approach Safe at Home 2014.

protection. There are a total of four Asja groups. In 2016, 86 victims were cared for, of whom 77% were minors; in 2017, 103 were cared for, of whom 73% were minors.

Zahir, also run by Fier is a small-scale (crisis) shelter and treatment facility for girls and young women aged 12 to 23, who are dealing with honour-related violence or the threat of honour killing. Zahir offers a pedagogical basic climate, a day programme, education, counselling, treatment (adult and youth mental health care), safety, protection and – if possible – systemic therapy or mediation with parents / family. In 2016, 26 victims were cared for, of whom 35% were minors; in 2017, 56 were cared for, of whom 95% were minors.

Strong Home has a nationwide function for (young) women and men who are dealing with (the threat of) honour-related violence. Honour-related violence is violence arising from a drive to protect the family honour. Strong Home offers a safe place for seriously threatened girls, men and women and their children. The concept of honour-related violence is the overarching term for all forms of coercion and psychological and physical violence to prevent a family member from making a 'misstep' that can harm the family honour in the community. And all violence against the 'honour infringer' (the woman) to restore the violated honour. The importance of family honour is still present in many population groups with a group culture. Women who are dealing with an honour-related threat must be taken care of in a secret location as quickly as possible. This is the only way they can build a safe and independent future. Strong Home counsels, treats and trains the women (and their children, if any) to ensure that they can return resiliently to society. In 2016, 38 care processes of honour-related violence were concluded. In 2017, there were 42.

Not only women but men also have to deal with domestic violence. The preconceived notion that men cannot be victims results in many unseen problems. There is still a taboo on the subject and men are not inclined to ask for help. Their problems are often overlooked. As a result, sexual preference, domestic violence, honour killings, financial exploitation and human trafficking are frequently not addressed. Starting in 2011, male victims have been offered shelter care, , first in the four major cities of Amsterdam, Rotterdam, The Hague and Utrecht and since 1 January 2017 in Tilburg and Zwolle as well. Forty places are involved. More than 800 men have turned to the affiliated institutions for help in recent years.

4. Duty roster in cases of honour-related violence.

The national system of women's shelters works closely with the National Expertise Centre for Honour-related Violence of the police. They have set up a separate 24/7 duty roster to provide victims of honour-related violence, forced marriage and forced abandonment a safe shelter in acute crisis situations, if necessary. This is done through the police, Public Prosecution Service or the National Expertise Centre for Honour-related Violence.

5. Safe House: in case of serious threat

In the event of a constant and serious threat, there are a limited number of Safe Houses with a secret address. For example, if people are being chased by a violent (ex-)partner or family members who are out for honour killings. Naturally, this form of shelter is also available for the children involved. The police help decide about admission in a Safe House. Care coordinators and the police also discuss when the stay can be terminated and what needs to happen after that.

6. Follow-up shelter, outpatient programmes and outflow

Sometimes safety is not yet guaranteed after crisis intervention. Then follow-up assistance is needed through shelter or outpatient programmes such as Aware³¹. This depends on the safety risk. Each region has its own approach for this. The ultimate goal is for clients to return to a safe life and regain control over their own lives. This may be a return to their old address, but in some cases also a new existence in another region.

³¹ Aware stands for Abused Women's Active Response Emergency and is an alarm system that allows the victim to warn the police immediately in the event of imminent danger of domestic violence. An Aware report has high priority for the police. The Aware system often goes hand in hand with an offer for assistance.

The financing of women's shelters consists of two cash flows: through the municipality and through personal contributions. Through the decentralisation allowance for women's shelters from the Municipal Fund, the 35 central municipalities for women's shelters received about € 118 a year in both 2016 and 2017. The municipalities assume that part of the utilisation of the women's shelters will be funded by personal contributions. The Social Support Act (Implementation) Decree 2015 stipulates that municipalities may request a personal contribution for a stay in the women's shelter. The municipal council is obliged to determine in the regulation how the personal contribution for the shelter will be calculated. To ensure that clients still have enough pocket money and clothing allowance, Article 3.20 of the Implementing Decree stipulates that the client must in any case have an amount left over that corresponds with the so-called 'pocket money and clothing allowance' augmented by the standard premium (corrected for the care allowance).

Based on a national monitor of inflow, through-flow and outflow of the Federation of Shelters, a number of data are available for 2015 and 2016 regarding residential care (figures are not yet available for 2017). The monitor measures clients' data from the registrations of the institutions. The monitor does not yet measure outpatient assistance.

The total number of clients helped by the women's shelter in 2016, both residential and non-residential, was approx. 12,500³². The number of children in the shelter was approx. 3,500.

The table below provides an overview of the number of clients registered by the monitor in 2015 and 2016. In 2016, it concerned a total of more than 8,200 clients. This is an increase of nearly 900 clients compared with 2015. The majority of these clients were received in residential care. About 5,500 clients were involved.

The reasons why no inflow occurred for the remaining 2,700 clients could only be determined in 12% of the cases. Most clients received outpatient help. Some were referred to another institution for safety reasons. Contact was lost with another group of clients. There were also people who only needed shelter and for that reason were not indicated for shelter due to domestic violence.

Table: Number of clients in the monitor n = 19 institutions

Ages	Clients 2015	Clients 2016
0-17	2,570	2,670
18-22	540	660
23-30	1,470	1,670
31-40	1,460	1,760
41-50	740	900
51-64	230	370
65-100	40	80
unknown	290	120
Total	7,340	8,230

For more information about the women's shelter see also Chapter II.2.4.

³² This number is calculated on the basis of data from the annual reports and from the websites of the institutions.

IV.2.2 Centres for sexual violence

All victims, including those who do not want contact with the police, can go to a Centre for sexual violence 24/7. They can be reached under one free national telephone number. There is a national network of 16 Centres for sexual violence throughout the Netherlands. Doctors, nurses, police, psychologists, social workers and sexologists offer joint assistance. The Centre for sexual violence focuses primarily on acute victims of a rape less than eight days ago. Victims who do not want any contact with the police or indicate that they were sexually abused more than seven days ago can also turn to the Centre for sexual violence. A sexual assault centre does not have its own accommodation but is located at the Emergency Care department of a hospital or at the municipal health service.

The Centre for sexual violence offers:

- forensics focused on traces and indication of injury;
- acute medical care aimed at prevention of pregnancy and infection with sexually transmitted diseases/HIV and treatment of injury;
- acute psychological care to promote recovery to prevent the development of mental disorders, particularly Post Traumatic Stress Syndrome (PTSS).

When a victim enters the Centre for sexual violence – with or without police – she or he is taken care of by an expert healthcare professional, such as a (forensic) nurse, who receives and assists the victim. Filing a report is not an aim in itself, but if victims consider filing a report, a forensic physician conducts an investigation of trace evidence and he or she examines possible injuries on the body. There is a forensic detective present, so that any evidence is properly recorded. Then acute medical care is given. Medical care and forensic investigation of trace evidence are coordinated so they do not interfere with one another but also generate the least possible burden for the victim.

If a victim wants to file a report immediately, the police will make an appointment at the police station within a few days. A case manager from the Centre for sexual violence keeps an eye on how victims are doing. If the problems caused by the crime have not been resolved after four weeks, the victim will receive trauma treatment within the mental health care system.

In the event of a risk of honour killing, anonymous assistance can be offered. The general practitioner is also always informed about a visit to the Centre for sexual violence, except if the victim indicates otherwise.

The Centres for sexual violence operate according to nationally established quality criteria. Every Centre for sexual violence works closely with local partners (such as the police, hospital, municipal health service, mental health care, Safe at Home and Victim Support Netherlands). Arrangements are made about cooperation and careful exchange of information.

The coordinator of every Centre for sexual violence is responsible for managing this multidisciplinary cooperation and monitoring and improving the quality of the care provided. The quality criteria impose requirements on how the various functions must be performed. Every year, all centres are visited by a national steering committee to ensure uniformity in the care provided according to the national quality criteria and to learn best practices.

There were 1945 reports in 2016 and 2624 reports in 2017 (both acute and non-acute sexual assault). In 2016, 833 victims of acute sexual assault were provided with care, of whom 766 were girls and women. In 2017, there were 1103 victims, 1015 of whom were girls and women. The website www.centrumseksueelgeweld.nl contains more information on the Centres for sexual violence.

The 35 central municipalities for women's shelters are responsible for financing the offer from the Centres for sexual violence.

IV.2.3 Dutch Centre of Forced Marriage and Abandonment

The Dutch Centre of Forced Marriage and Abandonment, funded through decentralisation-benefit women's shelters of the 35 central municipalities of women's shelters, is the national knowledge and expertise centre in the area of forced marriage and abandonment. It has a knowledge and a

case history function. The Dutch Centre of Forced Marriage and Abandonment manages complex casuistry, advises professionals on how to deal with complex case histories in the area of forced marriage and abandonment, and is a partner of the Ministry of Foreign Affairs when victims are abroad. The Dutch Centre of Forced Marriage and Abandonment verifies the report and supports the victim in the event of forced marriage and abandonment upon return to the Netherlands. The Dutch Centre of Forced Marriage and Abandonment provides counselling, information and training to professionals.

The Dutch Centre of Forced Marriage and Abandonment can be reached 24/7. Outside office hours, calls are forwarded to a control room. If it is immediately necessary and possible to help a victim, the control room will put the call through to the police's National Expertise Centre for Honour-based Violence, which is on call for the Dutch Centre of Forced Marriage and Abandonment. The Dutch Centre of Forced Marriage and Abandonment is based in Safe at Home Haaglanden.

The following is an overview with figures and further explanation:

	Cases	Helpdesk function: advice ³³				Expertise promotion
		Complex case histories	Information requests	Referral	Total	
2015	23	51	23	3	77	19
2016	36	87	33	3	123	18
2017	38	109	15	1	125	22

Within the casuistry, the number of reports from foreign nationals entitled to stay in the Netherlands and of minors increased in 2016. The number of reports from victims of forced marriage and abandonment abroad with the Dutch nationality but living in another European country also increased.

In 2017, 30 of the 38 reported cases involved abandonment, four cases involved forced marriage and four cases involved marital imprisonment and detention abroad.

The complexity of the cases increased due to the illegal stay of victims abroad and unregistered young children whose kinship and nationality had to be established.

The Dutch Centre of Forced Marriage and Abandonment has observed an increase in the abandonment of minors abroad with parenting problems as the motive. For example, young people are left behind for 're-education' with family or very strict boarding schools in Somalia and Nigeria. The Dutch Centre of Forced Marriage and Abandonment has requested the Platform Integration & Society³⁴ to conduct research on abandonment and parenting issues. The results of this research will become known in the course of 2018.

The advice provided by the Dutch Centre of Forced Marriage and Abandonment has a greater scope than forced marriage and abandonment alone, such as legal and informal marriages, the

³³ Advice is anonymous and consists of: one or more telephone consultations, 'coaching on the job' which is supported, among other things, in preparing discussions. Available legal expertise is involved in the advice.

³⁴ The Platform Integration & Society is a programme of the Verwey-Jonker Institute and Movisie, financed by the Ministry of Social Affairs and Employment.

dissolution or annulment of a marriage, marital imprisonment, child brides, sometimes in combination with authority issues, hidden women in combination with abandonment, the prevention of expulsion and detention abroad.

In terms of development of expertise, in recent years, counselling and information meetings, workshops, training courses and guest lectures have been given on forced marriage and abandonment and the role and tasks of the Dutch Centre of Forced Marriage and Abandonment. This includes the national meetings on the abandonment of minors and its prevention. The Dutch Centre of Forced Marriage and Abandonment has observed a knowledge gap in this and emphatically focuses on strengthening knowledge among professionals about this.

In 2017, the Dutch Centre of Forced Marriage and Abandonment issued a guideline entitled *Identifying and dealing with forced marriage and abandonment abroad*, in which an overview is given on how, as a professional, you can support a (potential) victim in case of fear of forced marriage or abandonment abroad. In addition, the skills training *Talks on forced marriage* for professionals was very well received.

The Dutch Centre of Forced Marriage and Abandonment is affiliated with 'Girls Not Brides Netherlands'³⁵ and provides the chairman of the working group that focuses on tackling child marriages in the Netherlands.

IV.2.4 Shelter for victims of human trafficking

In the Netherlands, victims of human trafficking are sheltered in the Category-based Shelter for victims of human trafficking but also in the mainstream social shelter and women's shelter. Some shelter institutions offer specialised help and shelter to victims of human trafficking.

For foreign victims who do not have a residence permit (the B8/3 regulation), the government purchases accommodation for shelters. The term B8/3 refers to chapter B8/3 of the Aliens Act Implementation Guidelines 2000 (formerly chapter B9). This chapter describes the procedure for victims and witnesses reporting human trafficking. Its purpose is to enable foreign victims of human trafficking to report by eliminating the threat of immediate expulsion. Therefore, the police must always point out to victims of human trafficking that they have a right to file a report and B8/3. The victim then has a three-month reflection period to decide whether or not to press charges, without feeling pressured.

The right to file a report is linked to the right to a temporary residence status during and for the benefit of the criminal proceedings. This also includes the right to shelter and (medical) care; provisions arising from the right of residence with the aim of enabling victims in being able to reside in the Netherlands, not only legally but also in practice.

A total of fifty places are available in the Netherlands, distributed among three locations and institutions.

The municipalities are responsible for the shelter and support of adult (potential) victims of human trafficking who lawfully reside in the Netherlands. The Coordination Centre for Human Trafficking assigns victims to shelter places. In 2016, the Coordination Centre for Human Trafficking sought shelter for 170 clients. The Coordination Centre for Human Trafficking looks for shelters but does not have shelters itself. Adult victims with Dutch nationality or victims who have already filed a report are taken care of in the women's shelter or social shelter. The Coordination Centre for Human Trafficking mediates for this group.

For more information on human trafficking, see also Chapter II.2.6.

³⁵ 'Girls Not Brides' is a global partnership. Approximately a thousand organisations in more than 95 countries work together on one common goal: stopping child marriage within a generation. In 2016, thirteen Dutch participants from Girls Not Brides met to establish 'Girls Not Brides Netherlands', such as Kinderpostzegels (stamps for children), the University of Amsterdam, Save the Children Netherlands, Simavi, Plan Netherlands and Amref Flying Doctors. 'Girls Not Brides Netherlands' would like to share knowledge about child marriages and keep it on the Dutch political agenda.

IV.3. Telephone helplines

IV.3.1 National help and advice line Safe at Home

Both citizens and professionals can make free calls to the national telephone number of Safe at Home. They can request advice from Safe at Home or report a suspicion of domestic violence and child abuse. To carry out their legal duties, the Safe at Home organisations must be accessible and available 24 hours a day, seven days a week. In providing advice and support to those directly involved, the person requiring advice retains control over his or her situation. That means that Safe at Home does not take action without the express permission of the person requiring advice. That person and also a person who wants to make a report can remain anonymous. According to the Safe at Home Handling Protocol, in the event of a report, Safe at Home provides information about the tasks of Safe at Home and its operating procedure, with particular attention devoted to the possibility for the reporter to remain anonymous regarding the person about whom he is reporting.

Safe at Home organisations have qualified professionals. Safe at Home staff are demonstrably trained for their position. Almost all employees are registered or are working toward acquiring registration. In general, the employees are highly experienced and have specialist skills in the field of child abuse and/or domestic violence. For example, many Safe at Home organisations have special-task employees for specific forms of domestic violence such as female genital mutilation, which serve as a source of information for the rest of their organisation.

In the period 2014-2015, with national financing from the government, material was developed for the five-day basic training for Safe at Home employees (e-learning and trainer's manual). Trainers have also been educated to provide the training courses. Safe at Home organisations offer their staff a training programme to broaden their knowledge and keep it up-to-date. After the establishment of Safe at Home as of 1 January 2015, a point for attention was that not all Safe at Home organisations have an integrated approach to child abuse and domestic violence. Further professional advancement is important, particularly in the field of domestic violence for 'former youth care' employees and in the field of child abuse for employees who previously worked in the field of domestic violence.

The training is due for further development, given the developments currently taking place at Safe at Home. Effective 1 January 2019, the 26 Safe at Home organisations will start working with a new approach. This requires joint development in training in the areas of content, role, culture, behaviour and attitude. An important basic principle that will be incorporated into the training courses is that employees of Safe at Home will start to work systematically (not only attention for the child or the adult victim, but for all (vulnerable) members of a family) and focus on special forms of violence in dependency relationships, such as elder abuse, honour-related violence and sexual violence. Furthermore, the training offer will be diverse and distinguish between an offering for the starting professional, the experienced professional and with a focus on deepening and broadening.

For more information about Safe at Home, please refer to Chapters II.2.2 and III.3.1.

IV.3.2 Other national helplines

In addition to the national help and advice line specifically for domestic violence and child abuse, victims of domestic violence can also appeal to a number of general help lines.

In case of immediate danger, the free number 112 of the police is always available 24 hours a day. In addition, there is the hotline service Report Crime Anonymously. This is an independent hotline where the caller can provide information about criminality and criminal acts anonymously. The anonymity of the caller has overriding priority.

Victim Support Netherlands can be reached by phone for help with a telephone helpline that is free and accessible from Monday through Friday between 8:30 am and 6:00 pm. All calls are confidential. In addition, anonymous advice can be requested. All employees involved are trained to properly help and speak to victims (including victims of domestic violence). In 2017, a total of

191,100 victims had contact with Victim Support Netherlands. It is not possible to indicate how many victims are women or how many cases of domestic violence and child abuse are involved.

In addition, there is MIND Korrelatie, a national organisation. It offers anonymous, professional psychological and psychosocial help. It also gives individual advice and help to anyone who requests it. This can be done by phone and online (including chat, WhatsApp and e-mail). Volunteers work at MIND Korrelatie, but they are professional care providers (psychologists and social workers). They listen, advise and refer to appropriate help, if necessary. All of this is free with the exception of phone charges (€ 0.15 / min). MIND Korrelatie can be reached during weekdays between 9:00 am and 6:00 pm. Contacts are anonymous and no details are requested or registered. Caller ID is not used. In 2017, Korrelatie provided 15,000 emergency assistance contacts. The psychological and psychosocial problems with which people seek support from Korrelatie vary tremendously. It is difficult if not impossible to deduce which part of it is related to domestic violence.

Sensor is a national telephone line for people who need someone who will listen to them. Trained volunteers answer the phone 24/7. Sensor was not free of charge in 2016 and 2017, but will be starting in 2019. Anonymity is guaranteed because Sensor only registers the subject, the length of the call and where people are calling from. The caller's telephone number is blocked. The volunteers have been trained, also about domestic violence. The number of calls about domestic violence are registered. In 2016, there were 2571 calls and in 2017, there were 2640 calls (including chat and e-mail).

IV.4. Protection and support of children who are witnesses

When a child witnesses domestic violence, it is also considered to be child abuse. Therefore, government policy also focuses on these children. It is also important to note that in situations of (suspicion of) child abuse, discussions are not only about the children but also with the children. The guidelines on *Child abuse* and *Deciding on appropriate help together with parents and young people* from youth assistance and youth protection include how registered professionals in youth assistance and youth protection, including professionals at Safe at Home organisations, the Child Care and Protection Board and the certified institutions, should engage in conversation with abused children. Furthermore, the Safe at Home Handling Protocol and the Quality Framework of the Child Care and Protection Board state that the investigator always sees or speaks to the child. The guide *Participation of children in the reporting code for domestic violence and child abuse* was published in May 2018 (to be found at www.rijksoverheid.nl).

In addition, Victim Support Netherlands supports parents whose child has witnessed a crime (including serious domestic violence), among other things, with the leaflet *Helping a child*.

Children can also turn to the general practitioner, social work, a professional from a social neighbourhood team or a certified institution for youth care for help and protection. If they wish, children can call or chat every day for free with the Child Helpline. With more than 500 professionally trained volunteers, they can have confidential conversations on topics that they are afraid, unable or unwilling to discuss with people in their environment. If necessary, the volunteers refer children to the best available (specialist) help and support them in taking the next step.

The Reporting Code Act (see Chapter II.1.1) states that the reporting code must contain a so-called child check with certain adult clients. These are clients who are in a physical or mental condition or in other circumstances that may pose a risk to the safety or development of the children who depend on them. The child check with these clients means that the professional requires or examines whether the client has children who are dependent on him. If that is the case, the professional will register the number and age of these children. It also describes whether the client cares for his children alone or whether his partner or others share this care. The child check can be an issue in adult mental health care, in home care, in general social work, at the probation service, at the GP out-of-hours service and at the emergency department in a hospital. If the professional believes that the medical condition or the circumstances faced by his client pose a risk

to the safety or development of children, or if he has doubts about this, he will take the steps of the reporting code.

The mental health care sector in particular was supported with the use of the child check in 2016 and 2017. Earlier, attention was paid to hospitals and GPs.

In the women's shelter, increasing attention has been devoted in recent years to the position of the children in women's shelters. They are seen as independent clients, not as children 'taken along'. Various methodologies and programmes are applied. *Time for Toontje*, for example, is a programme for children from zero to ten years of age and their mothers in the (women's) shelter who have experienced domestic violence. It concerns an ongoing group offer that takes place at a fixed time in the week. With the aid of visual material and the hand puppet turtle Toontje, an attempt is made to strengthen the resilience of children on the basis of four themes: the power of doing fun things, being angry safely, who do you love? and memories.

Resilience is a methodical framework for the guidance of children in the women's shelter, from a system-oriented vision. Key elements of this methodology are: attention for the child during the intake, providing a positive living environment, working on safety, screening, involvement of the father, support from the parents, involvement of the network and counselling of child and family based on a safety plan and action plan. In the women's shelters this framework is broadly used in practice.

Furthermore, the women's shelter has intensified cooperation with youth aid and mental health care in recent years.

In the beginning of February 2017, a petition was presented to the government and the Lower House by the foundation The Forgotten Child³⁶, together with their youth council, the Unforgettables. In doing so, they called for attention to the position of the approximately 7,000 children who end up in shelters each year (both the women's shelter and the social shelter). As a result of this, the mayor of Leiden, Mr Lenferink, was asked by the government to act as a driving force in stimulating improvements. He presented his final report in April 2018. His main conclusion was that there is increasing attention to the position of children in the shelter. No one needs to be convinced of its importance any longer. The need now is to arrive at a sustainable assurance of this attention. At the time of writing this report, his recommendations were further discussed with the Association of Netherlands Municipalities and the Federation of Shelters.

³⁶ The Forgotten Child has been committed since 2009 to vulnerable children and youth in the Netherlands who live in an unsafe or unstable home situation or who are forced to grow up in a shelter.

Chapter V Substantive law

V.1. Legal framework

In the Netherlands, the legal framework does not have a separate approach to violence against women. However, great efforts are going into creating a robust approach to forms of violence of which women are victims disproportionately often. This means that, in accordance with provisions laid down not only in criminal legislation and administrative legislation but also in civil legislation, measures are also possible in cases regarding violence against women.

A brief overview of all statutory provisions relevant to this Convention is given below. For the complete text of the current legislation and regulations referred to below, reference is made to Annex 4.

- Street injunction or order prohibiting contact: Section 254 of the Dutch Code of Civil Procedure.
- Compensation for damages based on an unlawful act: Section 6:162 of the Dutch Civil Code.
- Custody, contact arrangements and safety: Sections 1:254 to 1:255 of the Dutch Civil Code, Section 1:261 of the Dutch Civil Code, Section 1:266 of the Dutch Civil Code, Section 1:269 of the Dutch Civil Code, Section 1:253a of the Dutch Civil Code and Section 1:377a of the Dutch Civil Code.
- Forced marriages: Section 1:71(a) of the Dutch Civil Code, Section 284 of the Dutch Criminal Code.
- Jurisdiction: Section 5 of the Dutch Criminal Code, Section 7 of the Dutch Criminal Code.
- Financial capacity of the convicted person: Section 24a of the Dutch Criminal Code.
- Rules on limitation periods: Section 70 and Section 71 of the Dutch Criminal Code.
- Compensation order in criminal cases: Section 36f of the Dutch Criminal Code.
- Psychological violence: Section 284 of the Dutch Criminal Code and Section 285 of the Dutch Criminal Code.
- Stalking: Section 285 and Section 285b of the Dutch Criminal Code.
- Physical violence: Section 300 to 303 of the Dutch Criminal Code and Section 304 of the Dutch Criminal Code.
- Sexual violence and sexual intimidation: Sections 240, 240a, 240b, 242, 243, 244, 245, 246, 247, 249, 248a, 248b, 248c, 248d, 248e and 248f of the Dutch Criminal Code and Section 266 of the Dutch Criminal Code.
- Human trafficking: Section 273f of the Dutch Criminal Code.
- Female genital mutilation: Sections 300 to 303 of the Dutch Criminal Code, Section 284 of the Dutch Criminal Code.
- Forced abortion and forced sterilisation: Sections 82, 284, 296 and 302 of the Dutch Criminal Code.
- Aiding or abetting and attempt: Sections 45, 38 and 47(1)(2) of the Dutch Criminal Code.

- Individual assessment of victims: Sections 51aa to 51e of the Dutch Code of Criminal Procedure.
- Area ban or order prohibiting contact: Section 38v of the Dutch Criminal Code and Section 14c of the Dutch Criminal Code.
- Legal aid: Legal Aid Act.
- Urgent exclusion order: Section 2 of the Temporary Domestic Exclusion Order Act.
- Section 1a of the Equal Treatment Act.
- Provisions regarding migration and asylum:
 - Article 3.51, first paragraph, opening words and under h of the Aliens Decree.
 - Chapter B8 under 2 of the Aliens Act Implementation Guidelines.
 - Article 3.51 of the Aliens Decree (and chapter B9 under 10 of the Aliens Act Implementation Guidelines).
 - Article 3.36 of the Aliens Regulations 2000.
 - Section C2/3.3 of the Aliens Act Implementation Guidelines 2000.
 - Section 29(1)(a) and (b) of the Aliens Act 2000.
 - International Cooperation: Section 163 of the Dutch Code of Criminal Procedure.

The aforementioned legal framework was already sufficient for compliance with the obligations of the Convention. This means that no specific implementation has taken place.

V.2. Civil actions and legal remedies

Victims of violence can take measures pursuant to the applicable civil law. Via preliminary relief proceedings, they can take protective measures by applying for a street injunction or order prohibiting contact (Section 254 of the Dutch Code of Civil Procedure). In addition, they can claim compensation for damages (both material and immaterial damage) from the perpetrator on the basis of an unlawful act (Section 6:162 of the Dutch Civil Code). Such a compensation for damages can also be claimed from the Dutch authorities that are responsible for taking preventative and protective measures if those authorities have acted contrary to their statutory duty or have failed to comply with their statutory duty. This may also have been an unlawful act. In the law of persons and family law, additional protection is offered to minors who are the victim of domestic violence or violence against women. For example, violence by a parent against a child can lead to the implementation of a child protection order: the child is placed under the supervision of a guardian, and can also be taken into care. A further child protection order can also be taken in which the parent is released or dismissed from parental authority. It is also possible to impose a domestic exclusion order on the parent. Finally, this parent can be denied contact with or access to the child.

V.3. Compensation for damages

In the Netherlands, victims can receive compensation for damages in various ways. Compensation for damage suffered directly can be acquired by joining as a party to the criminal proceedings against a suspect and filing a claim against the suspect. This procedure is arranged in Sections 51f to 51h of the Dutch Code of Criminal Procedure. A court can also impose a compensation order (Section 36f of the Dutch Criminal Code). The compensation order can be imposed on any person who is convicted of a criminal act. The order is imposed if and insofar as the suspect is liable under civil law for damage that was inflicted due to the criminal offence.

Collection of the compensation order and transferring it to victims is arranged by the Central Judicial Collection Agency. If the perpetrator fails to comply with the compensation order, the victim can apply the advance payment scheme. The State then warrants the payment of the compensation order (Section 36f(6) of the Dutch Code of Criminal Procedure).

A victim can also claim compensation for damages in civil proceedings. In addition, a victim can file an application to the Violent Offences Compensation Fund. This fund pays anyone who has suffered serious physical or mental injury as a result of an intentional violent crime committed in the Netherlands.

V.4. Custody, contact arrangements and security

In Dutch law of persons and family law, the interests of the child are paramount in determining or changing the custody or guardianship of a minor. The same applies for the decision to deny a parent contact with or access to a child. This means that if a parent commits violence against a child, child protection measures can be taken by placing the child under the supervision of a guardian or taking the child into care, temporarily or otherwise (Sections 1:254 to 255 and 1:261 of the Dutch Civil Code). If the interests of the child require immediate measures, the parental authority can be suspended and a provisional guardian can be appointed (Section 1:271 of the Dutch Civil Code). In cases of violence committed against a child, a parent can be relieved or dismissed from parental authority (inter alia Sections 1:266 and 1:269 of the Dutch Civil Code). The aforementioned child protection orders also apply to third parties who are appointed guardian of a minor. Violence by an intimate partner can also be a reason to deny access or relieve a parent from authority, if that is in the child's interest. Contact between a parent and a child will not take place if the access would be a serious disadvantage for the child's mental or physical development or is otherwise in conflict with the child's major interests (Sections 1:253a and 1:377a of the Dutch Civil Code).

V.5. Legislation for various forms of violence against women

Psychological violence

In the Netherlands, such conduct falls under the criminalisation of coercion, made punishable in Section 284 of the Dutch Criminal Code and threats, made punishable in Section 285 of the Dutch Criminal Code.

Stalking

Stalking was made punishable in the Netherlands in Section 285b of the Dutch Criminal Code. Stalking by means of threats can also become punishable under Section 285 of the Dutch Criminal Code. The obligation of criminalisation in the convention is implemented with both provisions.

Physical violence

The Dutch Criminal Code has many penal provisions that in some way are intended to offer protection against physical breaches of someone's integrity. In that regards, the sanctions for crimes against life offer protection against the most far-reaching physical violence. The penal provisions as laid down in Sections 300 to 303 of the Dutch Criminal Code (physical abuse) are also relevant, including the aggravating circumstances referred to in Section 304 of the Dutch Criminal Code.

Sexual violence

Article 36 of the Convention makes the criminalisation of three forms of sexual violence obligatory: These are (a) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object; (b) engaging in other non-consensual acts of a sexual nature with a person and (c) causing another person to engage in non-consensual acts of a sexual nature with a third person. The second paragraph discusses the term 'consent'. This consent must have been given voluntarily and follow from the free will of the person involved. Whether there was free will must be assessed on the basis of the circumstances of the case. The

third paragraph of the Convention obliges parties to ensure that the types of conduct referred to in the first paragraph are also punishable if they are committed against former or current spouses or former or current partners.

The forms of conduct as referred to in point (a) of the first paragraph fall under the Dutch criminalisation of rape (Section 242 of the Dutch Criminal Code). Sections 244 and 245 of the Dutch Criminal Code are furthermore important in this connection. These provisions make the sexual penetration of a person below twelve years of age and the sexual penetration of a person below sixteen years of age respectively punishable. In the Netherlands, the forms of conduct as referred to in point (b) of the first paragraph have been made punishable as indecent assault in Section 246 of the Dutch Criminal Code. Sections 248a and 248d of the Dutch Criminal Code can furthermore be mentioned in this regard.

The types of conduct referred to in Article 36, paragraph 1, point c of the Convention fall under the criminalisation of coercion (in Section 284 of the Dutch Criminal Code). A person who commits the conduct referred to under (c) can also be punishable as a co-perpetrator of indecent assault (Section 47 in conjunction with Section 246 of the Dutch Criminal Code). The conduct referred to under (c) can also be qualified as a form of human trafficking (sexual exploitation) in certain circumstances. Human trafficking was made punishable in the Netherlands in Section 273f of the Dutch Criminal Code. The Dutch penal provisions referred to above do not distinguish between conduct committed in a marital setting and conduct committed against persons other than former or current spouses or former or current partners. The forms of conduct referred to in Article 36 are therefore also punishable in the Netherlands if that conduct is committed against current or former spouses or current or former partners.

The age of consent in the Netherlands is 16 years. For people over sixteen, protection is also offered in cases:

- coercion (within the meaning of (the threat of) violence or other facts, Section 242, 246 and 248f of the Dutch Criminal Code);
- where someone is in a state of unconsciousness, reduced consciousness or physical powerlessness, or suffers from such limited development or a mental disorder that they are incapable or insufficiently capable of exercising or expressing their will in that respect or resisting (Sections 243 and 247 of the Dutch Criminal Code);
- of gifts or promises of money or goods, by abusing the authority arising from de facto relationships or by deception and the victim has not yet reached the age of eighteen (Section 248a of the Dutch Criminal Code);
- of payment to a person between sixteen and eighteen years of age, who makes themselves available for the performance of sexual acts (Section 248b of the Dutch Criminal Code).

It is also prohibited by law to disseminate, offer, publicly display, create, import, forward, export, acquire, possess or gain access by means of a computer system or using a communications service to an image of a sexual act in which a person is involved who has obviously not yet reached the age of eighteen.

Forced marriage

Article 37 of the Convention makes the criminalisation of three forms of forced marriage obligatory. According to the Convention, this concerns conduct aimed at forcing an adult or a child to enter into a marriage. The second paragraph of this provision forces separate criminalisation of the preparatory actions, in the sense that according to the Convention the luring of an adult or a child abroad with the purpose of forcing this adult or child to enter into a marriage must be criminalised. Forced marriage is punishable in the Netherlands through the criminalisation of the crime of coercion, Section 284 of the Dutch Criminal Code. In short, this Article criminalises coercing another person to act, to submit to anything or to refrain from acting. Coercing another to enter into a marriage against their will therefore falls under this penal provision. Depending on the body

of facts, other penal provisions may also be relevant in situations of forced marriage, for example threats, violent crimes, human trafficking and other criminal offences against personal liberty.

Article 37, paragraph 2 requires criminalisation of the situation in which someone lures an adult or a child abroad with the purpose of forcing that person to enter into a marriage. The Netherlands has jurisdiction pursuant to Sections 5 and 7 of the Dutch Criminal Code. That means that the Netherlands has jurisdiction if the criminal offence is committed by a Dutch citizen or an alien who has their fixed address in the Netherlands or if the victim is Dutch. The person luring the adult or the child abroad can also be punishable as a co-perpetrator, for example if they work together with another person and the cooperation is aimed at forcing the adult or child to enter into a marriage. Other forms of participation in a criminal offence can also apply.

Female genital mutilation

In the Netherlands, these procedures can be considered a form of (premeditated) aggravated assault, as made punishable in Sections 300 to 303 of the Dutch Criminal Code. Pursuant to point (b) of Article 38 of the Convention, the person who coerces or forces a woman to undergo the acts referred to in point (a) is punishable. The same applies to the person who incites coerces or forces a girl to undergo the acts referred to in point (a), as follows from point (c) of Article 38. The conducts referred to in points b and c of this article fall under the criminalisation of coercion (in Section 284 of the Dutch Criminal Code). Other penal provisions could also be relevant in this regard, such as the criminalisation of human trafficking (Section 273f of the Dutch Criminal Code). Depending on the body of facts, the perpetrator of the conduct referred to in points b and c could also be considered the co-perpetrator of aggravated assault.

Forced abortion and forced sterilisation

Article 39 of the Convention makes the criminalisation of forced abortion obligatory. Point (b) of the aforementioned article makes the criminalisation of forced sterilisation of women or girls obligatory. Both types of conduct fall under the Dutch criminalisation of (premeditated) aggravated assault. Section 302 of the Dutch Criminal Code makes anyone who intentionally inflicts 'grievous bodily harm' upon another liable to punishment. Section 82 of the Dutch Criminal Code clarifies that 'grievous bodily harm' must include abortion or death of a woman's foetus. Section 296 of the Dutch Criminal Code is furthermore important in this regard. This provision makes anyone liable to punishment who gives a woman non-consensual treatment if they know or have reasonable cause to suspect that this treatment may terminate the pregnancy. Reference can furthermore be made to Section 284 of the Dutch Criminal Code (coercion), which inter alia makes the unlawful coercion of a person to tolerate something punishable. This criminalisation could also include the unlawful coercion of a person to undergo an abortion or sterilisation against their will. A forced abortion can also take place in connection with the crime of human trafficking, made punishable in Section 273f of the Dutch Criminal Code. In such a case, forced abortion can also be used as a violent coercive measure to exercise or continue to exercise control over a person with a view to exploiting that person.

V.6. Sexual intimidation

Pursuant to Article 40 of the Convention, any form of undesirable verbal, non-verbal or physical conduct with sexual overtones with the purpose or result of violating a person's dignity, in particular by the creation of an intimidating, hostile, degrading, humiliating or offending environment, must be subject to criminal or other legal sanctions. There are various provisions in the Dutch Criminal Code that can apply in this regard. For example, Section 246 of the Dutch Criminal Code provides for a criminalisation of indecent assault. Under certain circumstances, serious sexual harassment in the workplace can also fall under this criminalisation. Section 266 of the Dutch Criminal Code can also play a role in this regard. This provision makes insults liable to punishment. Confronting others with pornographic material unexpectedly is also prohibited in the Netherlands. Sections 240, 240a and 240b of the Dutch Criminal Code are relevant in this regard.

Reference can also be made to the Equal Treatment Act. This Act contains a general prohibition on sexual intimidation, described as 'any form of verbal, non-verbal or physical conduct with a sexual connotation that has as a purpose or result that the dignity of the person is affected, in particular when a threatening, hostile, offending, humiliating or hurtful situation is created (Section 1a of the Equal Treatment Act). Pursuant to the Working Conditions Act, employers are obliged to conduct a policy that is aimed at preventing or limiting psychosocial work stress (which includes inter alia sexual intimidation). Victims of sexual intimidation (at the workplace) are able to claim compensation for damages from the perpetrator or enforce other measures at the employer via the Equal Treatment Act or the Dutch Civil Code. For sexual intimidation in education, employees of an educational institution who know of or suspect a sex crime between a minor student and an employee of the educational institution are legally obliged to report it to the school's competent authority. This follows from the act to amend certain educational laws with regard to inter alia combating sexual abuse and sexual intimidation in education (Bulletin of Acts and Decrees 1999, 313).

V.7. Aiding or abetting and attempt

The first paragraph of Section 41 of the Convention requires that intentionally aiding or abetting the committing of criminal offences established in accordance with Articles 33 to 37, 38 point a, and 39 of the Convention is also liable to punishment. The same applies pursuant to the second paragraph for the attempt to commit the criminal offences established in accordance with Articles 35 to 37, 38 point a, and 39 of the Convention. Attempting to commit crimes, aiding their commission or abetting a criminal offence have been made punishable in the Netherlands pursuant to Sections 45, 48 and 47(1)(2) of the Dutch Criminal Code respectively. These provisions also apply to crimes that implement Articles 33 to 39 of the Convention, of course.

V.8. Unacceptable justification for crimes, including crimes committed in contexts alleged to be 'honour'

The Dutch Criminal Code has no provisions that contain justification grounds based on cultural, religious or traditional standards or to protect 'honour'. When handling a criminal case and assessing what punishment or measures must be deemed appropriate in a specific case, the court will however always have to take account of the personality of the accused and the specific facts and circumstances of the case.

V.9. Applicability of criminal offences

Pursuant to Article 43 of the Convention, the relationship between the perpetrator and the victim cannot preclude criminal liability for the criminal offences referred to in the Convention. The Convention provides for criminal offences that are often committed within the family or within personal relationships. This provision intends to prevent e.g. rape committed within a marriage from not being punishable. Dutch criminal law does not make that distinction (i.e. between rape committed within or outside of a marriage). The relationship between the victim and the perpetrator does not preclude the criminal liability of the perpetrator for the other criminal offences referred to in the Convention either.

V.10. Sanctions and measures for any of the forms of violence

Pursuant to the first paragraph of Article 45 of the Convention, effective, proportionate and dissuasive sanctions must be provided for, taking account of the seriousness of the offences. When appropriate, these sanctions must also include prison sentences that enable extradition. In addition to this, the second paragraph provides that the parties to the Convention can also adopt a number of other measures to be imposed on the perpetrator. The Convention refers to (i) the monitoring or supervision of convicted persons and (ii) the withdrawal of parental rights, if the best interests of the child – which may include the safety of the victim – cannot be guaranteed in any other way. Dutch criminal legislation provides for these sanctions and measures. The specific maximum

sentences are stated in the relevant sections of the law. (See further Annex 4 for the legislative texts.)

The maximum sentences included in the law express the seriousness of the offence in question. Dutch legislation also provides for the possibility of monitoring the convicted person. For example, there is the possibility of imposing a wholly or partially suspended sentence, with supervision by the probation service being a condition. Supervision by the probation service can also be a condition of release on probation.

In addition, persons currently or formerly detained under a hospital order, sex offenders and violent offenders are subject to the following: when imposing detention under a hospital order or sentencing a sex offender or violent offender to a term of imprisonment, the court can also impose a measure that offers the option of supervising perpetrators of very serious crimes for as long as necessary.

Finally, the perpetrator can also have a domestic exclusion order imposed (administrative measure, Section 2 of the Temporary Domestic Exclusion Order Act). This can be imposed by the mayor for a period of ten days and can be extended by no more than four weeks (see also Chapter II.1.1 and Chapter II.2.5).

V.11. Aggravating circumstances

Article 46 of the Convention lists a number of aggravating circumstances that the court must be able to take into account when determining the sentence to be imposed for the criminal offences described in the Convention. Some of the circumstances referred to in Article 46 of the Convention are aggravating circumstances which means there is another, more serious offence involved. For example, assault that results in grievous bodily harm constitutes the crime of aggravated assault (Section 302 of the Dutch Criminal Code), which is subject to a higher maximum sentence than common assault. In the Dutch system of statutory maximum sentences, the starting principle is that these maximum sentences offer the court sufficient scope to take account of specific aggravating circumstances in any specific case. Sections 43a, 248, 273f paragraphs 3 to 6, and Section 304 of the Dutch Criminal Code provide for a number of the circumstances referred to in Article 46 of the Convention.

V.12. Prohibition on mandatory alternative dispute resolution processes or sentencing

Pursuant to Article 48 of the Convention, providing for mandatory alternative dispute resolution processes in respect of all forms of violence covered by the scope of the Convention is prohibited. Dutch criminal law and civil law do not have such mandatory alternative dispute resolution processes in cases involving violence or divorce proceedings.

The second paragraph of this provision obliges the parties to the Convention to ensure in cases where the payment of a fine is ordered that the ability of the perpetrator to assume their financial obligations towards the victim is duly taken into account. If the case concerns a criminal offence committed by the partner, the victim must not be adversely affected by the fine that is imposed on e.g. their partner. That is the idea behind this provision. Section 24 of the Dutch Criminal Code provides for the court to take account of the suspect's financial capacity when determining the fine. With regard to the suspect's limited financial capacity, the court can furthermore determine, pursuant to Section 24a of the Dutch Criminal Code, that the fine can be paid in instalments if the fine exceeds €225.

V.13. Data

To implement this Convention, the Netherlands has undertaken to:

- collect broken down, relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;

- support research into all forms of violence covered by the scope of this Convention, so that the causes and results, frequency and conviction percentages are studied, as well as the effectiveness of the measures taken to implement this Convention.
 The Netherlands fulfils this obligation by means of what has been referred to in Chapter II of this report on 'Integral policy and collecting data'.

In addition, Grevio asks for specific data in the questionnaire. The data that is available from the police, the Public Prosecution Service and justice system has been listed below.

V.13.1 Data from the police

In 2016, the police system recorded a total of 17 women as fatal victims in situations involving domestic violence. 19 female victims were registered in 2017. It should be noted that this does not mean that there is a causal link between the violence used and the death of the person in all cases. In 23 of the 36 cases, the woman was not previously known to the authorities as a victim in a situation involving domestic violence in the period between 1 January 2010 to 31 December 2017. In the other 13 cases, the number of previous incidents of domestic violence ranged from 1 to 4. The fact that those women were involved in previous incidents of domestic violence does not mean that they were also the victim in that previous situation.

The police system does not record how many incidents there are in which attempted murder occurs in a situation involving domestic violence. Attempted murder is a legal classification in the Dutch Criminal Code and is not registered as such in the police systems.

In 2016, the police system designated a total of three children as fatal victims in incidents where the situation involved domestic violence. In 2017, a total of five children died in incidents of domestic violence.

The incidents included are those in the context of a situation involving domestic violence, where the violence is aimed at the children (under 18) and the children have died.
 It should be noted that this does not mean that there is a causal link between the violence used and the death of the person in all cases.

In respect of other forms of violence, it cannot be indicated how many victims or third parties have submitted complaints to the police, because the gender is not registered for such complaints.

V.13.2 Data from the Public Prosecution Service

The data below concerns the information that is known to the Public Prosecution Service about cases of violence against women. The gender of the deceased person is not recorded in a systematic way in murder and manslaughter cases. In cases in which a victim has died due to a criminal offence, the surviving relatives or family members are also victims within the meaning of the law (Section 51a of the Dutch Code of Criminal Procedure). Although the Public Prosecution Service records victims, in these criminal offences they are surviving relatives or family members of the deceased person. In other offences as well, family members cannot always be properly distinguished from the person the offence was perpetrated against.

The data of the cases the Public Prosecution Service has recorded in the social classification as 'domestic violence – partner abuse' and 'honour-related violence' follows below. The system does not register whether the victim was male or female.

The figures below concern all entries for this type of case in 2016 and 2017. With these figures, please note that they do not relate to offences (criminal offences) but to suspects. This is important, because a single crime can be committed by multiple perpetrators and one perpetrator can commit multiple offences against one or more victims.

		Entry period year		Total
		2016	2017	
Law section	unknown	1	0	1
	Criminal Code 131	1	0	1

Criminal Code 138	56	28	84
Criminal Code 141	44	30	74
Criminal Code 142	0	1	1
Criminal Code 157	1	3	4
Criminal Code 184	3	1	4
Criminal Code 184a	47	38	85
Criminal Code 184A	14	16	30
Criminal Code 188	1	0	1
Criminal Code 225	0	1	1
Criminal Code 242	526	541	1067
Criminal Code 243	55	47	102
Criminal Code 244	168	165	333
Criminal Code 245	259	195	454
Criminal Code 246	701	663	1364
Criminal Code 247	244	229	473
Criminal Code 248	4	7	11
Criminal Code 248a	31	31	62
Criminal Code 248A	0	1	1
Criminal Code 248b	34	18	52
Criminal Code 248B	0	1	1
Criminal Code 248d	27	25	52
Criminal Code 248D	1	0	1
Criminal Code 248e	21	17	38
Criminal Code 248E	0	2	2
Criminal Code 249	168	142	310
Criminal Code 255	2	1	3
Criminal Code 257	0	1	1
Criminal Code 261	9	8	17
Criminal Code 262	1	0	1
Criminal Code 266	19	24	43
Criminal Code 273f	214	125	339
Criminal Code 273F	5	8	13
Criminal Code 279	12	12	24

Criminal Code 282	39	23	62
Criminal Code 282a	0	3	3
Criminal Code 284	7	13	20
Criminal Code 285	1326	1086	2412
Criminal Code 285a	0	1	1
Criminal Code 285b	309	285	594
Criminal Code 285B	590	553	1143
Criminal Code 287	100	88	188
Criminal Code 289	38	27	65
Criminal Code 300	5600	5344	10944
Criminal Code 301	14	4	18
Criminal Code 302	398	289	687
Criminal Code 303	1	5	6
Criminal Code 304	42	44	86
Criminal Code 308	0	1	1
Criminal Code 310	12	22	34
Criminal Code 312	1	1	2
Criminal Code 317	8	5	13
Criminal Code 350	435	460	895
Criminal Code 352	0	1	1
Criminal Code 45	76	106	182
Criminal Code 46	2	1	3
Criminal Code 47	7	2	9
Fireworks Decree 1.2.2	1	0	1
Military Penal Code 141	0	2	2
Temporary Domestic Exclusion Order Act 11	54	52	106
Weapons and Ammunition Act 13	1	1	2
Weapons and Ammunition Act 26	2	0	2
Total	11732	10800	22532

wijze van afdoening	Instroomperiode jaar		
	2016	2017	Total
	Dagvaarden	6.823	
Voorwaardelijk sepot	1.586	1.638	3.224
Onvoorwaardelijk sepot	2.593	2.085	4.678
OM-straftbeskikking	254	315	569
Transactie	146	106	252
Overig, incl. onbekend	330	391	721
Totaal	11.732	10.800	22.532

Manner of settlement	Entry period year		
	2016	2017	Total
	Summons	6,823	
Suspended dismissal	1,586	1,638	3,224
Non-suspended dismissal	2,593	2,085	4,678
PPS penalty order	254	315	569
Transaction	146	106	252
Other, incl. unknown	330	391	721
Total	11,732	10,800	22,532

V.13. 3 Data from the justice system

The section below discusses how many cases of domestic violence are known to the justice system, and what the method of settlement is.

This concerns cases that are qualified within the justice system as:

- domestic violence partner abuse,
- domestic violence,
- honour-related violence,
- domestic violence elderly abuse,
- domestic violence child abuse or
- domestic violence other.

Beslissing rechter

	2016		2017		totaal	
strafoplegging	4322	79%	##	79%	##	79%
vrijspraak	506	9%	##	10%	##	10%
Schuldigverklaring zonder oplegging van straf	104	2%	##	3%	##	2%
Ontslag van alle rechtsvervolgning	38	1%	25	0%	63	1%
Openbaar Ministerie niet ontvankelijk	12	0%	16	0%	28	0%
ttz gevoegd	474	9%	##	8%	##	8%
Totaal	5456	100%	##	100%	##	100%

Uitspraken in zaken waarin huiselijk geweld telaste is gelegd

Decision of the court						
	2016		2017		Total	
Sentencing	4322	79%	##	79%	##	79%
Acquittal	506	9%	##	10%	##	10%
Declared guilty without sentencing	104	2%	##	3%	##	2%
Discharge from further prosecution	38	1%	25	0%	63	1%
Public Prosecution Service	12	0%	16	0%	28	0%

inadmissible						
Joinder of cases	474	9%	##	8%	##	8%
Total	5456	100%	##	100%	##	100%

Judgments in cases in which the charge is domestic violence

Door de rechter opgelegde straffen

Afdoeningsperiode jaar zm		2016		2017	
		gemiddeld	aantal	gemiddeld	aantal
vrijheidsstraf onvoorwaardelijk	dagen	122	966	152	1004
vrijheidsstraf voorwaardelijk	dagen	41	1787	41	1768
vrijheidsstraf (totaal)	dagen	89	2141	106	2122
taakstraf onvoorwaardelijk	uren	55	2258	57	2111
taakstraf voorwaardelijk	uren	40	1555	41	1410
taakstraf (totaal)	uren	61	3043	64	2784
geldboete onvoorwaardelijk	euro	409	334	451	276
geldboete voorwaardelijk	euro	415	221	434	186
geldboete (totaal)	euro	474	482	497	413

Straffen in zaken waarin huiselijk geweld telaste is gelegd

Straffen kunnen worden gecombineerd. Dit geldt ook voor voorwaardelijke en onvoorwaardelijke sancties.

Sentences imposed by the court					
Settlement period year judiciary		2016 average	number	2017 average	number
Prison sentence, non-suspended	Days	122	966	152	1004
Prison sentence, suspended	Days	41	1787	41	1768
Prison sentence (total)	Days	89	2141	106	2122
Community punishment order, non-suspended	Hours	55	2258	57	2111
Community punishment order, suspended	Hours	40	1555	41	1410
Community punishment order (total)	Hours	61	3043	64	2784
Fine, non-suspended	euros	409	334	451	276
Fine, suspended	euros	415	221	434	186
Fine (total)	euros	474	482	497	413

Sentences in cases in which the charge is domestic violence

Sentences can also be combined. This also applies to suspended and non-suspended sanctions.

Chapter VI Research, prosecution, procedural law and protective measures

VI.1. General obligations

Article 49 and Article 50, first paragraph, oblige the parties to the Convention to take legislative and other measures and to ensure that the responsible law enforcement agencies respond promptly and appropriately to violence. The victims must also be offered appropriate and immediate protection. The second paragraph of Article 50 relates to prevention and protection by the law enforcement agencies against violence. In the past few years, the police and the Public Prosecution Service have invested in the fight against domestic violence. The Public Prosecution Service Instructions concerning Domestic Violence and Child Abuse (Bulletin of Acts and Decrees 2016, 19416) provide rules regarding the detection and prosecution of this type of violence. The purpose of these instructions is to let the police and the Public Prosecution Service act more effectively in conjunction with the relevant network partners. It explicitly mentions the position and the rights of the victim. In order to further strengthen the position of victims, additional legislation makes it possible to make a report an offence under a number. If required, Victim Support Netherlands can be engaged to support the victim in the further criminal proceedings. In cases where a victim's safety is under serious threat, the mayor and the chief public prosecutor can take specific measures. On 1 April 2017, the Minimum Standards for the Rights, Support and the Protections of Victims of Crime (Implementation) Establishing Act (Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012) came into effect (see also Chapter II.1.1 of this report). This Act provides inter alia for victims to receive an individual assessment that determines that specific need for protection.

VI.2. Risk assessment and risk management

Pursuant to the first paragraph of Article 51, the parties to the Convention will take legislative or other measures that are necessary to ensure that all relevant authorities assess the fatality risk, the seriousness of the situation and the risk of repeated violence in order to manage the risks and if necessary to provide coordinated safety and support. The second paragraph states that the fact that the perpetrator possesses or has access to firearms must be taken into account.

The police conduct a risk assessment inter alia into the considerations for imposing a domestic exclusion order, in which the seriousness and immediacy of the danger are assessed by means of the Risk Assessment Tool for Domestic Violence. In the framework of the Guard and Protect system, an assessment of the threat or a threat analysis is made if there is a fear of crimes aimed at the life or the physical safety of persons, or in cases of other serious crimes. In addition, Safe at Home organisations and women's shelters automatically perform a risk assessment in cases of domestic violence or the suspicion thereof.

VI.3. Urgent exclusion orders

As indicated in Chapter II.1.1, the Temporary Domestic Exclusion Order Act gives mayors the authority to impose temporary exclusion orders (including orders prohibiting contact) on perpetrators of domestic violence for a period of ten days, in situations involving an immediate threat (or a serious suspicion thereof).

The time needed for imposing a domestic exclusion order varies per case. As a rule, a domestic exclusion order is imposed within one day. The Temporary Domestic Exclusion Order provides for the option of giving notice of the domestic exclusion order orally if the situation is so urgent that the domestic exclusion order cannot be put into writing in advance (Section 2 of the Temporary Domestic Exclusion Order Act). This can accelerate the imposition process. The domestic exclusion order can be imposed for ten days and can be extended by the mayor up to no more than 28 days. The domestic exclusion order is primarily aimed at restoring the safety of the victims. A new domestic exclusion order can be imposed in the case of a continued threat. A domestic exclusion order can be imposed for the benefit of any person in the residence who is in danger. If infringements are reported, the police will enforce the law. A person excluded from the home who acts contrary to the domestic exclusion order that has been imposed is committing a crime and will

be punished with a prison sentence of no more than two years or a fourth-category fine (currently max. €20,500). When a domestic exclusion order is imposed, the victim is always offered help, and the perpetrator usually is as well. This takes place on a proactive basis. There are no costs for the applicant/victim relating to the initiation of a domestic exclusion order.

The number of domestic exclusion orders imposed each year is not recorded nationally. The local authorities are responsible for this (see Chapter I.1.1 of this report). That they actually do so is evidenced by enquiries made with a limited number women's shelters in central municipalities (see annex 3 for this).

VI.4. Restraining orders or orders prohibiting contact

The first paragraph of Article 53 obliges parties to the Convention to enforce restraining orders or orders prohibiting contact, to which further requirements are attached in the second paragraph. Breaches must be punished in accordance with the third paragraph.

Restraining or protection orders can be imposed on suspects and convicted persons at various moments in the criminal proceedings, sometimes combined with supervision by the probation service and electronic monitoring. If the suspect or convicted person violates the measure, the police can remand them in custody. This often leads to the enforcement of a suspended punishment or the termination of the suspension of remand in custody. Victims can also claim a restraining order or domestic exclusion order against a perpetrator in a civil case. The victim can enforce compliance with the help of a bailiff.

Restraining orders were imposed in judgements in cases involving domestic violence 21 times in 2016 and 29 times in 2017. In addition, such measures are also often applied as a special condition, in particular in cases of suspension of remand in custody and suspended convictions.

VI.5. Ex parte and ex officio proceedings

Pursuant to the first paragraph of Article 55, the parties to the Convention ensure that investigations into or prosecution of offences established in accordance with Articles 35 to 39 of the Convention and committed in whole or in part on their territory will not be wholly dependant upon a victim reporting an offence or filing a complaint and that proceedings may continue even if the victim withdraws their statement or complaint.

Making a report is not without obligation. Once made, a report cannot be withdrawn and forms the start of a criminal investigation. After making a report a victim can if desired state their wishes (which may have changed) in writing regarding criminal prosecution. After receiving an official report in respect of domestic violence or child abuse, the public prosecutor decides on the further prosecution as soon as possible, on the understanding that the decision can only be made if there is a complete picture of all factors that are relevant for answering the question of whether and how criminal proceedings can benefit the principles of those instructions. In the question of whether to prosecute, the victim's position is important but not decisive, except in cases of offences that are only subject to prosecution after a complaint. The Public Prosecution Service has to weigh up the matter itself. Ex officio prosecution is in any case considered in cases in which the victim's mental and/or physical integrity is or has been seriously threatened. An express request to prosecute from a person reporting an offence is not required in order to prosecute a suspect. Reporting an offence or submitting a complaint is not a formal requirement in order to proceed to investigate or prosecute the criminal offences described in Articles 35 to 39 of the Convention. In the decision whether to prosecute or not, aspects associated with the person or the special complexity of the suspect's background are also taken into account.

VI.6. Protective measures and legal aid

In respect of paragraph 2 of Article 55 of the Convention, the Public Prosecution Service Instructions concerning Domestic Violence and Child Abuse (Bulletin of Acts and Decrees 2016, 19416) provide that the victim's safety and the stopping of the (threat of) violence are the focus of the network cooperation. The provision of information to victims is laid down in Sections 51b and

51ac of the Dutch Code of Criminal Procedure. It ensures, for example, that victims are informed when convicted persons are released, allowed out on leave or escape. The provision of information to victims is further detailed in the Instructions for the Care of Victims of the Public Prosecution Service (Bulletin of Acts and Decrees 2017, 23473). In addition, various sections in the Dutch Code of Criminal Procedure give victims the option of being heard, submitting evidence and having themselves represented. The Instructions on the Audio and Audiovisual Recording of Questioning of Persons Reporting an Offence, Witnesses and Suspects (Bulletin of Acts and Decrees 2012, 26900) contain measures to help protect visual and audio material of victims. The Netherlands has separate waiting rooms at courts for victims in order to avoid contact between the perpetrator and the victim in court.

Victim Support Netherlands offers legal, practical and emotional support to all victims, including victims of domestic violence. The needs of victims are the starting point here. In the Netherlands, all victims can rely on Victim Support Netherlands for legal advice free of charge. Where necessary, Victim Support Netherlands refers victims to legal aid providers. If a serious offence against public decency or a violent crime has been committed, the victim is always entitled to a free lawyer. In other cases, subsidised legal aid may be provided, depending on the victim's income. This is arranged in the Legal Aid Act (see also Annex 4).

Chapter VII Migration and asylum

VII.1. General details and residence permits

In the event that the residence permit of the victim depended on the permit of the spouse or partner after the dissolution of the marriage or relationship, due for example to violence, an autonomous residence permit can be granted on humanitarian grounds to the victim upon application, irrespective of the duration of the marriage or relationship.

In the event of the expulsion of the (abusive) spouse or partner upon whom the woman's residence status depends, the above situation applies if the marriage or relationship has ended due to violence. If not, an autonomous residence permit can be granted after five years of contingent residence for family migration purposes, irrespective of the dissolution of the marriage.

A victim of domestic violence residing in the Netherlands can apply for residence on humanitarian grounds, irrespective of former legal residence.

Victims of trafficking who report to the police are granted residence for their safety and to enable them to cooperate in investigation or criminal proceedings. Victims of trafficking who cannot participate in investigation or criminal proceedings due to medical or psychological reasons can be granted residence on humanitarian grounds. Victims of domestic violence or honour-related violence are granted residence solely on humanitarian grounds.

Contingent residence granted to the victim on the grounds of marriage can continue on the basis of an autonomous residence permit if the marriage appears to have been a forced one. A forced marriage is considered to be a form of domestic violence.

Data

Victims of domestic violence who previously had a permit depending on a spouse or partner	2016	2017	total
Number of applications	220	220	430
Granted	160	190	350
Denied	20	20	40
Other decisions	20	20	30

Victims of domestic violence who previously had no permit	2016	2017	total
Number of applications	40	40	80
Granted	10	10	20
Denied	20	20	40
Other decisions	<10	10	10

Victims of honour-related violence who previously had no permit	2016	2017	total
Number of applications	<10	20	30
Granted	<10	<10	10
Denied	<10	<10	10
Other decisions	-	<10	<10

VII.2. Gender-related asylum requests and non-refoulement

Gender based violence can be grounds for asylum (subsidiary protection) leading to an asylum permit. A Gender, Gender Identity and Sexual Orientation module (Gender and SOGI module) is part of the training curriculum for all case workers dealing with asylum requests. The module is aimed at providing case officers with enough awareness, skills and knowledge to assess an international protection claim based on these issues in a gender-sensitive manner.

In addition to the above-mentioned Gender and SOGI module for case workers: during the status determination procedure, wives are interviewed independently from their husbands by female interviewers and they have a right to file independent applications. The results of the interview are kept confidential and are not disclosed to the husband. The Immigration and Naturalisation Service makes efforts to ensure that female asylum seekers suffering trauma due to gender-specific ill treatment have access to appropriate counselling services. Measures are taken to guarantee physical safety in the reception centres. In reception centres, single men and single women are accommodated separately. Single men are in general accommodated in a room with other single men and families are accommodated together in separate rooms.

If a woman is at risk of ill treatment (including gender-based violence amounting to ill treatment) she will be granted an asylum status.



Kingdom of the Netherlands

One Kingdom – Four Countries; European and Caribbean

Kingdom of the Netherlands | The Netherlands | Aruba | Curaçao | St. Maarten | The Kingdom of the Netherlands | The Netherlands | Aruba | Curaçao | St. Maarten | The Kingdom of the Netherlands

The Kingdom of the Netherlands consists of four autonomous countries: the Netherlands, Aruba, Curaçao and St Maarten. The latter three are located in the Caribbean. The country of the Netherlands consists of a territory in Europe and the islands of Bonaire, Saba and St Eustatius in the Caribbean. The Kingdom of the Netherlands therefore has a European part and a Caribbean part.

Aruba, Curaçao and St Maarten are not overseas dependencies of the Netherlands, but instead autonomous partners within the Kingdom, alongside the country of the Netherlands. Bonaire, Saba and St Eustatius have the status of public bodies (within the meaning of the Dutch Constitution). In broad terms, their position is similar to that of Dutch municipalities, with adjustments for their size, distance from the European part of Netherlands and geographic location in the Caribbean region.

The current constitutional structure came into effect on 10 October 2010. Previously, Bonaire, Curaçao, Saba, St Eustatius and St Maarten constituted a single autonomous country within the Kingdom: the Netherlands Antilles. This country ceased to exist on 10 October 2010. By that time Aruba no longer belonged to the Netherlands Antilles, having become an autonomous country within the Kingdom in 1986.

Only the Kingdom of the Netherlands can be considered a State. Only the Kingdom – not the individual autonomous countries or the public bodies – has international legal personality.

Division of competences

The 1954 Charter for the Kingdom of the Netherlands is the constitution for the Kingdom as a whole and lays down the division of competences between the Kingdom of the Netherlands and its four autonomous countries. All areas are considered to be internal competences of each of the autonomous countries unless the Charter explicitly states otherwise.

Article 3 of the Charter specifies which areas are considered 'Kingdom affairs'. These areas include foreign relations, defence and Dutch nationality. Consequently, there is one Minister of Foreign Affairs who has ultimate responsibility for the foreign relations of the Kingdom as a whole and for incorporating the interests of all four autonomous countries in the Kingdom's foreign policy to the best extent possible. The Ministry of Foreign Affairs and the embassies, consulates and missions abroad work for the Kingdom as a whole and all its constituent parts.

Aruba, Curaçao and St Maarten maintain their own international contacts in the areas in which they have autonomous responsibilities. However, when pursuing these international contacts they must operate within the framework of the Kingdom's foreign policy, since foreign affairs are a competence of the Kingdom. Diplomatic communications are transmitted through the Ministry of Foreign Affairs or one of the Kingdom's embassies abroad.

Each of the autonomous countries has the obligation to promote the realisation of fundamental human rights and freedoms, legal certainty and good governance; this is primarily their own, autonomous responsibility. However the safeguarding of such rights and freedoms, legal certainty and good governance is deemed a 'Kingdom affair'. As a consequence, the Kingdom can respond if an autonomous country fails to fulfil its duty adequately in this field. Whether this is the case is primarily to be assessed by the Council of Ministers of the Kingdom (see below).

International legal agreements and Memoranda of Understanding

Since only the Kingdom of the Netherlands is a subject of international law, only the Kingdom can conclude, ratify and accede to international legal agreements, such as treaties and conventions. However, the geographical applicability of these agreements may be confined to Aruba, Curaçao, St Maarten, the European part of the Netherlands and/or the Caribbean part of the Netherlands (the islands of Bonaire, St Eustatius and Saba). In other words, such agreements may be concluded by the Kingdom for one or more of its constituent parts. Treaty implementation and compliance is an autonomous responsibility of the individual countries, i.e. Aruba, Curaçao, St Maarten and the Netherlands (for the European and Caribbean parts of the Netherlands). Nevertheless, the Kingdom of the Netherlands remains accountable under international law as the Contracting Party. In areas in which the individual countries have autonomy, they can conduct negotiations themselves. However, the Kingdom must ultimately formalise the results, as it is the Kingdom that will become party to the international legal instrument concerned.

The individual countries are allowed to conclude Memoranda of Understanding (MoUs) in areas in which they have autonomy, as long as these MoUs do not infringe on the foreign policy of the Kingdom as a whole.

Internal structure of the autonomous countries

As head of state of the Kingdom of the Netherlands, His Majesty King Willem-Alexander is represented in each of the autonomous countries in the Caribbean by a Governor. Aruba, Curaçao, St Maarten and the Netherlands each have their own government and parliament. These institutions are empowered to enact legislation related to the countries' own affairs. Kingdom affairs are addressed in the Council of Ministers of the Kingdom, which consists of the Ministers of

the Netherlands and three ministers plenipotentiary appointed by Aruba, Curaçao and St Maarten.¹

Aruba, Curaçao and St Maarten each have their own foreign relations directorate or department, falling under the authority of the prime ministers of the respective countries.²

The Dutch public bodies Bonaire, St Eustatius and Saba have two tiers of government, i.e. a local authority and the central government of the Netherlands. Broadly speaking, central government has taken over the duties that were performed by the Antillean authorities until 10 October 2010. Each public body's local government is under the control of the local representative assembly, called the island council.

The implementation of the Netherlands' tasks on Bonaire, St Eustatius and Saba (and the associated support services) is the responsibility of the National Office for the Caribbean Netherlands (Rijksdienst Caribisch Nederland), which is headed by the Kingdom Representative, who has an office on each of these three islands. The National Office represents all the Dutch ministries (apart from the Ministries of Defence and Foreign Affairs, which work for the Kingdom as a whole). In addition, the National Office implements the Minister of the Interior and Kingdom Relations' official tasks as the employer of all public servants on Bonaire, St Eustatius and Saba. As public bodies, these islands therefore have considerably less autonomy than the autonomous countries of the Kingdom; the government of the Netherlands plays a significant role in their internal affairs.

The countries in the Kingdom work together to protect the independence of the judiciary, tackle corruption and cross-border crime, and maintain public order. A joint Court of Justice is responsible for the administration of justice in the Caribbean part of the Kingdom. The Supreme Court in The Hague is the court of cassation for all parts of the Kingdom.

Investigative and prosecutorial powers are vested in the procurator general. A single procurator general is in charge of the Public Prosecution Service for Curaçao, St Maarten, and Bonaire, St Eustatius and Saba. Aruba has its own procurator general.

¹ Cabinet of the minister plenipotentiary of Aruba: www.arubahuis.nl
Cabinet of the minister plenipotentiary of Curaçao: www.vertegenwoordigingcuracao.nl
Cabinet of the minister plenipotentiary of St. Maarten: www.kgmsxm.nl

² Foreign affairs department Aruba: www.arubaforeignaffairs.com
Foreign affairs directorate Curaçao: www.gobiernu.cw
Foreign relations department St. Maarten: www.sintmaartengov.org/government/AZ/Department-of-Foreign-Relations/Pages/default.aspx

International organisations

It is the task of the Kingdom of the Netherlands to represent the interests of all its autonomous countries in international organisations, with the interests of the European part of the Kingdom being represented in accordance with obligations under EU law (see below). With the Kingdom's agreement, Aruba, Curaçao, St Maarten and the Netherlands (on behalf of the European and/or Caribbean part of the country) can also be assigned a status of their own within international or regional organisations. The internal rules of the organisation in question will determine whether the four countries can become separate members, associate members or observers.

Delegations of the Kingdom of the Netherlands to international meetings can consist of members from every autonomous country of the Kingdom, and be headed by a delegate from any of the four countries.

European Union

The Treaties of the European Union have been signed by the Kingdom of the Netherlands, but are only ratified for the European part of the Kingdom. As a consequence, the EU *acquis* is, in principle, applicable only to the European part of the Kingdom. The Caribbean parts of the Kingdom of the Netherlands are listed as Overseas Countries and Territories (OCTs). This applies to both the autonomous countries Aruba, Curaçao and St Maarten and the public bodies Bonaire, Saba and St Eustatius. This status determines their legal position vis-à-vis the European Union. OCTs are merely associated with the Union. As a result of their OCT status, the autonomous countries and public bodies enjoy a number of benefits, for example regarding exports to the EU. In addition, they receive funding from various EU sources, for instance the European Development Fund (EDF). It should be noted that Bonaire, St Eustatius and Saba remained OCTs (rather than becoming Outermost Regions)





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when they became part of the country of the Netherlands in October 2010.

The Caribbean countries and public bodies promote their interests as part of the Association for Overseas Countries and Territories of the European Union (OCTA).

Citizens of the Caribbean parts of the Kingdom are Dutch nationals and thus have Dutch citizenship. Therefore, they enjoy the benefits of European citizenship and can, for example, vote in elections for the European Parliament.

Currencies

The euro is the official currency in the European part of the Kingdom. The US dollar is used on Bonaire, St Eustatius and Saba. Curaçao and St Maarten have a joint central bank and a common currency, the Netherlands Antillean guilder. However, it is also possible to use the US dollar on St Maarten. Aruba's currency is the Aruban florin.

For more information

Nout van Woudenberg
Kingdom Affairs Adviser
Email: Nout-van.woudenberg@minbuza.nl
Tel: +31 652 50 31 43

Jacinda Hofland
Deputy Kingdom Affairs Adviser
Email: Jacinda.hofland@minbuza.nl
Tel: +31 652 75 10 09

Annex 2 Supervision in the Social Domain



FACT SHEET

Supervision in the social domain

Comprehensive information overview on supervision and horizontal accountability of the Youth Act, the Social Support Act 2015, the Participation Act and the Childcare and Quality Standards for Playgroups Act

1. Introduction and background

This fact sheet provides a general overview of the supervision of the Youth Act, the Social Support Act 2015, the Participation Act and the Childcare and Quality Standards for Playgroups Act. These four acts and the corresponding subordinate legislation include the requirements for the supervision of the implementation of the acts. This fact sheet provides information on the background, the inter-administrative supervision and the design of the supervision and enforcement¹.

The introduction of the Youth Act and the Social Support Act 2015 also included the publication of the Fact sheet Agreement Framework for the coordination between municipalities and State Inspectorates on the implementation of the national supervision in the youth domain² and the Guideline for supervision of the Social Support Act³. The first publication describes in detail the agreements with the parties involved regarding the supervision of the implementation of the Youth Act. The second publication provides background information regarding the supervision and guidelines for how municipalities can structure the supervision in the context of the Social Support Act 2015. The Guideline for Points of Reference for municipalities regarding Communication and coordination in the event of an calamity⁴ was then published, which describes the working method for

¹ The structure of the supervision in the social domain is currently subject to significant development. In addition to the four acts mentioned, there are a number of other laws that do not form part of this fact sheet.

² Factsheet Afsprakenkader afstemming gemeenten en rijksinspecties over de uitvoering van het landelijk toezicht in het jeugddomein; http://vng.nl/files/vng/201405_afsprakenkader_rijksinspecties_gemeenten.pdf

³ Handreiking toezicht Wmo; http://www.invoeringwmo.nl/sites/default/files/20141218%20Handreiking-toezicht-Wmo_314010-10_web.pdf

⁴ Handreiking Handvatten voor gemeenten Communicatie en afstemming bij een calamiteit; <https://vng.nl/onderwerpenindex/jeugd/jeugdhulp/publicaties/handreiking-communicatie-bij-calamiteiten>

municipalities in the event of calamities. These products can be found on the Quality and supervision theme page of the VNG.

There is also the social domain municipal monitor, which provides municipalities with insight into the use of assistance and support, early warning themes, client experience surveys and accessibility of facilities in the local domain (www.waarstaatjegemeente.nl).

This monitor is updated twice a year (on the basis of national figures) and is a good source in the collection of relevant information for supervision.

Forms of supervision

There are various forms of supervision possible. In the social domain, this includes supervision of compliance, quality supervision, system supervision and inter-administrative supervision. Market or financial supervision can also play a role in this as regards the purchase of services. We will not discuss these forms of supervision in this fact sheet because the focus of this fact sheet is on policy supervision (by the municipal council) and implementation supervision (quality and compliance supervision through inspections). In connection with the coordination of an object of supervision or the publication of a supervision report, the difference between programmed and non-programmed supervision is important to municipalities and supervisory agencies. After all, the outcomes of the supervision report can have consequences for the municipality's range of youth care on offer.

Horizontal accountability

The municipal council supervises the municipal executive on the implementation of the co-administrative duties (horizontal accountability) and is assisted in this process by, for example, the local audit office, a citizen panel or the local ombudsman. For the horizontal accountability, municipal executives must account to the municipal councils for the policy conducted and the results of the implementation.

First-line supervision (supervision of implementation)

The State Inspectorates (Inspectorate for Youth Care, Inspectorate for Health, Inspectorate of Security and Justice) are responsible for the implementation of the first-line supervision in the context of the Youth Act⁵. Municipalities are responsible for the first-line supervision for the Social Support Act 2015, the Participation Act and the Childcare and Quality Standards for Playgroups Act.

Second-line supervision (inter-administrative supervision)

The system of inter-administrative supervision applies for the second-line supervision. The supervisory authority, the Provincial Executive or the (line) minister can act if the municipalities fail to perform their statutory duties. The state inspectorates can submit information to the minister, on the basis of which the minister will carry out the inter-administrative supervision. The municipal implementing agency is only the object of supervision if the implementation is conducted by the municipalities. The basic principle is that the supervisory authority carries out sober and cautious supervision and goes down the intervention ladder before taking action. Action is only taken if the horizontal accountability fails. The more policy freedom there is, the more restrained the supervision will be.

Forms of enforcement

A supervisory authority can proceed to enforcement if it concludes that the implementation of the quality and safety provided is unsatisfactory. There are various forms of enforcement possible, ranging from light to severe. This may concern a punishment, a penalty or even the closure of an organisation. Since enforcement within the social domain can have major social consequences, coordination regarding possible enforcement is extremely important.

⁵ Information on the supervision of the institutions within the youth sector can be found on the website www.inspectieloketjeugd.nl.

Supervision of Social Domain

Comprehensive overview on supervision of the Youth Act, the Social Support Act 2015, the Participation Act and the Childcare and Quality Standards for Playgroups Act

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The municipal council supervises the municipal executive on the implementation of the co-administrative duties (horizontal accountability) and is assisted in this process by the local audit office, a citizen panel or the local ombudsman. For the horizontal accountability, the municipal executive must account to the municipal council for the policy conducted and the results of the implementation.

First-line supervision

The State Inspectorates (Inspectorate for Youth Care, Inspectorate for Health, Inspectorate of Security and Justice) are responsible for the implementation of the first-line supervision in the context of the Youth Act. Municipalities are responsible for the correct implementation of the statutory obligations under and supervision of the Social Support Act 2015, the Participation Act and the Childcare and Quality Standards for Playgroups Act.

<p>The State Inspectorates supervise providers of youth care by means of programmed supervision, risk-based supervision and non-programmed supervision.</p>	<p>The designated municipal officials are responsible for the supervision of the compliance with the law and structure the supervisory activities themselves. The Municipal Health Service is involved in this in a number of municipalities.</p>	<p>The Municipal Health Service is appointed as supervisory authority. The supervisory duties include the assessment of a new entrant, the implementation of quality research and the maintaining of the quality of childcare and playgroups.</p>	<p>The designated municipal officials are responsible for the implementation, supervision of compliance and enforcement of the law.</p>
<p>Youth Act</p>	<p>Social Support Act 2015</p>	<p>Childcare and Quality Standards for Playgroups Act</p>	<p>Participation Act</p>
<p>The Youth State Inspectorates draw up annual work plans in which they describe their planned supervisory activities. They regularly consult with the municipalities.</p>	<p>The Inspectorate for Health reports on the implementation of the municipal supervision in the context of the Social Support Act 2015 and the effect of that supervision on the social support.</p>	<p>The Education Inspectorate checks the municipalities' compliance with the statutory duties and gives a status (A, B or C) to indicate to what extent the statutory basic principles are met.</p>	<p>The Inspectorate Social Affairs and Employment investigates the functioning of the social security system and the Minister of Social Affairs and Employment can take action if the municipalities act contrary to the law.</p>

Second-line supervision /inter-administrative supervision

The supervisory authority, the Provincial Executive or the (line) minister can take action if the municipalities fail to perform their statutory duties.

2. Supervision of the Youth Act

Legal background

Sections 4.1.8, 9.1 and 9.2 are the most relevant sections in the Youth Act for the design and implementation of supervision and enforcement (see Annex 1 for the legislative text in question)⁶.

Horizontal accountability

For the horizontal accountability, the municipal executive must account to the municipal council for the policy conducted and the results of the implementation. As regards its monitoring duty, the municipal council is supported by the local audit office and can request help from a citizen panel or the local ombudsman, for example.

Supervision by State Inspectorates

The supervision of youth care providers is carried out by the Inspectorate for Youth Care, the Inspectorate for Health and the Inspectorate of Security and Justice. Together, these inspectorates test whether the providers deliver the required quality and whether they meet the statutory requirements.

These three inspectorates also work together with the Education Inspectorate and the Inspectorate Social Affairs and Employment in the Joint Inspectorate for Youth / Inspectorate Social Domain, which carries out the supervision of the Youth Act in a general sense. Each year, the inspectorates draw up an annual work plan in which they describe their planned supervisory activities (programmed supervision). They will consult with the municipalities on the draft version of this annual work plan. Furthermore, the inspectorates are responsible for non-programmed supervision, which mainly concerns supervision as a result of calamities or violence. When the inspectorate wants to take enforcement action against a youth care provider, it coordinates this with the municipalities in question to the extent possible, so that they are aware of the possible consequences for the range of youth care on offer. If a municipality wants to grant a commission to a new provider (an institution that has not previously been active as such under the responsibility of a municipality) or institution, the municipality registers the provider with the inspectorate via the inspectorate portal (www.inspectieloket.nl). The inspectorate can then do a risk analysis and shares its findings with the municipality.

Detailed agreements have been made between Inspectorate for Youth Care, the Inspectorate for Health, the Inspectorate of Security and Justice, the Association of Netherlands Municipalities/municipalities and the State on the implementation of the supervision and the enforcement in the context of the Youth Act. These are laid down in the Fact sheet Agreement Framework for the coordination between municipalities and State Inspectorates on the implementation of the national supervision in the youth domain⁷.

3. Supervision of the Social Support Act 2015

Legal background

Sections 3.1, 3.2, 3.3, 3.4, 3.5, 5.1.2, 5.2.4, 6.1 and 6.2 are the most relevant sections in the Social Support Act 2015 for the design and implementation of supervision and enforcement (see Annex 2 for the legislative text in question).

Horizontal accountability

For the horizontal accountability, the municipal executive must account to the municipal council for the policy conducted and the results of the implementation. As regards its monitoring duty, the municipal council is supported by the local audit office and can request help from a citizen panel or the local ombudsman, for example.

Supervision by the municipal supervisor

The Social Support Act 2015 determines that the Municipal Executive appoints persons who are responsible for the supervision of compliance with the law. The organisation of the supervision of the implementation in the context

⁶ In addition to the provisions on supervision in the Youth Act, the Social Support Act 2015, the Participation Act and the Childcare and Quality Standards for Playgroups Act, Sections 5.15, 5.20, 5.21, 5.25, 5.31d, 5.32, 5.32a and 5.46 of the General Administrative Law Act include the general administrative rules (see Annex 5 for the legislative text in question).

⁷ Factsheet Afsprakenkader afstemming gemeenten en rijksinspecties over de uitvoering van het landelijk toezicht in het jeugddomein; http://vng.nl/files/vng/201405_afsprakenkader_rijksinspecties_gemeenten.pdf

of the Social Support Act 2015 is in principle left open. After the appointment, this person will be a supervisor within the meaning of the General Administrative Law Act (see the relevant sections of Annex 5). His authorities include acquiring information and inspecting corporate data and client files of the care providers in question. In a number of municipalities, the Municipal Health Service has been asked to carry out the supervision. If the municipal supervisor issues a supervisory report on the quality of the implementation, it is then up to the municipal executive to attach appropriate measures to this. This includes, for example, a letter or warning letter, a discussion with the provider, imposing an order subject to a penalty or imposing measures in the context of the contract administration.

In the past (up until the implementation of the new legislation), the Inspectorate for Health supervised the implementation of elements of the Social Support Act, including care that was previously financed from the General Exceptional Medical Expenses Act. As from 2015, the Inspectorate for Health reports on the implementation of the municipal supervision in the context of the Social Support Act 2015 and the effect of that supervision on the social support. Moreover, it can advise municipal supervisors on the supervision and the enforcement in the context of the Social Support Act 2015.

No detailed agreements have been made on the implementation of the supervision and the enforcement in the context of the Social Support Act 2015.

You can find more information on the structure of the supervision of the implementation within the context of the Social Support Act 2015 in the previously mentioned Guideline for supervision of the Social Support Act.⁸

4. Supervision of the Participation Act

Legal background

Sections 76 and 76a are the most relevant sections in the Participation Act for the design and implementation of supervision and enforcement (see Annex 3 for the legislative text in question).

Horizontal accountability

For the horizontal accountability, the municipal executive must account to the municipal council for the policy conducted and the results of the implementation. As regards its monitoring duty, the municipal council is supported by the local audit office and can request help from a citizen panel or the local ombudsman, for example.

Supervision by the municipal supervisor

Municipalities are responsible for the supervision of the implementation of laws and regulations. The Inspectorate Social Affairs and Employment investigates the operation of the social security system and the Minister of Social Affairs and Employment can take action if the municipalities act contrary to the law.

The organisation of the supervision of the implementation in the context of the Participation Act is in principle left open. As a result of the decentralisation of the duties in the field of work and income, municipalities are integrally responsible for the implementation of the law, the supervision of compliance with the law and the enforcement thereof if the compliance has failed. In practice, designated municipal employees have the duty of both monitoring and supervising the lawfulness of the provision of benefits. In addition to the competences referred to in the Participation Act, they are supervisors within the meaning of the General Administrative Law Act (see the relevant sections of Annex 5). In practice, this supervision concerns, for example, home visits and in particular the increasingly stricter obligations of benefit recipients.

The Inspectorate Social Affairs and Employment investigates the operation of the social security system and identifies developments and risks in the policy areas of the Ministry of Social Affairs and Employment.

⁸ Handreiking toezicht Wmo; http://www.invoeringwmo.nl/sites/default/files/20141218%20Handreiking-toezicht-Wmo_314010-10_web.pdf

No detailed agreements have been made between municipalities and the State on the implementation of the supervision and the enforcement in the context of the Participation Act.

5. Supervision of the Childcare and Quality Standards for Playgroups Act

Legal background

Sections 1.61, 1.68, 2.19 and 2.25 are the most relevant sections in the Childcare and Quality Standards for Playgroups Act for the design and implementation of supervision and enforcement (see Annex 4 for the legislative text in question).

Horizontal accountability

For the horizontal accountability, the municipal executive must account to the municipal council for the policy conducted and the results of the implementation. As regards its monitoring duty, the municipal council is supported by the local audit office and can request help from a citizen panel or the local ombudsman, for example.

Design of supervision and enforcement

The director of the Municipal Health Service is appointed as supervisor of the implementation of laws and regulations. The Minister of Social Affairs and Employment has appointed the Education Inspectorate as second-line supervisory agency.

The Municipal Health Service is appointed as supervisory authority by law. Its supervisory duties include the assessment of a new entrant (application and registration of institutions) and the implementation of quality research within childcare and playgroups.

The inspections are programmed (for example in the form of the annual inspection visit) or non-programmed (as a result of reports). When the supervisory authority issues a supervisory report on the quality of the implementation, enforcement measures can be attached to this. This may be an instruction, order subject to a penalty, operating ban, deregistration or an administrative fine. The municipal executive is responsible for enforcement. The municipalities publish an annual report on the implementation of the municipality's statutory duties.

The Education Inspectorate has been appointed second-line supervisory authority by the Minister of Social Affairs and Employment and checks whether the municipalities perform their statutory duties in respect of the quality supervision of the institutions. The Education Inspectorate assigns municipalities a status on the basis of its inter-administrative research. This status could be an A: duties are sufficiently complied with, B: duties are not or insufficiently complied with, but the municipalities are cooperating with improvement plans or C: duties are insufficiently complied with and the municipality does not cooperate with improvement plans. If a municipality fails to cooperate with the proposed improvement plans, the Education Inspectorate can begin an escalation process.

More information on the organisation of the supervision of the implementation within the context of the Childcare and Quality Standards for Playgroups Act can be found on www.onderwijsinspectie.nl (for second-line supervision of the municipality) and on www.ggdghor.nl and www.vng.nl (for first-line supervision). The Municipal Health Services inspection reports on the quality of individual childcare locations can be found via the National Register of Childcare and Playgrounds (www.landelijkregisterkinderopvang.nl).

ANNEXES

Annex 1

Legal framework of the Youth Act

Overview of the most relevant sections from the Youth Act in respect of the organisation and implementation of supervision and enforcement:

Section 4.1.8

1. The youth care provider and the certified institution immediately report the following situations to the civil servants charged with the supervision pursuant to this law:
 - a. any emergency that has taken place in the provision of the youth care or in the implementation of a child protection order or youth rehabilitation, and
 - b. violence in the provision of youth care or the implementation of a child protection order or youth rehabilitation.
2. Along with and as a result of a report as referred to in the first subsection, the youth care provider, the youth social worker and the certified institution provide the civil servants charged with the supervision pursuant to the law with the data, including personal data, data regarding health and other special personal data, which are necessary for the investigation of a report.

Section 9.1

1. There is an Inspectorate for Youth Care that falls under the governance of the Minister of Health, Welfare and Sport and that is tasked with the general investigation of the quality of:
 - a. the youth care providers;
 - b. the certified institution, as referred to in [Section 3.4\(1\)](#);
 - c. the certified institutions;
 - d. the advisory and reporting centre for domestic violence and child abuse;
 - e. the Child Care and Protection Board, and
 - f. the institutions referred to in [Section 1\(b\) of the Young Offenders Institutions \(Framework\) Act](#), as well as where necessary to provide and promote resources to improve that quality.
2. In derogation from the first subsection, the investigation will be performed by the inspectorate as referred to in [Section 57 of the Security Regions Act](#), insofar as it concerns the implementation of criminal judgments.
3. Sections [5:12](#), [5:13](#), [5:15](#), [5:16](#), [5:17](#) and [5:20 of the General Administrative Law Act](#) apply accordingly for the civil servants of the inspectorates in the execution of the duty referred to in the first subsection.
4. In performing their duties, as referred to in the first and second subsection, the inspectorates follow the instructions of the Ministers.
5. The Inspectorate for Youth Care takes the needs of municipalities into account when performing its duty.
6. The inspectorates report on their findings to the party they investigated and can make proposals to improve quality. The Ministers are informed of the findings in writing.
7. The Inspectorate for Youth Care publishes an annual report of its work, which includes the proposals it deems necessary in the interest of youth care.

Section 9.2

1. The Ministers have charged the designated civil servants with the supervision of compliance with the provisions of or under this act.
2. Insofar as is necessary for the fulfilment of their duty and in derogation from [Section 5:15\(1\) of the General Administrative Law Act](#), the civil servants charged with the supervision are authorised, while taking with them the necessary equipment, to enter the residence of a youth care provider without the occupant's consent, insofar as that residence is used for the provision of youth care or the implementation of a child protection order or youth rehabilitation.
3. Insofar as is necessary for the fulfilment of their duty and in derogation from [Section 5:20\(2\) of the General Administrative Law Act](#), the civil servants charged with the supervision are authorised to inspect the files. Insofar as the professional involved is obliged to maintain confidentiality of the file pursuant to his profession, the same obligation applies to the civil servant involved.

4. The civil servants charged with the supervision are authorised to disregard the failure of a youth care provider or certified institution to comply with an obligation that ensues for it from the provisions of or pursuant to this act, unless there is a situation that could pose a serious threat to the safety of juveniles or parents, the provision of youth care or the implementation of a child protection order or youth rehabilitation, or that otherwise impedes the interest of other responsible assistance to the above.
5. The Ministers can establish rules on the division of duties between the inspectorates and the mutual cooperation between the inspectorates by ministerial regulation.
6. If an organisation of practitioners in the youth care profession, from the implementation of child protection orders or youth rehabilitation, the advisory and reporting centres for domestic violence and child abuse, the Child Care and Protection Board, institutions as referred to in Section 1 of the Young Offenders Institutions (Framework) Act or HALT agencies as referred to in Section 48f of the Judicial Subsidies Act has organised a disciplinary law system, the Ministers can declare the civil servants charged with the supervision pursuant to Section 9.2 to be authorised to submit disciplinary complaints in the context of that system.
7. Section 9.1(5) up to and including (7) apply accordingly.

Annex 2

Legal framework of the Social Support Act 2015

Overview of the most relevant sections from the Social Support Act 2015 in respect of the organisation and implementation of supervision and enforcement:

Section 3.1

1. The provider ensures that the facility is of a good quality.
2. A facility is in any case:
 - a. provided in a safe, efficient, effective and client-focussed manner;
 - b. in line with the client's real need and with other forms of care or assistance the client receives;
 - c. provided in accordance with the responsibility vested in the professional, ensuing from the professional standard;
 - d. provided with respect for and with due observance of the client's rights.
3. Further requirements can be imposed on providers of facilities by an order in council, if the level of a form of social support requires this.
4. The draft of an order in council to be issued pursuant to the third subsection is submitted to both Houses of the States General. The proposal of the order in council to be issued can be made after four weeks have passed since the submission, unless the wish is expressed by or on behalf of one of the Houses or by at least one fifth of the constitutional number of members of either House that the subject of the order in council be regulated by law. In that case, a bill for that purpose will be submitted as soon as possible.

Section 3.2

1. If the provider provides a facility as referred to in Section 2.1.3(2)(d) and (e), the provider will make arrangements for:
 - a. the handling of complaints from clients regarding the provider's conduct vis-à-vis a client;
 - b. participation by clients in the provider's proposed decisions that are of interest to the users.
2. If required by the level of a form of social support, further requirements can be set for providers of facilities by or pursuant to an order in council.

Section 3.3

1. The provider, not being a provider that provides tools or home modifications, adopts a reporting code which indicates step-by-step how signs of domestic violence or child abuse will be handled and that makes a reasonable contribution to ensure that assistance can be offered as quickly and effectively as possible.
2. The provider promotes the knowledge and use of the reporting code.
3. The elements of a reporting code will be determined by or pursuant to an order in council.

Section 3.4

1. The provider immediately reports the following situations to the supervising civil servant, as referred to in Section 6.1:
 - a. Every calamity that has taken place in the provision of a facility;
 - b. violence in the provision of a facility.
2. Along with and as a result of a report as referred to in the first subsection, the provider and the practitioners employed by it provide the supervising civil servant with the data, including personal data, data regarding health and other special personal data as referred to in the Personal Data Protection Act, insofar as these are necessary for the investigation of a report.
3. Personal data as referred to in the second subsection, in respect of which the provider or the practitioner are obliged to maintain confidentiality pursuant to a provision of law or based on their position or profession, are only provided without the consent of the data subject if the data subject is no longer able to give that consent or if this can be deemed necessary to protect clients.

Section 3.5

1. Rules can be set by or pursuant to order in council for the situations in which the provider, not being a provider that provides tools or home modifications, must have a certificate of conduct as referred to in Section 28 of the Judicial Data and Criminal Records Act for practitioners and other persons that can come into contact with its clients in a professional capacity, which has not been issued earlier than three months before the data subject started working for the provider.
2. If the provider or a supervising civil servant reasonably suspect that a practitioner does not meet the requirements for the issue of a certificate as referred to in the previous subsection, the provider will require that practitioner to submit a certificate within ten weeks that is not older than three months.
3. If the provider does not have a certificate of conduct for the practitioner as referred to in the second subsection upon expiry of the term referred to in that subsection, the provider will take the necessary measures to protect its clients as soon as possible.
4. Rules can be set by or pursuant to order in council for the situations in which the provider, being a natural person working alone, must have a certificate of conduct as referred to in Section 28 of the Judicial Data and Criminal Records Act, issued no longer than three years ago.

Section 5.1.2

1. The provider that provides a customised facility and a third party that is paid by means of a personal healthcare budget are authorised to process the client's personal data, including personal data in respect of the client's health, as well as personal data of the client's informal carers in respect of the assistance this person offers or can offer the client, insofar as these data were received from the municipal executive, the client or the informal care provider and are necessary for:
 - a. the provision to the client of services, tools, home modifications and other measures which it committed to undertake with the municipal executive or the client;
 - b. the implementation of Section 2.1.4 or 2.1.5;
 - c. carrying out supervision as referred to in Section 6.1.
2. A provider that provides a general facility is authorised to process the client's personal data insofar as these were received from the client and are necessary for:
 - a. the provision of a general facility;
 - b. the implementation of Section 2.1.4 or 2.1.5;
 - c. carrying out supervision as referred to in Section 6.1.
3. The provider or the third party referred to is responsible for the processing referred to in the first and second subsections, respectively.

Section 5.2.4

1. The Central Administration Office and another agency as referred to in Section 2.1.4(7) are authorised to provide, on their own initiative or when requested, the municipal executive with personal data, including personal data regarding health, which have been acquired for the performance of Sections 2.1.4 or 2.1.5, insofar as these are necessary for the municipal executive's performance of Sections 2.1.4 or 2.1.5.

2. The Social Insurance Bank is authorised to provide, on its own initiative or when requested, the municipal executive with personal data, including personal data regarding health, which have been acquired for the performance of the duty referred to in Section 2.6.2, insofar as these are necessary for the municipal executive's performance of Sections 2.1.4, 2.1.5, 2.3.6, 2.3.9, 2.3.10 or 2.4.3.
3. The supervising civil servants are authorised to provide, on their own initiative or when requested, the municipal executive with personal data, including personal data regarding health, which have been acquired in order to carry out the supervision referred to in Section 6.1, insofar as these are necessary for the municipal executive's implementation of Sections 2.1.4, 2.1.5, 2.3.6, 2.3.9, 2.3.10 or 2.4.3.

Section 6.1

1. The municipal executive appoints persons who are charged with supervising compliance with the provisions under or pursuant to this act.
2. Insofar as is necessary for the performance of their duties and in derogation from Section 5:20(2) of the General Administrative Law Act, the supervising civil servants are authorised to inspect the files.
3. Insofar as the supervising civil servant, due to inspection of documents during the performance of his duty or due to the provision of data in the context of a report as referred to in Section 3.4, has acquired data, including special personal data as referred to in the Personal Data Protection Act, in respect of which the practitioner is obliged to maintain confidentiality pursuant to his profession, the same obligation applies to the supervising civil servant, without prejudice to the provisions of Section 5.2.4.

Section 6.2

1. The officials from the State Supervision for Public Health provide the supervising civil servants, as referred to in Section 6.1, with advice in respect of supervising and enforcing the rules set by or pursuant to this act, if so required.
2. The officials referred to in the first subsection report annually to the Minister on the implementation of the supervision of the compliance with the provisions under or pursuant to this act as performed by the supervising civil servants, as referred to in Section 6.1, and the effects of that supervision on the level of social support.

Annex 3

Legal framework of the Participation Act

Overview of the most relevant sections from the Participation Act in respect of the implementation of supervision and enforcement:

Section 76

Instruction and facilities

1. If the Minister identifies serious shortcomings in respect of the lawful implementation of this act, he can give an instruction to the municipal executive, after the municipal executive has been given eight weeks to express its opinion. In doing so, he will not get involved in the decision-making of individual cases.
2. The instruction will include a term within which the municipal executive must have brought the implementation in line with the instruction.
3. The Minister suspends the payment of the benefit, as referred to in Section 69(1), for at least three months, if in respect of the lawful implementation of this act the Minister has identified serious shortcomings as referred to in the first subsection of Section 52 of the Older and Partially Disabled Unemployed Workers Income Scheme Act and in Section 52 of the Older and Partially Disabled Former Self-Employed Persons Income Scheme Act, until:
 - a. based on the municipal executive's opinion, he has determined that the serious shortcomings have been eliminated;
 - b. he has determined that the municipal executive has complied with the obligations included in the instruction;
 - c. he has ruled that, after expiry of the term referred to in the second subsection, the municipal executive has not or has insufficiently followed up on the instruction.

4. If the Minister believes that, after expiry of the term referred to in the second subsection, the municipal executive has not or not sufficiently followed up on the instruction, as referred to in the first subsection, in Section 52 of the Older and Partially Disabled Unemployed Workers Income Scheme Act and in Section 52 of the Older and Partially Disabled Former Self-Employed Persons Income Scheme Act or in Section 87 of the Investing in Young People Act, he will set the benefit as referred to in Section 69(1) 1 per cent lower for the year following the year in which the term ends.
5. If the Minister believes that, twelve months after expiry of the term as referred to in the second subsection, the municipal executive still has not or not sufficiently followed up on the instruction as referred to in the third subsection, he will set the benefit as referred to in Section 69(1) no more than 3 per cent lower each time for the second year following the year in which the term ends and the following years.

Section 76a

Supervision by municipalities

The civil servants designated by decision of the municipal executive are charged with the supervision of the compliance of this act.

Annex 4

Legal framework of the Childcare and Quality Standards for Playgroups Act

Section 1.61

1. The municipal executive supervises the compliance with the rules set by or pursuant to section 3 of this chapter, or the instructions and orders given pursuant to Section 1.65 and the closure orders given pursuant to Section 1.66(1) or the prohibitions issued pursuant to Section 1.66(2) and the basic quality conditions of preschool education laid down in the order in council determined in Section 1.50b. The municipal executive appoints the director of the Municipal Health Services as supervisor.
2. Insofar as a childcare facility of a childminder service or a childminding agency is established in a residence, the supervisors are allowed to enter that residence without the consent of the occupants in order to execute the duties as referred to in the first subsection.

Section 1.68

1. When requested, the municipal executive provides the Minister with data and information he requires for the provision of information and policy-making and the statistics in respect of chapter 1 of this Act.
2. Rules can be established by order of the Minister in respect of the information the municipal executive provides on the performance of its work pursuant to this chapter and the way in which the municipal executive provides and collects the data and information, and whether and in what way this information is made public.
3. The data and information as referred to in the first subsection are provided free of charge.

Section 2.19

1. The municipal executive supervises the compliance with the rules set by or pursuant to section 2 of this chapter, or the instructions and orders given pursuant to Section 2.23 and the closure orders given pursuant to Section 2.24(1) or the prohibitions issued pursuant to Section 2.24(2) and the basic quality conditions of preschool education laid down in the order in council determined in Section 2.8. The municipal executive appoints the director of the Municipal Health Services as supervisor.
2. Insofar as a playgroup is established in a residence, the supervisors are allowed to enter that residence without the consent of the occupants in order to execute the duties as referred to in the first subsection.

Section 2.25

1. When requested, the municipal executive provides the Minister with data and information he requires for the provision of information and policy-making and the statistics in respect of this chapter.
2. Rules can be established by order of the Minister in respect of the information the municipal executive provides on the performance of its work pursuant to this chapter and the way in which the municipal

executive provides and collects the data and information, and whether and in what way this information is made public.

3. The data and information as referred to in the first subsection are provided free of charge.

Annex 5

General Administrative Law Act

Overview of the most relevant sections from the (very substantial) General Administrative Law Act in respect of the implementation of supervision and enforcement:

Section 5.15

1. A supervisor, taking with him the requisite equipment, is entitled to enter any place, with the exception of a residence, without the consent of the occupant.
2. If necessary, he may gain entry with the assistance of the police.
3. He is entitled to take with him people designated by him for this purpose.

Section 5.20

1. Everyone is obliged to cooperate fully with a supervisor, who may reasonably demand this in the exercise of his powers, within such reasonable time limit as he may specify.
2. Any person who is bound by a duty of confidentiality by virtue of his office or profession or by statutory regulation may refuse to cooperate insofar as this arises from his duty of confidentiality.

Section 5.21

Administrative enforcement action means the remedial sanction, which entails:

- a. an order to full or partial remedy of the violation, and
- b. the authority of the administrative body to enforce the order by actual actions, if the order is not executed or not executed in time.

Section 5.25

1. An offender owes the costs incurred in connection with the taking of administrative enforcement action, unless it would not be reasonable for these costs or all of these costs to be borne by him.
2. The order states to what extent the costs of the administrative enforcement action are taken at the expense of the offender.
3. The costs of an administrative enforcement action include the costs of preparing the administrative enforcement action, insofar as these are incurred after expiry of the term within which the order should have been executed.
4. The costs for preparing the administrative enforcement action are also due insofar as no administrative enforcement action was applied because the order has yet to be executed.
5. The costs of the administrative enforcement action also include the costs resulting from the compensation for damage pursuant to [Section 5:27\(6\)](#).
6. The administrative body determines the amount of the costs due.

Section 5.31d

Order subject to a penalty means the remedial sanction, which entails:

- a. an order to full or partial remedy of the violation, and
- b. the obligation to pay an amount of money if the order is not executed or not executed in time.

Section 5.32

1. An administrative body which is entitled to take administrative enforcement action may instead impose on the offender an order subject to a penalty.
2. The imposition of an order subject to a penalty is not chosen if this would be contrary to the interest intended to be protected by the regulation that has been infringed.

Section 5.32a

1. The order subject to a penalty describes the remedial sanction to be taken.
2. In case of an order subject to a penalty that serves to remedy a violation or prevent further violation, a term is set during which the offender can execute the order without incurring a penalty.

Section 5.46

1. The law determines the maximum amount of administrative fine that can be imposed due to a certain violation.
2. Unless the amount of the administrative fine is laid down by statutory provision, the administrative body brings the administrative penalty in line with the seriousness of the violation and the extent to which the offender can be reproached for the violation. Where necessary, the administrative body takes into account the circumstances under which the violation was committed.
3. If the amount of the administrative penalty is laid down by statutory provision, the administrative body will nevertheless impose a lower administrative penalty if the offender makes it plausible that the administrative fine that has been determined is too high due to special circumstances.
4. Section 1(2) of the Dutch Criminal Code applies accordingly.

Annex 3 An impression of the approach to domestic violence and child abuse in the central municipalities for women's shelters

Annex to Chapter II.2.3

As specified in Chapter II of the report on the Dutch implementation of the Istanbul Convention, the municipalities are responsible for tackling domestic violence and child abuse within the framework of the Social Support Act 2015 and the Youth Act. The Social Support Act 2015 designates 35 central municipalities for women's shelters that coordinate this approach together with the surrounding municipalities. They are also responsible for sheltering victims, including their national accessibility (a person who needs safe shelter must also be able to go somewhere other than his or her own municipality).

This annex gives an impression of the policy of eight regions / central municipalities. The regional approach, research, counselling and raising awareness (campaigns) and number of domestic exclusion orders imposed are discussed.

In 2016, the *municipalities of Zeeland* started with better supervision of children in the women's shelters by using the Resilience method and by strengthening and promoting the cooperation of chain partners in tackling domestic violence. This continued in 2017. Furthermore, the Zeeland Centre for Sexual Violence opened on 1 February 2017. 'The New Future' project (focusing on the economic independence of women with a background of domestic violence) was also secured in two regions in Zeeland. In 2016 and 2017, research was carried out on the sense of safety among residents (16 years and older) of the municipalities in Zeeland. In addition, a study was conducted on the percentage of residents 19 years and older who had ever been victims of domestic violence.

Throughout Zeeland, 71 domestic exclusion orders were imposed in 2016, with four violations. In 2017, there were 45 domestic exclusion orders, with three violations.

At the end of 2014, the *Frisian municipalities* jointly drew up a regional vision. Subsequently, a regional action plan was drawn up for the years 2016 and 2017. This action plan has been extended to the end of 2018. The plan describes actions for the following four tracks: prevention, identification and application of the reporting code, effective help and effective collaboration. In addition to the regional action plan, the Frisian municipalities have also drawn up local action plans. The ideas behind the regional vision and the actions from the regional action plan are reflected in the agreements made by Social Domain Fryslân on behalf of the Frisian municipalities with Safe at Home, the certified institutions, the women's shelter, the Child Protection Board and other organisations. An investigation was conducted on the repeat reports at Safe at Home in 2016 and 2017. A benchmark study was also carried out on Safe at Home Friesland.

In 2016, a total of 69 domestic exclusion orders were imposed in the Frisian municipalities. In 2017 there were 74.

With regard to the *Amsterdam-Amstelland region*, Safe at Home received its definitive organisational form in 2016. The partnership agreements between Safe at Home and local teams, Safe at Home and Youth Protection and Safe at Home and The Blijf Groep (a women's shelter) have been documented. The joint focus and common regional ambition acquired even better form in 2016. 2016 is also the year that the Centre for Sexual Violence Amsterdam-Amstelland was launched. The 'safety assurance' plan, in response to the report of the joint inspectorate for youth, was implemented. Amsterdam formed a collective against child abuse. The Child Abuse and Sexual Abuse Task Force published the final report 'I do not look away' and addressed several areas for improvement that have been tackled by the municipality of Amsterdam. Furthermore, research has been conducted on the organisation of the access to women's shelters.

In 2017, every municipality from the Amsterdam-Amstelland region drew up its own agenda / implementation plan with priorities and improvement tasks, such as improving cooperation with the education sector, better application of the reporting code and commitment to prevention. The

Amsterdam Implementation Plan 2017-2019 was adopted in Amsterdam. The themes focus on: reaching victims in a timely manner, strengthening chain cooperation and better identification of the problems and approach. There has been intensive cooperation particularly with the chain partners in the criminal and care domain. A lot has been invested in getting to know each other and each other's work better and working together on cases where the domains are intertwined. There is cooperation with different social organisations in preventing and openly discussing domestic violence and child abuse. In addition, there is also work on themes that were put on the agenda in all municipalities of the region: reporting code and prevention, the reduction of waiting times at Safe at Home, MDA ++, system-oriented cooperation between adult mental health care and youth care and evaluation of the partnership agreements between Safe at Home and the local teams. In addition, the work process around the domestic exclusion orders has been adjusted and steps have been taken to achieve better monitoring.

Every year, Safe at Home devotes attention to the day against elder abuse (15 June), the week against child abuse, directly followed by the week against violence (in November). An annual campaign is also conducted before the summer holidays in which professionals are made aware of the signs of forced marriage and abandonment and the steps to take in case of suspicions of this. There are targeted actions to reach people from areas where a risk of female genital mutilation exists.

In *Amsterdam*, 300 procedures for a domestic exclusion order were initiated in 2016 and eventually 236 were imposed. In addition, 31 were violated. In 2017, there were 263 procedures, 201 domestic exclusion orders imposed and 25 violations.

The following emerges in the Regional Vision review of domestic violence *Hollands Midden 2014 – 2018*. In this Regional Vision, ambitions are formulated and translated into concrete efforts. Therefore, during the course of this regional vision, much has already been handled and achieved. In recent years, a lot of effort has been devoted to the development of local (neighbourhood) teams and the joint use of methodologies. Concrete agreements have been made for cooperation between the (neighbourhood) teams and Safe at Home, which have been evaluated and revised. There are permanent contact persons at Safe at Home for each (neighbourhood) team. Teams are trained to recognise signals of domestic violence and conversational skills to strengthen early detection and early intervention. The approach according to the '1 family, 1 plan, 1 director' principle was actively undertaken in 2017 to strengthen the implementation. Considerable attention has been devoted to the use of the reporting code and training special-task employees. Despite these efforts, the ambition (to identify domestic violence as early as possible and stop it quickly and sustainably through adequate action) has not yet been achieved due to the complexity of the problem. Several points for attention from the previous regional vision emerged that require continued attention and further development and therefore are reflected in the new regional vision. They are:

- the formation of a Care and Safety House;
- the system-oriented approach from a broad analysis of the problems of the different members of the family/households;
- working according to the 1 family, 1 plan, 1 director principle;
- expansion in tightening the reporting code; and
- deployment of the personal network with a pilot light function, where necessary.

Various studies were carried out in 2016 and 2017, namely an impact study on the 'Wishes and Boundaries' programme on sexual and relational education and an evaluation of the Temporary Domestic Exclusion Order Act. There is also an investigation into how Safe at Home can improve collaboration with the education sector. Finally, research was done on the use of the reporting code in childcare. In 2016, from Safe at Home *Hollands Midden*, attention was devoted to the week against child abuse and the week without violence (November).

In *Leiden*, 23 domestic exclusion orders were imposed in 2016, while there were a total of 83 in the entire region of this central municipality. There were three violations in the municipality of

Leiden and a total of nine in the entire region. In the municipality of *Gouda*, 15 domestic exclusion orders were imposed and 36 in the entire region of this central municipality. There were no violations. In 2017, 15 domestic exclusion orders were imposed in *Leiden* and a total of 70 in the entire region. There were four violations in the region. In *Gouda*, 15 domestic exclusion orders were imposed that year with four violations and a total of 30 for the entire region with a total of eight violations.

Gelderland South has a regional approach to domestic violence and child abuse. This approach runs from 2017 to 2020 and has been adopted by all Municipal Executives in Gelderland South. The following themes are being tackled within this: strengthening the quality of Safe at Home, organising women's shelters, a care coordinator for human trafficking, maintaining the centre for sexual and family violence, elder abuse project, strengthening expertise of social neighbourhood teams in the field of domestic violence and child abuse, encouraging special-task employees in domestic violence and child abuse, tackling complex divorces and channelling perpetrators to care. In addition, *Nijmegen* has a local approach to domestic violence and child abuse. This also runs from 2017 to 2020 and has been adopted by the Municipal Executive in Nijmegen. It includes actions from a preventive point of view and extra effort aimed at long-term recovery. In 2017, the citizens' panel (an annual survey from the municipality of Nijmegen among its residents) asked questions on whether residents would know what to do if they suspect domestic violence in their local area. The municipality also participated in the Coordination Centre for Human Trafficking's campaign on human trafficking and is participating in an exhibition on human trafficking in the city. Each year, in consultation with Safe at Home and Moviera, the municipality organises activities within the framework of the week against child abuse and the week against violence (November). Twenty-five domestic exclusion orders were imposed in Nijmegen in 2016 and 14 in 2017.

At the end of 2017, the Manifest Reporting Code was signed by five municipalities in the *West Veluwe Valley*. In 2017 and 2018, these municipalities will actively encourage the use of the reporting code. In addition, the vision for the tasks and development of Safe at Home was recorded in 2017. It is in addition to the previously established regional vision. At the same time, attention will be given to the education and counselling of professionals, both internally and externally, social partners and residents by multiple parties. In October 2017, the Centre for Sexual Violence (subsidised by Nijmegen, Arnhem and Ede) held a conference on sexual assault. In the municipalities of Barneveld, Ede, Nijkerk, Scherpenzeel and Wageningen, a total of 25 domestic exclusion orders were imposed in 2016 and a total of 26 in 2017.

In 2017, the Action Plan 'Elderly in safe hands' (elder abuse) was conducted in *Parkstad Limburg* (an administrative partnership in Southeast Limburg). In addition, Parkstad installs 15 AWARE devices (coupled with assistance) for the safety of victims of domestic violence each year. Also in 2017, a so-called 'mirror advertising campaign' took place, with the aim of drawing more attention to the Sexual Assault Centre. In the municipalities of *Heerlen*, there were 14 domestic exclusion orders in 2016 and seven in 2017.

In *Rotterdam*, the 'Safe at Home' Action Programme was performed to strengthen the regular tasks, such as sheltering and domestic exclusions. In this programme, projects have been carried out to acquire a more timely and better picture of domestic violence and child abuse (including encouraging the use of the reporting code and achieving a referral index for all ages) and its long-term solution (e.g. through trauma screening of children who have witnessed domestic violence, empowerment of women and development of an approach to perpetrators). In addition, projects have been initiated that are aimed at vulnerable target groups: child abuse, elder abuse and harmful traditional practices.

Various studies were carried out in 2016 and 2017, namely on social isolation among marriage migrants, on the intergenerational transfer of domestic violence and on the nature and scope of elder abuse.

In 2016, 261 domestic exclusion orders were imposed in Rotterdam. Forty-five violations of the domestic exclusion orders and personal protection orders were known. In 2017, 297 domestic exclusion orders were imposed and 57 violations were known.

Annex 4 Sections of law – Istanbul Convention

- **Section 254 of the Dutch Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*)**

- 1 In all cases where, having regard to the interests of the parties, immediate relief is necessary as a matter of urgency, the preliminary relief judge shall have the authority to grant such.
- 2 At the interested party's request, the preliminary relief judge may order the summoning of the parties on the day and at the time, including Sundays, to be fixed for each case. The judge may also order that the hearing be held at a place other than the court building. The preliminary relief judge may attach conditions to the setting of the date which the claimant must observe. The summons must show those conditions.
- 3 The case may also be brought at a hearing before the preliminary relief judge on such working days as determined by the judge for that purpose.
- 4 Sections 127a and 128(2) and 128(6) shall not apply.
- 5 In cases whose merits are heard and ruled on by the subdistrict court judge, the subdistrict court judge shall also have the authority to grant relief within the meaning of this section. The provisions applicable to the preliminary relief judge shall also apply to the subdistrict court judge.
- 6 Where the relief sought relates to a case concerning law of persons and family law as referred to in Title 6 of Book 3, Section 803 shall apply *mutatis mutandis*.

- **Section 71(1) of Book 1 of the Dutch Civil Code (*Burgerlijk Wetboek*)**

- 1 A spouse may apply for the annulment of his or her marriage when it was entered into under duress. In addition, the Public Prosecution Service has the authority, after having given the spouses the opportunity to express their opinions on the desirability of lodging an application for annulment, at least after having duly summoned them to that end, to make the application.
- 2 A spouse who, when he or she contracted the marriage, was mistaken either in the person of the other spouse or as to the significance of the declaration made by him or her shall equally have the right to make such an application.
- 3 The right of spouses to apply for an annulment of marriage on account of a mistake shall cease to exist when the spouses have lived together for six months since the mistake was discovered, without having made any such application. The right to apply for an annulment on account of coercion shall cease to exist when the spouses have lived together for three years without any coercion aimed at preserving the marriage having been exerted, without having made any such application

- **Section 253a of Book 1 of the Dutch Civil Code**

- 1 Where two parents jointly exercise parental authority, disputes in this regard may be brought before the district court at the request of one or both parents. The district court shall hand down a decision which it sees as being in the best interests of the child.
- 2 At the request of one or both parents the district court may also lay down an arrangement for the exercise of parental authority. That arrangement may include:
 - a. allocation of responsibility for the child's care and upbringing to each parent and, with analogous application of [Section 377a\(3\)](#), a temporary ban on contact with the child for one or both parents;
 - b. the decision as to with which parent the child shall have its main residence;

- c. the way in which information concerning serious matters pertaining to the person and the property of the child is communicated to the parent with whom the child does not have its main residence or the way in which that parent is consulted;
 - d. the way in which information in the possession of third parties [pursuant to Section 377c\(1\) and 377c\(2\)](#) is communicated.
- 3 Where the parents are subject to an obligation provided for in [Section 247a](#) and have failed to meet it, the court shall of its own motion defer the decision on an application as referred to in paragraph 2 until that obligation has been met. A deferral shall be dispensed with should the interests of the child so require.
- 4 [Sections 377e](#) and [337g](#) shall apply mutatis mutandis. The words contact or contact arrangements in these provisions should be read as: a division of responsibility for a child's care and upbringing.
- 5 Before ruling on an application as referred to in paragraphs 1 or 2, the district court shall attempt to bring about a settlement between the parents and, if requested and also of its own motion, where no settlement is reached and unless such is contrary to the interests of the child, may impose a coercive measure permitted by law, or determine that the order or parts thereof may be enforced in application of [Section 812\(2\) of the Dutch Code of Civil Procedure](#).
- 6 The district court shall deal with the application within six weeks.

- **Sections 254–255 of Book 1 of the Dutch Civil Code**

Section 254

For the purposes of this section, certified institution means: a certified institution as referred to in [Section 1.1 of the Youth Act \(Jeugdwet\)](#).

Section 255

- 1 The juvenile court may place a minor under the supervision of a certified institution where a minor is growing up in a manner such that his or her development is under serious threat, and:
 - a. the care required for the minor or for his or her parents or for the parent exercising parental authority in order to avert that threat is not accepted or accepted to an insufficient degree by them, and
 - b. there is a justified expectation that the parents or the parent exercising parental authority will be able to bear responsibility for the care and upbringing referred to in [Section 247\(2\)](#) within a period deemed acceptable having regard to the person and the development of the minor.
- 2 The juvenile court may place a minor under supervision on the application of the Child Care and Protection Board or the Public Prosecution Service. A parent and a person who is not the parent but cares for and is bringing up the child as part of his or her family shall also be entitled to make the application if the Child Care and Protection Board does not.
- 3 Where the Board does not submit an application for a family supervision order after having received a request for an investigation as referred to in [Section 2.4\(1\) of the Youth Act](#), it shall notify the Municipal Executive making the request of this in writing. Having received that notification, the Municipal Executive may request the opinion of the juvenile court judge as to whether it is necessary to place the minor under the supervision of a certified institution. A Child Care and Protection Board receiving such a request from the Municipal Executive shall, within two weeks of the date of that request, seek the opinion of the juvenile court as to whether a family supervision order should be issued for the minor. In that event, the juvenile court may pronounce a family supervision order of its own motion.
- 4 The juvenile court shall specify in the order the specific threats to the development of the minor, as well as the corresponding duration for which the family supervision order shall apply.

- 5 Where the application referred to in paragraph 2 does not pertain to all the minors over whom the parents or the parent are exercising parental authority, the juvenile court may supplement it at the request of the Child Care and Protection Board or of its own motion, and also place those minors under supervision, provided the grounds provided for in paragraph 1 are met.

- **Section 261 of Book 1 of the Dutch Civil Code**

- 1 The juvenile court may terminate the family supervision order where the grounds referred to [Section 255\(1\)](#) are no longer met.
- 2 It may do so at the request of the certified institution carrying out the supervision. If that certified institution does not submit an application, the Child Care and Protection Board, a parent entrusted with parental authority or a minor aged twelve years or over shall be entitled to make the application.

- **Section 266 of Book 1 of the Dutch Civil Code**

- 1 The district court may terminate a parent's parental authority where:
 - a. a minor is growing up in a manner such that his or her development is under serious threat, and the parent is unable to bear responsibility for his or her care and upbringing as referred to in [Section 247\(2\)](#) within a period considered acceptable for the person and the development of the minor, or
 - b. the parent is abusing his or her parental authority.
- 2 A parent's parental authority may also be terminated where the parental authority has been suspended, provided the provisions under paragraph 1 are met.

- **Section 269 of Book 1 of the Dutch Civil Code**

Instead of suspending both or one of the parents from the exercise of parental authority as referred to in [Section 268](#), the district court may place a child under supervision as referred to in [Section 255](#) provided the grounds for doing so are met.

- **Section 377a of Book 1 of the Dutch Civil Code**

- 1 A child shall be entitled to have contact with its parents and with the person with whom it has a close personal relationship. A parent without parental authority shall be entitled, and obliged, to have contact with his or her child.
- 2 At the request of both parents or of one of them, or at the request of a person with whom the child has a close personal relationship, the court shall order an arrangement for the exercising of the right of contact, whether or not for a specific period, or shall deny the right of contact, whether or not for a specific period.
- 3 The court shall deny the right of contact only where:
 - a. contact would be seriously detrimental to the mental or physical development of the child, or
 - b. the parent or a person with whom the child has a close personal relationship is evidently incapable or evidently not in a position to have contact with the child, or
 - c. a child aged twelve years or over has shown during interview that it has serious objections to contact with its parent or with the person with whom it has a close personal relationship, or
 - d. contact is otherwise contrary to the child's compelling interests.

- **Section 162 of Book 6 of the Dutch Civil Code**

- 1 Any person who commits a wrongful act in relation to another person which is attributable to him shall be required to compensate for the damage or loss suffered by that other person as a result of the said act.
- 2 Any infringement of a right and any act or omission contrary to a legal obligation or to the requirements of unwritten law in social and economic life shall be considered to be a wrongful act, without prejudice in each case to the existence of a ground of justification.
- 3 A wrongful act may be attributed to its perpetrator if it he or she is to blame for it or it is due to a circumstance for which he or she must answer by virtue of the law or views held by society.

Dutch Criminal Code (*Wetboek van Strafrecht*)

- **Section 5 of the Dutch Criminal Code**

- 1 The criminal law of the Netherlands shall apply to any person who commits an offence against a Dutch citizen, a Dutch public servant, or a Dutch vehicle, vessel or aircraft, in so far as that offence, by statutory definition, carries a term of imprisonment of eight years or more and is punishable by the law of the country in which it was committed.
- 2 For the purposes of paragraph 1, a foreign national having a domicile or residence in the Netherlands shall be equated with a Dutch citizen.

- **Section 7 of the Dutch Criminal Code**

- 1 The criminal law of the Netherlands shall apply to a Dutch citizen who commits an offence outside the Netherlands which is regarded as serious offence under the criminal law of the Netherlands and which is punishable by the law of the country in which it was committed.
- 2 The criminal law of the Netherlands shall also apply to a Dutch citizen who commits any of the following offences outside the Netherlands:
 - a. any of the serious offences defined in [Titles I and II of Book 2](#) and in [Sections 192a–c, 197a–c, 206, 237, 272](#) and [273](#);
 - b. any of the offences defined in [Sections 177, 178, 179, 180, 189, 200, 207a, 285a](#) and [361](#), in so far as the offence was directed against the administration of justice of the International Criminal Court;
 - c. any of the offences defined in [Sections 204b](#) and [Sections 242–250](#);
 - d. any of the offences defined in [Sections 300–303](#), in so far as the offence constitutes the genital mutilation of a person of the female sex under eighteen years of age;
 - e. the offence defined in [Section 284](#).
- 3 For the purposes of paragraphs 1 and 2(b–e), a foreign national who, after committing the offence, becomes a Dutch citizen and, for the purposes of the paragraphs 1 and 2, a foreign national having a domicile or residence in the Netherlands, shall be equated with a Dutch citizen.

- **Section 14c of the Dutch Criminal Code**

- 1 [Section 14a](#) shall apply subject to the general condition that:
 - a. the convicted person does not commit an offence before the end of the probation period, and
 - b. the convicted person, in so far as special conditions as referred to in paragraph 2 have been set for the application of [Section 14a](#):

1. cooperates with fingerprinting for the purpose of establishing his or her identity or provides an identity document as referred to in [Section 1 of the Compulsory Identification Act \(Wet op de identificatieplicht\)](#) for inspection; and
 2. cooperates with the probation service supervision, referred to in [Section 14d\(2\)](#), including cooperation with house visits.
- 2 In application of [Section 14a](#) the court may also set the following special conditions with which the convicted person must comply during the probation period, or a part thereof to be set in the sentence, or within a period to be set by the court that may not exceed the probation period:
1. full or partial compensation of the damage or loss caused by the offence;
 2. full or partial remedying of the damage or loss caused by the offence;
 3. payment of a sum of money by way of security, to be set by the court, which shall be equivalent to an amount not exceeding the difference between the fine prescribed by law for the offence and the fine imposed;
 4. payment of a sum of money, to be set by the court, to the Criminal Injuries Compensation Fund (Schadefonds Geweldsmisdrijven) or to an organisation whose purpose is to represent the interests of victims of offences. The amount may not exceed the maximum amount prescribed by law for the offence;
 5. a prohibition on contacting directly or through a third party specific persons or institutions;
 6. a prohibition on being at or in the immediate vicinity of a specific location;
 7. an obligation to be present at a specific location at specific times or during a specific period;
 8. an obligation to report to a specific agency at specific times;
 9. a prohibition on the use of drugs or alcohol and the obligation to cooperate with a blood or urine test to verify compliance with that prohibition;
 10. admission of the convicted person to a healthcare institution;
 11. an obligation to receive treatment from a professional or healthcare institution;
 12. residence in an institution for supervised accommodation or social shelter;
 13. participation in a behavioural intervention;
 14. other conditions pertaining to the convicted person's behaviour.
- 3 A special condition may include the use of electronic monitoring.
- 4 In the setting of any of the special conditions referred to in paragraph 2 (3) and (4), [Section 23\(1\) and \(2\)](#) and [Section 24](#) shall apply mutatis mutandis.

- **Section 24a of the Dutch Criminal Code**

- 1 If one or more of the fines up to an amount of at least €225 are imposed, it may be determined in the judgment or the penalty order issued by the public prosecutor that the person ordered to pay the fine may pay the amount in instalments. Each of those instalments shall be set at a minimum of €45.
- 2 In cases where paragraph 1 applies, the terms for the payment of the second – if the fine may be paid in more than two instalments – and the following instalments shall be set out in the judgment or the penalty order issued by the public prosecutor.
- 3 Those terms shall be set at a minimum of one month and a maximum of three months. In the case of a judgment, they may not exceed a period of two years in total; in the case of a penalty order issued by the public prosecutor, those terms may not exceed a period of one year.

- **Section 36f of the Dutch Criminal Code**

- 1 A person who is convicted of an offence by a decision of the court or on whom a measure or order in the meaning of Section 37 has been imposed by a decision of the court, or where the court has taken an offence into account in passing sentence and where the summons states that the defendant has admitted the offence, which will be communicated to the district court, or against whom a penalty order is issued by the public prosecutor, may be ordered to pay the Dutch State a sum of money for the benefit of the victim or his or her surviving relatives within the meaning of [Section 51f\(2\) of the Dutch Code of Criminal Procedure \(Wetboek van Strafvordering\)](#). The Dutch State shall promptly pay an amount received to the victim or the victim's surviving relatives within the meaning of Section 51f(2) of the Dutch Code of Criminal Procedure.
- 2 The order may be imposed if and to the extent that the defendant is liable to the victim under civil law for the loss or damage caused by the offence.
- 3 The order may be imposed together with penalties and other measures.
- 4 Payments made by the convicted person to the Dutch State will firstly be applied to the order and subsequently to the imposed penalty.
- 5 [Section 24a](#) and [Section 24b\(1-4\)](#) shall apply mutatis mutandis, provided that the increase in the amount owed pursuant to the order reverts to the Dutch State.
- 6 The payments made by the convicted person to the Dutch State shall firstly be applied to the order and subsequently to the increases arising pursuant to paragraph 5.
- 7 If a person convicted of a serious offence has failed to fulfil his or her obligation in full or in part within eight months of the day on which the sentence or judgment, in which the order referred to in paragraph 1 has been imposed, becomes irrevocable, the Dutch State shall pay the remaining amount to the victim not being a legal person. It may be stipulated by order in council that this compensation is limited to victims of violent and sexual offences for a period to be specified in the general administrative order. It may also be stipulated by order in council that the amounts to be paid are subject to an upper limit of €5,000 or higher, provided that the upper limit does not apply to compensation for victims of violent or sexual offences. The Dutch State will recover the amount paid as well as the increases arising pursuant to paragraph 4 from the convicted person.
- 8 [Section 24c](#) and [Section 77\(2-6\)](#) shall apply mutatis mutandis, provided that the imposition of detention or juvenile detention as a substitute penalty does not nullify the obligation to pay compensation to the victim under the compensation order.

• **Section 38v of the Dutch Criminal Code**

- 1 For the protection of society or the prevention of offences, a measure involving restriction of liberty may be imposed by the court judgment:
 1. whereby a person is convicted of an offence;
 2. whereby, pursuant to [Section 9a](#), it is determined that no punishment shall be imposed.
- 2 Under the measure the defendant may be ordered:
 - a. to stay away from a specific area,
 - b. to refrain from contact with a specific person or specific persons,
 - c. to be present at a specific location at specific times or during a specific period,
 - d. to report at specific times to the investigation officer designated for that purpose.
- 3 The measure may be imposed for a maximum period of five years.
- 4 In passing judgment, the court may order, of its own motion or on the application of the public prosecutor, the immediate enforceability of the measure if serious account must be taken of the fact that the defendant will commit a further offence or engage in behaviour causing nuisance to a specific person or specific persons.
- 5 The order referred to in paragraph 4 may be revoked by the court hearing the appeal, of its own motion, at the convicted person's request or on the application of the Public Prosecution Service.

6 The measure may be imposed together with penalties and other measures.

- **Section 45 of the Dutch Criminal Code**

- 1 An attempt to commit an offence shall be punishable where the intention of the perpetrator has become apparent through his or her having begun to commit the offence.
- 2 In the case of an attempt, the maximum of the principal penalties set for the serious offence shall be reduced by one third.
- 3 In the case of a serious offence punishable by life imprisonment, a term of imprisonment not exceeding twenty years shall be imposed.
- 4 The additional penalties for an attempt shall be the same as for a completed serious offence.

- **Section 48 of the Dutch Criminal Code**

The following persons shall be subject to punishment as accessories to a serious offence:

1. any persons who intentionally aid and abet the commission of a serious offence;
2. any persons who intentionally provide the opportunity, means or information for the commission of a serious offence.

- **Section 47(1)(2) of the Dutch Criminal Code**

- 1 The following persons shall be subject to punishment as perpetrators of an offence: ...
 2. any persons who through gifts, promises, abuse of authority, use of violence, threat or deception or by providing the opportunity, means or information, intentionally incite the commission of an offence.

- **Section 70 of the Dutch Criminal Code**

- 1 The right to prosecute shall lapse on the expiry of the period of limitation of:
 1. three years for all minor offences;
 2. six years for serious offences punishable by a fine, detention or imprisonment not exceeding three years;
 3. twelve years for serious offences punishable by a determinate term of imprisonment of more than three years;
 4. twenty years for serious offences punishable by a term of imprisonment of eight years or more.
- 2 By way of derogation from paragraph one, the right to prosecute shall not lapse:
 1. for serious offences punishable by twelve years or more;
 2. for the offences defined in [Sections 240b\(2\)](#) ,[243,245](#)and [246](#), in so far as the offence was committed in respect of a person under eighteen years of age.

- **Section 71 of the Dutch Criminal Code**

The period of limitation shall start on the day after the day on which the offence was committed, except in the following cases:

1. in the case of the serious offences defined in [Sections 173\(1\)](#), and [173b](#), the period shall start on the day after the day on which an officer charged with investigating offences learned of the offence;
2. in the case of forgery, on the day after the day on which the item in respect of which forgery was committed was used;
3. in the case of the serious offences defined in [Sections 240b\(1\)](#), [Sections 247–250](#), [273f](#), [284](#) and [285c](#), in so far as committed in respect of a person under eighteen years of age, Sections 300–303, in so far as the offence constitutes the genital mutilation of a person of the female sex under eighteen years of age, or the offence defined in [Section 302](#), in so far as the offence constitutes forcing a person of the female sex under eighteen years of age to undergo an abortion or sterilisation, on the day after the one on which the person reached eighteen years of age;
4. in the case of the serious offences defined in [Section 279](#) and [Section 282\(1–2\)](#) on the day after the day of release or death of the person who was the direct subject of the serious offence committed;
5. in the case of the minor offences defined in [Sections 465](#), [466](#) and [467](#), on the day after the one on which, pursuant to the provisions laid down in or in compliance with [Section 18c of Book 1 of the Dutch Civil Code](#), the records showing such minor offence, as referred to in that section, are transferred to the central repository, referred to in [Section 8 of Chapter One of the Civil Registry Decree](#) (*Besluit burgerlijke stand*).

- **Section 82 of the Dutch Criminal Code**

- 1 The term serious bodily harm includes: an illness for which there is no prospect of a complete recovery, a long-term disability preventing the performance of duties of office or the practice of a profession, and aborting or destroying a foetus in utero.
- 2 The term serious bodily harm also includes a disorder of the mental faculties lasting for more than four weeks.

- **Section 284 of the Dutch Criminal Code**

- 1 A term of imprisonment not exceeding two years or a fine of the fourth category shall be imposed on:
 1. any person who unlawfully compels another person to act, to refrain from acting or to submit to anything by an act of violence or any other act or by threat of violence or threat of any other act, either directed against that person or against others;
 2. any person who by the threat of slander or libellous defamation compels another person to act, to refrain from acting or to submit to anything.
- 2 In the case defined in (2) prosecution of the serious offence shall take place only on complaint of the person in respect of whom it was committed.

- **Section 285 of the Dutch Criminal Code**

- 1 The threat of public violence to be jointly committed, against persons or property, the threat of violence against an internationally protected person or his or her protected property or the threat of any serious offence endangering the general safety of persons or property, of rape, of indecent assault, of any serious offence against the life of a person, of hostage taking, of aggravated assault or of arson, shall be punishable by a term of imprisonment not exceeding two years or a fine of the fourth category.
- 2 Where such threat is made in writing and under a certain condition, a term of imprisonment not exceeding four years or a fine of the fourth category shall be imposed.

- 3 Threat of a terrorist offence shall be punishable by a term of imprisonment not exceeding six years or a fine of the fifth category.
- 4 Where the offence defined in paragraphs 1, 2 or 3 is committed with the intention of preparing or facilitating a terrorist offence, the term of imprisonment prescribed for the offence shall be increased by one third.

- **Section 285b of the Dutch Criminal Code**

- 1 Any person who unlawfully, systematically and intentionally violates another person's personal privacy with the intention of compelling that other person to act or to refrain from acting or to submit to anything, or of instilling fear in that person, shall be guilty of stalking and shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
- 2 Prosecution shall take place only on complaint of the person against whom the serious offence was committed.

- **Section 296 of the Dutch Criminal Code**

- 1 Any person who subjects a woman to treatment when he or she knows or should reasonably suspect that by so doing pregnancy may be terminated, shall be liable to a term of imprisonment not exceeding four years and six months or a fine of the fourth category.
- 2 Where the offence results in the death of the woman, a term of imprisonment not exceeding six years or a fine of the fourth category shall be imposed.
- 3 Where the offence was committed without the woman's consent, a term of imprisonment not exceeding twelve years or a fine of the fifth category shall be imposed.
- 4 Where the offence was committed without the woman's consent and also results in her death, a term of imprisonment not exceeding fifteen years or a fine of the fifth category shall be imposed.
- 5 The offence referred to in paragraph 1 shall not be punishable where the treatment was performed by a physician in a hospital or a clinic in which such treatment may be performed under the [Termination of Pregnancy Act \(*Wet afbreking zwangerschap*\)](#).

- **Section 300 of the Dutch Criminal Code**

- 1 Assault shall be punishable by a term of imprisonment not exceeding three years or a fine of the fourth category.
- 2 Where the offence results in serious bodily harm, the offender shall be liable to a term of imprisonment not exceeding four years or a fine of fourth category.
- 3 Where the offence results in death, the offender shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
- 4 The intentional harming of health shall be considered equivalent to assault.
- 5 An attempt to commit this serious offence shall not be punishable.

- **Section 301 of the Dutch Criminal Code**

- 1 Premeditated assault shall be punishable by a term of imprisonment not exceeding four years or a fine of the fourth category.
- 2 Where the offence results in serious bodily harm, the offender shall be liable to a term of imprisonment not exceeding six years or a fine of fourth category.

- 3 Where the offence results in death, the offender shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

- **Section 302 of the Dutch Criminal Code**

- 1 Any person who intentionally inflicts serious bodily harm on another person is guilty of aggravated assault and shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.
- 2 Where the offence results in death, the offender shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.

- **Section 304 of the Dutch Criminal Code**

The terms of imprisonment provided for in [Sections 300–303](#) may be increased by one third in the following cases:

1. where the offender commits the offence against his or her mother, legal father, spouse, life partner, child, a child over which he or she exercises parental authority or a child which he or she cares for or is bringing up as part of his or her family;
2. where the serious offence is committed against a public servant during or in connection with the lawful discharge of his or her duties;
3. where the offence is committed by administering substances harmful to life or health.

- **Section 240 of the Dutch Criminal Code**

A person shall be liable to a term of imprisonment not exceeding two months or a fine of the third category who knows or has serious reason to suspect that an image or object is offensive to decency and who:

1. publicly displays or offers that image or object in or at a place intended to be frequented by the public;
2. sends that image or object to a person other than at that person's request.

- **Section 240 of the Dutch Criminal Code**

Any person who supplies, offers or shows to a minor he or she knows or has serious reason to suspect is under the age of sixteen, an image, an object or a data carrier that contains an image, which if displayed could be considered harmful to persons under the age of sixteen, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.

- **Section 240 of the Dutch Criminal Code**

- 1 Any person who distributes, offers, publicly displays, produces, imports, forwards, exports, obtains, possesses or accesses by means of a computerised device or system or by use of a communication service an image – or a data carrier that contains an image – of a sexual act involving, or apparently involving, a person who is evidently under eighteen years of age, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.
- 2 Any person who, by profession or custom, commits any of the serious offences defined in paragraph 1 shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

- **Section 242 of the Dutch Criminal Code**

Any person who by an act of violence or any other act or by threat of violence or threat of any other act compels a person to submit to acts comprising or including sexual penetration of the body shall be guilty of rape and shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

- **Section 243 of the Dutch Criminal Code**

Any person who engages in acts comprising or including sexual penetration of the body with a person whom he or she knows to be unconscious, to have diminished consciousness or to be physically unable to resist, or to be suffering from such a degree of mental defect or disease that such person is incapable or not sufficiently capable of exercising or expressing his or her will in the matter or of offering resistance, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

- **Section 244 of the Dutch Criminal Code**

Any person who engages in acts comprising or including sexual penetration of the body with a person who is under the age of twelve, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

- **Section 245 of the Dutch Criminal Code**

Any person who, out of wedlock, engages in lewd acts comprising or including sexual penetration of the body with a person who has reached twelve years of age but is under sixteen years of age, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

- **Section 246 of the Dutch Criminal Code**

A person who by an act of violence or another act or by threat of violence or threat of another act compels another person to perform or to submit to indecent acts shall be guilty of indecent assault and liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

- **Section 247 of the Dutch Criminal Code**

Any person who engages in lewd acts with a person whom he knows to be unconscious, to have diminished consciousness or to be physically unable to resist, or to be suffering from such a degree of mental defect or disease that such person is incapable or not sufficiently capable of exercising or expressing his or her will in the matter or of offering resistance, or who engages in lewd acts, out of wedlock, with a person under the age of sixteen, or who entices the latter into engaging in or tolerating such acts, out of wedlock, with a third party, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

- **Section 249 of the Dutch Criminal Code**

- 1 Any person who sexually abuses his minor child, step-child or foster child, his ward, a minor with whose care, education or supervision he or she is entrusted, or his or her employee or subordinate who is a minor, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
- 2 The following persons shall be subject to the same penalty:
 1. a public servant who sexually abuses a person subject to his or her authority or entrusted to or placed under his or her supervision;
 2. a director, physician, teacher, official, supervisor or staff member of a prison, state institution for the care and protection of children, orphanage, hospital or charitable institution, who sexually abuses a person admitted to such institution;

3. a person employed in the healthcare or social care sector who sexually abuses a person who has entrusted himself or herself, as a patient or client, to his or her assistance or care.

- **Section 248a of the Dutch Criminal Code**

Any person who, by means of gifts or promises of money or goods, by abuse of the authority arising from de facto relationships or by deception, intentionally induces a person, whom he or she knows or has reasonable cause to suspect is under eighteen years of age, to engage in lewd acts or to tolerate such acts performed by him or her, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

- **Section 248b of the Dutch Criminal Code**

Any person who sexually abuses a person who makes himself or herself available for the performance of sexual acts with a third party for remuneration and who has reached the twelve years of age but is under eighteen years of age, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

- **Section 248c of the Dutch Criminal Code**

Any person who is intentionally present when lewd acts are performed by a person whom he or she knows or has reasonable cause to suspect is under eighteen years of age or who is intentionally present at the display of images of such acts in an establishment designated for that purpose, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

- **Section 248d of the Dutch Criminal Code**

Any person who, with lewd intentions, induces another person, whom he or she knows or has reasonable cause to suspect is under sixteen years of age, to witness sexual acts, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

- **Section 248e of the Dutch Criminal Code**

Any person who, by means of a computerised device or system or by making use of a communication service, arranges to meet a person whom he or she knows, or has reasonable cause to suspect is under sixteen years of age, with the intention of engaging in lewd acts with that person or of creating an image of a sexual act in which that person is involved, shall, if he or she undertakes any action intended to bring about that meeting, be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

- **Section 248f of the Dutch Criminal Code**

Any person who by coercion, an act of violence or another act or by threat of violence or threat of another act, intentionally causes or encourages an indecent act with a third party to be committed by a person whom he or she knows or has reasonable cause to suspect is under eighteen years of age, shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.

- **Section 266 of the Dutch Criminal Code**

- 1 Any insult, which is not of a slanderous or libellous nature, intentionally expressed either in public verbally or in writing or by means of an image, or verbally against a person in his or her presence or by other acts, or by means of written matter or an image sent or offered, shall constitute simple defamation and shall be punishable by a term of imprisonment not exceeding three months or a fine of the second category.

- 2 Acts which are intended to express an opinion about the protection of public interests and which are not at the same time designed to cause any more offence or cause offence in any other way than follows from that intent, shall not be punishable as simple defamation.

- **Section 273f of the Dutch Criminal Code**

- 1 A person is guilty of human trafficking and shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category if:
1. by coercion, an act of violence or any other act or threat of violence or threat of any other act, by extortion, fraud, deception or abuse of a position of authority arising from de facto circumstances, by abuse of a position of vulnerability or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over that other person recruits, transports, transfers, harbours or receives another person, including exchanging or transferring the control over the other person, with the intention of exploiting that other person or removing his or her organs;
 2. recruits, transports, transfers, harbours or receives another person, including exchanging or transferring the control over the other person, with the intention of exploiting that other person or removing his or her organs when that person is under eighteen years of age;
 3. recruits, removes or abducts another person with the intention of inducing that person to make himself or herself available in another country for the performance of sexual acts with or for a third party for remuneration;
 4. compels or persuades another person with one of the means referred to in paragraph 1 to make himself or herself available for the performance of work or services or to make his or her organs available or in the circumstances referred to in paragraph 1, takes any action which he or she knows or has reasonable cause to suspect will lead that other person to make himself or herself available for the performance of labour or services or make his or her organs available;
 5. induces another person to make himself or herself available for the performance of sexual acts with or for a third party for remuneration or make his or her organs available for remuneration or takes any action in regard of another person which he or she knows or has reasonable cause to suspect will lead that other person to make himself or herself available for the performance of these acts or services or make his or her organs available, when that person is under eighteen years of age;
 6. intentionally profits from the exploitation of another person;
 7. intentionally profits from the removal of the organs of another person while he or she knows or has reasonable cause to suspect that his or her organs have been removed in one of the circumstances referred to in paragraph 1;
 8. intentionally profits from the sexual acts of another person with or for a third party for remuneration or the removal of his or her organs for remuneration, when that other person is under eighteen years of age;
 9. compels or induces another person by any of the means referred to in paragraph 1 to provide him or her with the proceeds of his or her sexual acts with or for a third party or of the removal of his or her organs.
- 2 Exploitation shall at least include exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, including begging, slavery or practices similar to slavery, servitude and exploitation of criminal activities.
- 3 The offender shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category, where:
1. the offences defined in paragraph 1 are committed by two or more persons in concert;
 2. the offences defined in paragraph 1 have been committed against a person who is under eighteen years of age or another person whose vulnerable position is abused;

3. the offences defined in paragraph 1 were preceded, accompanied or followed by violence.
- 4 Where any of the offences defined in paragraph 1 results in grievous bodily harm or is likely to endanger the life of another person, a term of imprisonment not exceeding eighteen years or a fine of the fifth category shall be imposed.
- 5 Where any of the offences defined in paragraph 1 results in death, life imprisonment or a determinate term of imprisonment not exceeding thirty years a fine of the fifth category shall be imposed.
- 6 A vulnerable position shall also be understood to mean a situation where a person has no real or acceptable choice other than to submit to the abuse.
- 7 [Section 251](#) shall apply mutatis mutandis.

Sections 51aa–e of the Dutch Code of Criminal Procedure

Section 51aa of the Dutch Code of Criminal Procedure

- 1 The public prosecutor shall be responsible for ensuring that victims are treated appropriately.
- 2 The police officer, public prosecutor or other investigation officers shall be responsible for referring victims to a victim support institution where they will have access to information, advice and support.
- 3 Rules concerning the following shall be laid down by or pursuant to an order in council:
 - a. the access of victims and their family members to victim support institutions, the conditions for such access, as well as the financing, organisation and activities of victim support institutions;
 - b. a timely and individual assessment which victims must receive to determine specific protection needs and to establish whether and to what extent they would benefit from special measures, in particular, in the course of preliminary investigations and court hearings;
 - c. measures to protect victims, including, in particular, victims who are minors and their family members.
- 4 The provisions referred to in paragraph 3 include the obligation to inform a child or its legal representative of all the rights and measures specifically related to the child.

Section 51ab of the Dutch Code of Criminal Procedure

- 1 The police officer, public prosecutor or another investigation officer shall ensure that victims are provided with the information they need to enable them to access rights due to them, without delay, from the first contact with the investigation officer concerned.
- 2 Further rules concerning the content, offering and provision of information as referred to in paragraph 1 shall be laid down by or pursuant to an order in council.

Section 51ac of the Dutch Code of Criminal Procedure

- 1 The public prosecutor shall ensure that victims are notified without delay of their right to receive sufficient information about the start and progress of the proceedings following an offence committed against that victim. Victims shall be informed, in particular, of their right to receive information about:
 - a. the dispensing with or termination of a criminal investigation;
 - b. a decision not to prosecute an offence;
 - c. the forwarding of an official report in respect of a suspect;
 - d. the start and progress of the prosecution, including the issuing of a penalty order by the public prosecutor;
 - e. the nature of the charge preferred against the suspect;
 - f. the place, date and time of the hearing;

- g. the final judgment in the criminal proceedings in respect of the suspect;
 - h. the lodging of an appeal or a decision not to lodge an appeal.
- 2 Victims requesting such shall be informed of the start and progress of the proceedings as referred to in paragraph 1. In particular, the police officer, or the other investigation officer as defined in [Section 141\(c-d\)](#), shall at least provide the information as defined at (a) and the public prosecutor shall at least provide the information as referred to at (b-h) of paragraph 1.
 - 3 At their request, victims shall receive sufficient information as referred to in paragraph 2 to decide whether to submit a complaint to the court of appeal as referred to in [Section 12](#). In addition to the decision, the notifications concerning the information as referred to in paragraph 1 at (a) and (b) shall include at least the grounds or a summary of the grounds for the decision concerned.
 - 4 At their request, the public prosecutor shall notify victims without delay of the release or escape of the suspect in pre-trial detention, or of the convicted person.
 - 5 At their request, the public prosecutor shall notify victims of the measures taken for their protection if the suspect in pre-trial detention, or the convicted person, is released or has escaped.
 - 6 Where there is an identified risk of harm to the suspect or the convicted person which would result from the notification as referred to in the paragraphs 4 and 5, notification shall be dispensed with.
 - 7 Rules concerning the right of the victim to receive information about the proceedings and concerning the notification of victims about the proceedings may be laid down by ministerial order.
 - 8 Where the present Code provides for requests by a victim, written requests may be transmitted through electronic means using an electronic service designated by an order in council.

Section 51b of the Dutch Code of Criminal Procedure

- 1 At a victim's request, the public prosecutor shall grant him or her permission to inspect the case documents of relevance to him or her. During the court hearing, that leave shall be granted by the court determining questions of fact, before which the case is being prosecuted, and otherwise by the public prosecutor.
- 2 Victims may ask the public prosecutor to add to the case file documents that they consider relevant for the assessment of the case against the suspect or their claim against the suspect.
- 3 The public prosecutor may refuse to add documents or permit inspection thereof if he or she is of the opinion that the documents cannot be regarded as case documents or considers the addition of said documents or their inspection to be incompatible with the interests referred to in [Section 187d\(1\)](#).
- 4 The public prosecutor shall require written authorisation for the application of paragraph 3, to be granted by the examining magistrate on his application. The public prosecutor shall notify his or her decision in writing to victims.
- 5 The manner in which case documents are to be inspected shall be laid down by an order in council.
- 6 Victims may obtain copies of the documents they have been permitted to inspect at the court registry in accordance with the provisions by or pursuant to [Section 17 of the Criminal Cases \(Fees\) Act \(*Wet tarieven in strafzaken*\)](#). [Section 32\(2-4\)](#) shall apply mutatis mutandis.

Section 51c of the Dutch Code of Criminal Procedure

- 1 A victim may have legal representation during the preliminary investigation and at the hearing.
- 2 A victim may be assisted by a lawyer, by his or her legal representative and also by a person of his or her choice.
- 3 A victim may be represented at the hearing by a lawyer, provided the latter declares that he has been given express authorisation, or by an authorised representative who has been given a special written power of attorney for that purpose.
- 4 The police, the public prosecutor, the examining magistrate or the judge may refuse to allow a victim to be assisted by his or her legal representative or by a person of his or her choice, or refuse to allow the representation of the victim by a legal representative or authorised representative in the interests of the investigation or in the victim's interests. The reasons for any such refusal shall be given.

- 5 Where victims are not fluent or sufficiently fluent in the Dutch language, they may have the assistance of an interpreter.
- 6 Further rules concerning assistance by a lawyer, and concerning the assistance required by victims to understand or to be understood during their contact with the police, the public prosecution service and the court shall be laid down by ministerial order.

Section 51ca of the Dutch Code of Criminal Procedure

- 1 Victims who are not fluent or insufficiently fluent in the Dutch language may request that written information to which they are entitled pursuant to [Section 51ac\(2\) or \(3\)](#) be translated into a language they understand, if and in so far as they consider such information necessary to be able to exercise their rights during the criminal proceedings.
- 2 The translation with which victims are provided shall contain, in so far as their request relates to this, at least the written information referred to in [Section 51ac\(1\)\(a\), \(b\), \(d\), \(f\) and \(g\)](#), to the extent such information is necessary to enable them to exercise their rights during the criminal proceedings.
- 3 Victims who are not fluent or insufficiently fluent in the Dutch language:
 - a. may request copies of case documents which they are permitted to inspect pursuant to [Section 51b](#) to be translated into a language which they understand, if and in so far as they consider such case documents necessary to enable them to exercise their rights.
 - b. may request the assistance of an interpreter when inspecting case documents which they are permitted to inspect pursuant to [Section 51b](#) in order to obtain a verbal translation into a language they understand, if and in so far as they consider such case documents necessary to enable them to exercise their rights.
- 4 A request as referred to in paragraph 1(a) or paragraph 3(a) shall be made in writing, describe as clearly as possible the written information, case documents or parts thereof to which the request pertains and be supported by reasons.
- 5 During the preliminary investigation, the request as referred to in paragraph 1(a) and paragraph 3(a) shall be addressed to the public prosecutor. During the court hearing, the request shall be addressed to the court determining questions of fact, before which the case is being prosecuted, and after the conclusion of the court hearing, to the public prosecutor.
- 6 Where the public prosecutor refuses the request referred to in paragraphs 1 or 3, he shall notify the victim in writing. The victim may lodge a notice of objection with the examining magistrate fourteen days of the date of the notification. Before ruling, the examining magistrate shall hear the victim and the public prosecutor.
- 7 Where the court referred to in paragraph 5 refuses the request referred to in paragraphs 1 or 3, the court shall notify the victim of such in writing, if the victim so requests.
- 8 Without prejudice to the paragraph 1(a), paragraph 2(a) and paragraph 3(a), a verbal translation or summary of the written information or case documents necessary for victims to be able to exercise their rights may, by way of exception, be provided instead of a written translation, on condition that the verbal translation or summary does not affect due process.
- 9 Further rules pertaining to the translation of written information and case documents placed at the disposal of victims at their request may be laid down by ministerial order.

Section 51d of the Dutch Code of Criminal Procedure

Sections [51a–ca](#) shall, with the exception of [Section 51aa\(3\)\(b\)](#), apply mutatis mutandis to persons referred to in [Section 51f\(2\)](#).

Section 51e of the Dutch Code of Criminal Procedure

- 1 The right to address the court may be exercised if the offence as charged in the indictment is a serious offence which carries a statutory term of imprisonment of eight years or any of the serious offences referred to in [Sections 240b, 247, 248a, 248b, 249, 250, 285, 285b, 300\(2\) and \(3\), 301\(2\) and 301\(3\), 306–308](#) and [Section 6 of the Dutch Road Traffic Act 1994 \(*Wegenverkeerswet 1994*\)](#). Those entitled

to do so shall notify the public prosecutor in writing of their intention to exercise their right to address the court before the start of the court hearing so that the public prosecutor is able, in good time, to summon them to the court hearing.

- 2 Victims may make statements at court hearings.
- 3 Fathers or mothers of victims who are minors, and who have a close relationship with the latter, or persons taking care of or bringing up victims as part of their family and having a close personal relationship with the victim, may also exercise the right to address the court as referred to in paragraph 2. The right to address the court may be exercised jointly or each separately. The presiding judge may, of his or her own motion or on the application of the public prosecutor, limit or deny the right to address the court on the grounds that such would be contrary to the interests of the minor victim.
- 4 Where more than three surviving relatives have indicated that they wish to exercise their right to address the court, and they fail to agree among themselves which of them will address the court, the presiding judge shall decide which three persons may exercise that right. The presiding judge's decision shall not prevent a spouses, registered partners or other life companions to speak in exercise of their right to address the court.
- 5 Victims who may make use of the right to address the court include minors who have reached the age of twelve years. The same applies to minors under that age and who can be considered capable of a reasonable appreciation of their interests in the matter.
- 6 Where victims are under twelve years of age, the right to address the court may be exercised by their legal representatives in so far as that representation is not contrary to the interests of the minor concerned. The legal representatives may also, jointly or each separately, make a statement at the court hearing about the impact the offences referred to in paragraph 1 have had on them. The presiding judge may, of his or her own motion or on the application of the public prosecutor, decide to deny a legal representative the right to address the court on the grounds that such would be contrary to the interests of the minor.
- 7 Where a victim is actually incapable of exercising the right to address the court, the right to make a statement about the impact of the offence may be exercised by the spouse, the registered partner or another life companion and one of the victim's family members as referred to in [Section 15a\(1\)\(b\)](#).

- **Section 163 of the Dutch Code of Criminal Procedure**

- 1 Any offence shall be reported verbally or in writing to the competent officer, either by the person making the report in person or by another person who has been given a special written power of attorney for that purpose.
- 2 The verbal report shall be recorded in writing by the officer who receives it and after it has been read out shall be signed by him or her together with the person making the report or his or her authorised representative. Where that person is unable to sign, the reason for the inability shall be stated.
- 3 Where the person making the report or his or her authorised representative does not understand or speak the Dutch language, or does not understand or speak it sufficiently well, he or she shall be allowed to make the report in a language he or she understands or receive the necessary linguistic assistance.
- 4 The signed report shall be signed by the person making the report or his or her authorised representative. The report may be transmitted through electronic means using an electronic service designated by an order in council, for the offences permitted in that service.
- 5 The person making the report shall receive a copy of the report or a copy of the official record of a report.
- 6 Where the interests of the investigation so require, the person making the report shall receive written confirmation of his or her report, notwithstanding the provisions of paragraph 5.

- 7 Where the person making the report does not understand or speak the Dutch language, or does not understand or speak it sufficiently well, he or she shall, on requesting such, receive written confirmation of the report in a language he or she understands.
- 8 A written power of attorney, or, if the original has been executed before a civil-law notary, an authentic copy thereof, shall be attached to the record.
- 9 The investigation officers shall be obliged to take receipt of the reports referred to in [Section 160](#) and [Section 161](#) the officers referred to in [Section 162](#) shall be obliged to take receipt of the reports as referred to in that section.
- 10 [Section 156](#) shall apply.

- **Legal Aid Act (*Wet op de rechtsbijstand*)**

Act of 23 December 1993 regulating government-financed legal aid (*Wet van 23 december 1993, houdende regelen omtrent de door de overheid gefinancierde rechtsbijstand*).

- **Section 2 of the Temporary Domestic Exclusion Order Act (*Wet tijdelijk huisverbod*)**

- 1 The mayor may impose a domestic exclusion order on a person where facts and circumstances show that that person's presence in the home poses a serious and immediate threat to the safety of one or more persons living in the dwelling with him or her or staying there on a more than occasional basis, or where facts and circumstances give rise to a serious suspicion of that threat. The exclusion order shall apply for a period of ten days, except where the period is extended pursuant to [Section 9](#). Further rules regarding the nature of the facts and circumstances that may cause a domestic exclusion order to be imposed shall be laid down by or pursuant to an order in council.
- 2 A domestic exclusion order may only be imposed on an adult person.
- 3 Where a mayor intends to impose a domestic exclusion order because of child abuse or a serious suspicion thereof, he shall contact the Advice and Reporting Centre for Domestic Violence and Child Abuse, referred to in [Section 4.1.1 of the Social Support Act 2015 \(*Wet maatschappelijke ondersteuning 2015*\)](#) in order to discuss the intention to impose a domestic exclusion order.
- 4 A domestic exclusion order shall in any case include:
 - a. a description of the place and duration for which it is valid;
 - b. the facts and circumstances causing the imposition of a domestic exclusion order, and
 - c. the names of the persons in respect of whom the ban on contact applies.
- 5 Further rules pertaining to a domestic exclusion order may be laid down by ministerial order.
- 6 The person excluded from the home shall indicate where or how he or she can be contacted. Where the person excluded from the home is unable to provide that information immediately, he or she shall provide the mayor with the information within 24 hours of the imposition of the domestic exclusion order.
- 7 Where the situation is so urgent that the domestic exclusion order cannot be put in writing in advance, it may be announced verbally. The mayor shall be responsible for ensuring that it is drawn up in writing swiftly and publishing it. Where the place of residence of the person excluded from the home is not known, the announcement shall take place by lodging the domestic exclusion order with the municipal clerk's office.
- 8 The mayor shall inform the person with whom the person excluded from the home shares a household of the content of the domestic exclusion order and the consequences of non-compliance with it for the person excluded from the home without delay. The mayor shall also inform the agency designated by the mayor for advice or assistance of the content of the domestic exclusion order and, where the domestic exclusion order is being imposed because of child abuse or a serious suspicion thereof, the foundation referred to in paragraph 3.

- 9 The mayor may in any case withdraw the domestic exclusion order where the person excluded from the home has accepted an offer of assistance and such has been confirmed by the agency providing advice or assistance, designated pursuant to paragraph 8, and that acceptance also entails the person excluded from the home not impeding the provision of assistance to one or more persons living with the person excluded from the home or staying there on a more than occasional basis, and cooperating when asked to do so by the agency providing assistance or support.

- **Section 1a of the Equal Treatment Act (*Algemene wet gelijke behandeling*)**

- 1 The prohibition on discrimination laid down in this Act shall also include a prohibition on intimidation and a prohibition on sexual intimidation.
- 2 Intimidation as referred to in paragraph 1 means: conduct related to the characteristics or behaviour, as referred to in [Section 1\(1\)\(b\)](#), and which has the purpose or effect of violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 3 Sexual intimidation as referred to in paragraph 1 means: any form of verbal, non-verbal or physical conduct with a sexual connotation which has the purpose or effect of violating the dignity of a person, in particular, when an intimidating, hostile, degrading, humiliating or offensive environment is created.
- 4 [Sections 2, 5\(2–6\), 6a\(2\), and 7\(2–3\)](#) shall not apply to the prohibition of intimidation and sexual intimidation laid down in the present Act.

- **Section 3.51(1) opening words and (h) of the Aliens Decree (*Vreemdelingenbesluit*)**

- 1 An ordinary fixed-period residence permit, subject to a restriction relating to non-temporary humanitarian grounds, may be granted to foreign nationals who:
...
h. for at least one year have been in possession of a residence permit as a victim of human trafficking who for compelling reasons are unable or unwilling to report such or otherwise unable or unwilling to cooperate in the criminal investigation and prosecution of the human trafficker;

- **Chapter B8(2) of the Aliens Act Implementation Guidelines (*Vreemdelingencirculaire*)**

2. Honour-based and domestic violence

2.1. Policy guidelines

Honour-based violence

Under Section 3.48(1) opening words and (e) of the Aliens Decree (Vb), the Immigration and Naturalisation Service (IND) shall grant an ordinary fixed-period residence permit to victims of honour-based violence where all the following conditions are met:

1. A threat of honour-based violence can be said to exist in the Netherlands *and* in the country of origin;
2. There is a real threat that cannot be eliminated in the short term;
3. The manner in which the honour-based violence might be expressed is sufficiently serious; and
4. The foreign national is not eligible for a residence permit for any reason other than that referred to in the present section.

Re 1. and 2. The IND grants an ordinary fixed-period residence permit where the expert opinion of the National Expertise Centre for Honour-Related Violence for the Dutch police (LEC EGG) shows that there is a real and enduring threat of honour-based violence in the Netherlands. The LEC EGG in any case includes in its opinion the possibility of averting the threat.

In addition to facing a threat in the Netherlands, victim must also face a threat in their country of origin. In this context, the victim shall demonstrate plausibly:

- whether any family members live in the country of origin;
- which family members they are; and
- where those family members reside.

Re 3. In any case, the IND defines a sufficiently serious expression of honour-based violence as:

- life-threatening offences directed at the victim or his or her children, including incitement to commit suicide to which the victim is unable to offer any resistance;
- other offences directed towards the victim or his or her children, such as mutilation, assault or unlawful deprivation of liberty;
- repudiation, resulting in the victim being unable to support himself or herself in his or her country of residence;
- child abduction; or
- where the violence leads to distressing circumstances, such as forced separation of parent and child or forced marriage.
- *Domestic violence*

Under Section 3.48(1) opening words and (f) of the Aliens Decree, the IND shall grant a residence permit to victims of domestic violence where all the following conditions are met:

1. Domestic violence or a real threat thereof can be said to exist;
2. The domestic violence has led to a breakdown of the (marital) relationship;
3. The domestic violence is not linked to honour or honour revenge (e.g. honour killings);
4. The victim cannot escape the domestic violence by settling in his or her country of origin; and
5. The victim is not eligible for a residence permit for any reason other than that referred to in the present paragraph.

Re 2. It is irrelevant who decided to break off the relationship or marriage. Only in the case of victims who are minors is it unnecessary, on account of their age, for the family relationship to have broken down.

Re 4. The foreign nationals concerned must be able to demonstrate that they would be unable to escape the violence were they to settle in their country of origin. In addition to violence or a threat of violence in the Netherlands, the foreign nationals concerned must also face a threat in their country of origin. They must be able to demonstrate that family members living in their country of origin pose a threat to the person concerned.

2.2. Extension and withdrawal

Extension

The IND shall not extend the period of validity of an ordinary fixed-period residence permit of victims of honour-based or domestic violence.

After one year, victims of honour-based or domestic violence may submit an application for a residence permit subject to a restriction relating to 'non-temporary humanitarian grounds' (see paragraph B9/11 of the Aliens Act Implementation Guidelines):

- where the threat in connection with which the ordinary fixed-period residence permit was granted continues; or
- where there are compelling reasons of a humanitarian nature.

Withdrawal

The IND shall withdraw the residence permit if, in the opinion of the LEC EGG, there is no longer a real and enduring threat of honour-based violence in the Netherlands and in the country of origin.

2.3. Evidence

Honour-based violence

The IND regards the written opinion of the LEC EGG as evidence showing that there is a threat of honour-based violence in the Netherlands and in the country of origin, that there is a real threat which cannot be eliminated in the short term and that the way in which the honour-based violence may be expressed is sufficiently serious.

Examples of what the IND regards as evidence showing that there are family members living in the country of origin, which family members those are and where they reside include a family record book, a civil registry extract or a notarial deed showing the family composition and the place of residence.

Domestic violence

The IND regards the following as evidence of domestic violence:

- recent police records in which the police are able to demonstrate that domestic violence has taken place; or
- a recent statement by the police or the Public Prosecution Service to the effect that the Public Prosecution Service has launched a prosecution of its own motion against the perpetrator.
- combined with recent medical information from the doctor or confidential doctor or a recent statement by another care provider or recent details concerning a stay in a reception facility or other objective information from a reliable source which provides sufficient evidence that domestic violence has taken place.

The IND also regards the following as evidence of domestic violence:

- an order showing that a Dutch court has annulled a marriage because it was entered into under duress as referred to in Section 71(1) of Book 1 of the Dutch Civil Code.
- **Section 3.51 of the Aliens Decree**
 1. An ordinary fixed-period residence permit, subject to a restriction relating to non-temporary humanitarian grounds, may be granted to foreign nationals who:
 - a. have resided for five years in the Netherlands as holders of a residence permit subject to the restriction referred to in (1), or who have resided for three years in the Netherlands subject to a restriction referred to in (2) or (3):
 1. residence as a family member or relative of a person with a non-temporary right of residence;
 2. medical treatment, in so far as that medical treatment will, in the opinion of Our Minister, be necessary for at least one further year in the Netherlands;
 3. temporary humanitarian grounds;
 - b. after their expulsion pursuant to [Section 64 of the Act](#) has not taken place during a one-year period, have resided in the Netherlands for two years as holders of a residence permit subject to a restriction relating to medical treatment, in so far as that medical treatment will, in the opinion of our Minister, be necessary for at least one further year in the Netherlands;

- c. were holders of a residence permit subject to a restriction relating to residence as a family member or relative of a person with a non-temporary right of residence, where the relationship between the foreign national and that person has ended owing to the latter's death;
 - d. are former Dutch nationals born and bred in the Netherlands;
 - e. are adult former Dutch nationals born outside the Netherlands, in so far as they live in a country other than the one of which they are a national and, in the opinion of Our Minister, have special ties with the Netherlands;
 - f. are minors, in so far as their shelter and legal representation is provided in the Netherlands and who:
 1. have resided legally in the Netherlands for ten years as referred to in [Section 8\(a\) to \(e\) inclusive or \(l\) of the Act](#), or as Dutch citizens, or
 2. before submitting an application, have resided legally in the Netherlands for five years as referred to in [Section 8\(a–e\) or \(l\) of the Act](#), or as Dutch citizens, in so far as, in the opinion of Our Minister, the Netherlands is the most appropriate country for the foreign national concerned;
 - g. are eligible for the return option under [Section 8 of the Return Migration Act \(Remigratiewet\)](#), provided they have not previously made use of the return option, their application for re-entry is received within one year of return migration from the Netherlands and they, immediately prior to their return migration:
 1. had migrated back from the Netherlands as returnees under the [Return Migration Act](#);
 2. as partners of a returnee returning with the returnee were legally resident for three successive years within the meaning of [Section 8 of the Act](#) or as Dutch citizens;
 3. as a minor child of a returnee returning with the returnee was legally resident within the meaning of [Section 8 of the Act](#) or as a Dutch citizen, irrespective of the duration, and applies for re-entry at the same time as the returnee, or
 4. as a minor child of a returnee returning with the returnee was legally resident within the meaning of [Section 8 of the Act](#) or as a Dutch citizen, irrespective of the duration, and independently applies for re-entry if he or she has become an adult within one year of re-entry;
 - h. for at least one year have been in possession of a residence permit as victims of human trafficking who for compelling reasons are unable or unwilling to report such or otherwise unable or unwilling to cooperate in the criminal investigation and prosecution of the human trafficker;
 - i. for at least one year have been in possession of a residence permit as a victim of honour-based violence or imminent honour-based violence as referred to in [Section 3.48\(1\)\(e\)](#);
 - j. for at least one year have been in possession of a residence permit as a victim of domestic violence or imminent domestic violence as referred to in [Section 3.48\(1\)\(f\)](#);
 - k. on account of special individual circumstances, in the opinion of Our Minister, permanent residence in the Netherlands is recommended.
- 2 Notwithstanding paragraph 1, opening words and (a)(1), a residence permit may also be granted where a foreign national:
- a. immediately before submitting the application, was legally resident in the Netherlands for two years within the meaning of [Section 8\(a\) of the Act](#) as a family member of a holder of a European blue card issued by Our Minister, and
 - b. at the time when the application was received or the decision was handed down, was legally resident for an uninterrupted period of at least five years on the territory of a State which is party to the Treaty on the Functioning of the European Union as a family member of the holder of the European blue card referred to in (a).

- 3 A residence permit may also be granted to foreign nationals other than those referred to in paragraphs 1 and 2. Rules may be set in this regard by ministerial order.
- 4 An application shall not be refused on the basis of [Section 16\(1\)\(c\) and \(k\) of the Act](#). Nor shall an application be refused on the basis of Section 16(1)(b) of the Act, where the application was submitted by a foreign national referred to in paragraph (1)(d).
- 5 [Section 3.80a](#) shall apply to the foreign nationals referred to paragraph (1)(a)(1), and (2).
- 6 To the extent a residence permit is granted, [Section 3.77](#) and [Section 3.78](#) shall not apply, while [Section 3.86](#) and [Section 3.87](#) shall apply mutatis mutandis.
- 7 For the purposes of paragraph (1)(a)(1) and (c), a person with a non-temporary right of residence shall not mean a holder of a fixed-period asylum residence permit.
- 8 A permit subject to a restriction relating to non-temporary humanitarian grounds may also be granted to foreign nationals to whom Section 13 of Decision no. 1/80 of the EC-Turkey Association Council on the development of the Association is applicable where:
 - a. the foreign national has been granted the permit referred to in [Section 3.31b](#) and, at the time the period of validity of that permit expires, has a job for a further year which provides him or her with lasting and sufficient means of support as referred to in [Sections 3.73 to 3.75 inclusive](#), or
 - b. he or she has resided in the Netherlands for three years as a holder of residence permit subject to a restriction relating to residence as a family member or relative of a person with a non-temporary right of residence, and the conditions for an extension of the period of validity of the original residence permit have been met.

- **Chapter B9(10) of the Aliens Act Implementation Guidelines**

10. Following residence as a victim of human trafficking who is unable or unwilling to report such

The IND shall grant a fixed-period residence permit subject to the restriction relating to 'non-temporary humanitarian grounds' under [Section 3.51\(1\) opening words and \(h\) of the Aliens Decree](#), where:

- The victim demonstrates that the threat on the basis of which the residence permit was granted continues, making it impossible for the victim to cooperate in the criminal proceedings; or
- recent medical information shows that a physical or mental condition is (still) preventing the victim from cooperating in the criminal proceedings.
- The IND shall grant an ordinary fixed-period residence permit, subject to a restriction relating to 'permanent humanitarian grounds' under [Section 3.51\(1\) opening words and \(k\) of the Aliens Decree](#), where:
 - a foreign national has for at least one year been in possession of a residence permit as a victim of human trafficking who for compelling reasons is unable or unwilling to report such or otherwise unable or unwilling to cooperate in the criminal investigation and prosecution of the human trafficker; and
 - a serious threat or a physical or mental limitation making it impossible for the victim to cooperate in the criminal proceedings can no longer be said to exist, and
 - there is a combination of compelling reasons of a humanitarian nature directly related to human trafficking, which mean the foreign national cannot be required to leave the Netherlands.

- **Article 3.36 of the Regulations on Aliens 2000 (*Voorschrift Vreemdelingen 2000*)**

Article 3.36.

- 1 Acts of persecution within the meaning of Article 1A of the Convention relating to the Status of Refugees must:

- a. be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the [ECHR]; or
 - b. be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in (a).
- 2 Acts of persecution as qualified in paragraph 1, can, inter alia, take the form of:
- a. acts of physical or mental violence, including sexual violence;
 - b. legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
 - c. prosecution or punishment, which is disproportionate or discriminatory;
 - d. denial of judicial redress resulting in a disproportionate or discriminatory punishment;
 - e. prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in Article 1F of the Convention relating to the Status of Refugees;
 - f. acts of a gender-specific or child-specific nature.
- 3 There must be a connection between the reasons mentioned in Article 1A of the Convention relating to the Status of Refugees and the acts of persecution as qualified in the paragraph 1 or the absence of protection against such acts.

- **Paragraph C2/3.3 of the Aliens Act Implementation Guidelines 2000**

3.3. Serious harm within the meaning of Section 29(1), opening words and (b) of the Aliens Act

General

The IND grants fixed-period asylum residence permits under Section 29(1), opening words and (b) of the Aliens Act where the removal of a foreign national from the Netherlands would give rise to a real risk of serious harm within the meaning of Section 29(1), opening words and (b) of the Aliens Act and Article 3.37b of the Aliens Regulations.

Foreign nationals may face a real risk of serious harm upon leaving their country of origin, but such a risk may also arise following their departure from it.

The IND does not grant fixed-period asylum residence permits under Section 29(1), opening words and (b) of the Aliens Act where Article 3.105e, opening words and (e) of the Aliens Decree is applicable.

Indiscriminate violence and the human rights situation

The general situation of violence and the human rights situation are included in any analysis of Section 29(1), opening words and (b) of the Aliens Act. The graver the situation of (indiscriminate) violence or the human rights situation in a country of origin, the more readily the IND will conclude that a foreign national, having regard to the individual facts and circumstances pertaining to him or her, would face a real risk of serious harm if returned to his or her country of origin.

The IND assesses whether a situation as defined in Section 29(1), opening words and (b) of the Aliens Act can be said to exist based on the following elements:

- whether the situation in the country of origin, or in a particular area of that country, is an exceptional one where persons would, solely on account of their presence in their country of origin, face a real risk of serious harm;

- whether the foreign national belongs to a group which is systematically exposed to a real risk of serious harm, in cases where no exceptional situation can be said to exist;
- whether the foreign national, based on the policy pertaining to 'vulnerable minority groups', is eligible for a fixed-period asylum residence permit under Section 29(1), opening words and (b) of the Aliens Act, in cases where no exceptional situation and systematic exposure can be said to exist;
- whether the foreign national, based on his or her personal situation or individual account of the reasons for his or her request for asylum, has been able to demonstrate that he or she faces a real risk of serious harm, in cases where none of the foregoing situations arises.

The IND assesses whether a foreign national is eligible for a fixed-period asylum residence permit under Section 29(1), opening words and (b) of the Aliens Act, working through the elements in the order set out above.

Exceptional situation

An exceptional situation within the meaning of Article 3 of the ECHR (and Article 15(c) of Directive 2011/95/EU) can be said to exist where the general situation of violence and the human rights situation in the country of origin, or in a particular area of that country, is so exceptionally poor that any foreign national, regardless of his or her individual circumstances, would face a real risk of serious harm if returned (in the words of the ECHR: most extreme cases of general violence). The Minister has the authority to designate a situation in a country of origin as an exceptional situation.

In any case, the following elements are considered together in an assessment of whether an exceptional situation can be said to exist:

- whether parties involved in the conflict concerned use methods of warfare which increase the possibility of civilian casualties or target civilians;
- whether the use of such methods is widespread among the warring factions;
- whether the violence is widespread or local;
- the numbers of dead, injured and displaced people among the civilian population as a result of the conflict.

In such cases, the individualisation requirement is limited to the person concerned originating in the country or specific area where an exceptional situation can be said to exist.

The country-specific policy includes as a criterion a determination as to whether or not an exceptional situation can be said to exist in a specific country.

Systematic exposure

The individualisation requirement is restricted to the person concerned having to be able to demonstrate that he or she belongs to the population group or social group which systematically faces a real risk of serious harm within the meaning of Section 29(1), opening words and (b) of the Aliens Act.

The country-specific policy includes as a criterion a determination as to whether or not a population group or social group can be said to be systematically exposed to serious harm in a specific country within the meaning of Section 29(1), opening words and (b) of the Aliens Act.

Vulnerable minority groups

The Minister has the authority to designate a population in a country of origin as a vulnerable minority group. In any case, the following elements are considered together in an assessment of whether a population group can be designated as a vulnerable minority:

- whether indiscriminate violence or indiscriminate human rights violations can be said to exist in the

- country or in a particular area of that country, such as murder, rape and assault;
- the extent to which a foreign national belonging to the population group is able to avail himself or herself of effective protection against imminent violence or human rights violations (see Article 3.37c of the Aliens Regulations);
- the extent to which a foreign national belonging to the population group can escape from imminent violence or human rights violations by settling elsewhere (see Article 3.37d of the Aliens Regulations).

The country-specific policy includes as a criterion a determination as to whether or not a population can be designated as a vulnerable minority. A distinction is made between a vulnerable minority group and a risk group (see section C2/3.2 of the Aliens Act Implementation Guidelines).

A foreign national belonging to a population group designated in the country-specific policy as a vulnerable minority group may, where credible and identifiable statements have been made, be able to demonstrate with limited indications that he or she fears being subjected to such serious harm as defined here.

In such cases, the individualisation requirement is not restricted to the personal experience of the foreign national concerned. Based on the statements made by a foreign national, the IND considers what human rights violations people belonging to the vulnerable minority group, in the immediate vicinity of the foreign national, have experienced. In such cases, a foreign national is not required to be able to demonstrate that the human rights violations were prompted by membership of the vulnerable minority group concerned. Such human rights violations could also have taken place in the immediate vicinity of the foreign national in his or her country of origin after he or she had already left the country.

The IND does not grant fixed-period asylum residence permits under Section 29(1), opening words and (b) of the Aliens Act to foreign nationals belonging to a vulnerable minority where in any case:

- there has been a considerable time lag between the human rights violations and the foreign national's departure from his or her country of origin;
- the foreign national has experienced no further problems during the considerable time lag.

Distinguishing features

The individualisation requirement is applicable in all other cases. The foreign national must adduce special distinguishing features which indicate the real risk of serious harm within the meaning of Section 29(1), opening words and (b) of the Aliens Act.

Previous exposure to atrocities

Where foreign nationals have been exposed to serious harm within the meaning of Section 29(1)(b) of the Aliens Act in their country of origin, reference is made, first, to Section 31(5) of the Aliens Act.

To supplement those provisions, the IND issues foreign nationals who in the past have been exposed to traumatic events in their immediate vicinity and, owing to psychological problems resulting from the atrocities, are in a position preventing them from returning to their country of origin with an asylum residence permit pursuant to Section 29(1), opening words and (b) of the Aliens Act, under the conditions set out therein. This is a more favourable standard within the meaning of Article 3 of Directive 2011/95/EU.

The IND does not grant fixed-period asylum residence permits solely based on the fact that a foreign national has submitted a medical certificate concerning the trauma he or she has experienced.

Foreign nationals must meet all the following conditions to be eligible for a fixed-term asylum residence permit pursuant to Section 29(1), opening words and (b) of the Aliens Act.

This concerns exclusively acts caused by:

- the authorities of the country of origin;
- political or militant groups exercising actual power in the country of origin or part thereof;
- groups against which the government is unable or unwilling to provide protection.

Only the following acts may prompt the IND to grant a fixed-period asylum residence permit pursuant to Section 29(1), opening words and (b) of the Aliens Act:

- the violent death of a foreign national's close family members or members of his or her household;
- the violent death of other relatives or friends of a foreign national in so far as he or she is able to demonstrate that there was a close relationship between the deceased and him or her;
- the substantial non-criminal detention of a foreign national;
- the torture, serious assault or rape of a foreign national;
- a foreign national witnessing the torture, serious assault or rape of his or her close family members or members of his or her household;
- a foreign national witnessing the torture, serious assault or rape of other relatives or friends in so far as he or she is able to demonstrate that there was a close relationship between the relative or friend and him or her.

The IND grants fixed-period asylum residence permits pursuant to Section 29(1), opening words and (b) of the Aliens Act to foreign nationals who further meet all the following conditions:

- to foreign nationals who have been exposed to an event in their country of origin, where the perpetrators of those events have not been punished in their country of origin;
- to foreign nationals who have been able to demonstrate that that event caused them to leave their country of origin;

When testing the aforementioned conditions against the policy guideline, the IND examines whether perpetrators of atrocities are generally punished in the country of origin concerned. See Article 3.37c of the Aliens Regulations for the assessment of this criterion.

Foreign nationals must be able to demonstrate in their statements that a traumatic event took place and that that traumatic event coupled with the actual situation in their country of origin was the reason for their leaving it. The burden of proof rests with the foreign national.

The causal link between a traumatic event and the reason for leaving is accepted where a foreign national leaves his or her country of origin within six months of the traumatic event.

This does not apply to situations where foreign nationals have been able to demonstrate that there is a link between the traumatic event and their leaving their country of origin and that, through no fault of their own, they were unable to leave their country of origin within the six-month period.

In this context, the IND also grants fixed-period asylum residence permits pursuant to Section 29(1), opening words and (b) of the Aliens Act where there has been a regime change in a foreign national's country of origin before he or she leaves it.

The IND does not grant fixed-period asylum residence permits pursuant to Section 29(1), opening words and (b) of the Aliens Act where foreign nationals are able to relocate within their country of origin (see section C2/3 of the Aliens Act Implementation Guidelines). Article 3.37c of the Aliens Regulations shall apply *mutatis mutandis*.

The IND does not grant fixed-period asylum residence permits pursuant to Section 29(1), opening words and (b) of the Aliens Act where:

- the safe country exception within the meaning of section C2/6.1–6.3 of the Aliens Act Implementation Guidelines can be said to exist;

- a contraindication within the meaning of section C2/5–8 of the Aliens Act Implementation Guidelines can be said to exist.

Genital mutilation

Where all the following conditions are met, the IND grants fixed-period asylum residence permits pursuant to Section 29(1), opening words and under (b) of the Aliens Act to women who invoke genital mutilation:

- there is a real risk of women being subjected to genital mutilation;
- Article 3.37c of the Aliens Regulations is not applicable;
- Article 3.37d of the Aliens Regulations is not applicable.

Based on the individual statements of a foreign national, the IND assesses whether the foreign national is eligible for a fixed-period asylum residence permit pursuant to Section 29(1), opening words and (b) of the Aliens Act because there is a real risk of women being subjected to genital mutilation.

The IND also includes in its assessment general information about the genital mutilation of women in the country of origin. Such information may be found, for example, in an official country report from the Minister of Foreign Affairs.

Where there is a well-founded fear of genital mutilation, the IND grants fixed-term asylum residence permits pursuant to Section 29(1), opening words and (b) of the Aliens Act exclusively to:

- girls, including those born in the Netherlands, who face a real risk of genital mutilation if they are returned to their country of origin; and
- the parent of a girl to whom the IND has granted a fixed-period asylum residence permit pursuant to Section 29(1), opening words and (b) of the Aliens Act.

Notwithstanding the foregoing, the IND will in no circumstances grant a fixed-period asylum residence permit pursuant to Section 29(1), opening words and (b) of the Aliens Act where fear of genital mutilation has been invoked to:

- parents who have performed the genital mutilation themselves or facilitated its performance;
- parents who enter the Netherlands after their daughters have already been granted a fixed-period asylum residence permit pursuant to Section 29(1), opening words and (b) of the Aliens Act; and
- other family members.

Medical circumstances

In special circumstances, expulsion may, in connection with the medical situation of the person concerned, result in an infringement of Article 3 of the ECHR. The IND assesses the question of whether Article 3 of the ECHR has been infringed on medical grounds in the context of the ex officio assessment to establish whether postponement of departure should be granted under Section 64 of the Aliens Act. In such a situation, no asylum residence permit is granted, except in situations as defined in the transitional law laid down in A3/7.6. See paragraph A3/7 of the Aliens Act Implementation Guidelines for details of the applicable policy guidelines and transitional law. Where no ex officio assessment takes place, but the more comprehensive asylum decision must also be deemed a return decision, the IND also assesses – in the context of that return decision – whether an infringement of Article 3 ECHR can be said to have taken place on medical grounds.

• **Section 29(1)(a) and (b) of the Aliens Act 2000**

- 1 A fixed-period residence permit as referred to in [Section 28](#) may be granted to foreign nationals:
 - a. who are refugees under the terms of the Convention; or

- b.** who have been able to demonstrate that they have good grounds for believing that if they are expelled they will run a real risk of serious harm, comprising:
 - 1.** the death penalty or execution;
 - 2.** being subjected to torture or to inhuman or degrading treatment or punishment; or
 - 3.** a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.