

**Contribution of the Dutch section of the International Commission of Jurists to the first thematic evaluation round of the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence.**

This report is written and published by the Dutch Section of the International Commission of Jurists (NJCM).

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## Introduction

The Dutch section of the International Commission of Jurists (hereafter: NJCM) is committed to the protection of human rights in the Netherlands and in the Dutch foreign policy. As women's rights are human rights, the NJCM's commitment also naturally extends to the protection of all women from all forms of gender-based violence (GBV). Until today, Dutch society continues to grapple with high numbers of victims of violence against women (VAW). The NJCM is worried that the new conservative political wind might de-prioritise the adequate implementation of the Convention in the Netherlands. Through this report, the NJCM therefore urges the Government to continue to take its Convention obligations seriously.

In this first thematic evaluation of the Dutch implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence, the NJCM seeks to provide information and updates on a small selection of topics. These topics have either been addressed by the NJCM in other human rights conventions' monitoring mechanisms or presented particular issues that were found important to share. Whilst the NJCM has not addressed all questions of the questionnaire, this does not imply that the NJCM believes that all unaddressed topics require no more attention by GREVIO.

## Article 14: Education

**Question 10: Examples of promising teaching or prevention programmes, materials, or initiatives for use in formal education, that:**

- a) **educate children and youth about equality between women and men, the right to personal integrity, mutual respect and non-violent conflict resolution in interpersonal relationships, including the notion of freely given consent;**
- b) **address some or all the forms of gender-based violence against women and girls covered by the Istanbul Convention;**
- c) **promote the inclusion of digital literacy and online safety in formal curricula as foreseen under GREVIO General Recommendation No. 1 on the digital dimension of violence against women;**
- d) **ensure that teaching material used in school does not convey negative gender stereotypes of women and men of all ages;**
- e) **offer tailored interventions aimed at preventing gender-based violence and empowering all girls, including those at risk of intersectional discrimination.**

The current curriculum for primary and secondary schools was implemented in 2006. Through this curriculum, the Dutch Government requires schools to address certain core objectives. One of the core objectives is that children must learn to respectfully deal with sexuality and with diversity within society, including sexual diversity.<sup>1</sup> Although the Government requires schools to implement these objectives, it does not prescribe *how* schools should implement them. Consequently, it is left to individual schools and teachers to provide education concerning these topics in any manner they see fit. The consequential absence of uniformity this situation creates is problematic. In 2021 the Ministry of Education, Culture and Science has therefore ordered these core objectives to be updated. On 25 March 2022, Platform Mensenrechteneducatie (PMRE), of which NJCM is part, sent a letter to the House of Representative in which it called upon them to ensure that children's and human rights get a clear place in the new core objectives.<sup>2</sup> The NJCM welcomes the latest draft of the revised core objectives on citizenship and digital literacy, which were formally presented in March 2024.

<sup>1</sup> Kerndoelen onderbouw voortgezet onderwijs. Available at: <https://www.rijksoverheid.nl/documenten/besluiten/2010/09/17/kerndoelen-onderbouw-voortgezet-onderwijs> accessed 30 April 2024.

<sup>2</sup> Platform Mensenrechteneducatie, brief aan de vaste Kamercommissie voor Onderwijs, Cultuur en Wetenschap (25 March 2022). Available at: <https://njcm.nl/actueel/gezamenlijke-kamerbrief-njcm-e-a-over-mensenrechten-in-het-curriculum-funderend-onderwijs/> accessed 15 May 2024.

One of the new core objectives on citizenship is tailored towards diversity and mentions that students are to act respectfully based on knowledge about a diverse society. It is also specified that this draft core objective, among others, means that students must: (1) have knowledge about how the Dutch constitution protects diversity in gender; and (2) be able to assess and discuss situations that are stereotyping. In addition, this draft core objective on diversity also includes potential ways of implementation by schools.<sup>3</sup> The other new core objective focuses on digital literacy and online safety. Provisions within this objective specify, for example, that students must know how to: (1) adequately deal with inappropriate content, inappropriate behaviour and security risks in digital environments; and (2) communicate and act in a respectful and responsible way when online. Different education programmes and materials are being produced by, for example, the **Nationale Academie voor Media en Maatschappij** (*National Academy for Media and Society*).<sup>4</sup> The NJCM emphasises the importance of children’s education in these topics and welcomes the implementation of the new curriculum on citizenship, which has been long overdue.

In 2023, the Government launched a National Action Programme tackling sexually inappropriate behaviour and sexual violence.<sup>5</sup> One of its purposes is to include the topic of sexuality in education and to teach employees of every education, healthcare and welfare organisation how they can discuss sexuality.<sup>6</sup> The action programme recognises that tools and support are present, but in a fragmented way, and that they can be difficult to find. To this end, the Government proposed a number of measures.<sup>7</sup> For example, it will support the alliance **Act4Respect Unlimited**, that will “increase the support, knowledge and instruments with which professionals in education, healthcare and welfare organisations can support young people in healthy sexual and relational development”.<sup>8</sup> Although the NJCM supports these initiatives regarding sexuality in education, the NJCM is seriously concerned about the new Government’s coalition agreement in which they have expressed their intention to ensure that core objectives about relationship and sex education are “neutral” and better tailored to the age of students, especially in primary education.

As part of its emancipation policy,<sup>9</sup> the Dutch Government provides subsidies to eight organisations for a period of five years, for activities that contribute to gender equality and/or LGBTI+-equality. These organisations include **Alliantie Worden Wie je Bent** (*Alliance Becoming Who You Are*), which is committed to promoting gender equality in the education field.<sup>10</sup> Subsidies are also given to two archives, including **Archive Atria**, which stores and manages the heritage of women’s movements in the Netherlands.<sup>11</sup> Also, as part of its emancipation policy, the Government allots 4 million euros annually for research, monitoring, interventions, knowledge sharing, awareness and cultural change to improve social safety and inclusion in higher education. They also contribute 30 million euros annually for the professionalisation of teachers in secondary vocational education.

<sup>3</sup> Conceptkerndoelen burgerschap en digitale geletterdheid. Available at: <<https://www.slo.nl/thema/meer/actualisatie-kerndoelen-examenprogramma/actualisatie-kerndoelen/>> accessed 30 April 2024.

<sup>4</sup> See for an overview <<https://www.slo.nl/sectoren/po/digitale-geletterdheid-po/digitale-geletterdheid-po/leermaterialen/mediawijsheid/>> accessed 16 May 2024.

<sup>5</sup> Nationaal Actieprogramma Aanpak seksueel grensoverschrijdend gedrag en seksueel geweld: Elkaars wensen en grenzen herkennen, erkennen en respecteren. Available at: <<https://www.government.nl/topics/action-programme-sexually-transgressive-behaviour-and-sexual-violence/documents/reports/2023/03/30/recognizing-acknowledging-and-respecting-each-others-wishes-and-boundaries>> accessed 1 May 2024.

<sup>6</sup> *Ibid.* p. 17.

<sup>7</sup> *Ibid.* p. 17-18.

<sup>8</sup> *Ibid.* p. 17.

<sup>9</sup> Emancipatienota 2022-2025. Available at: <<https://www.rijksoverheid.nl/onderwerpen/lhbti-emancipatie/documenten/kamerstukken/2022/11/18/emancipatienota-2022-2025>> accessed 1 May 2024.

<sup>10</sup> Tweede Kamer, ‘Emancipatiebeleid: Brief van de Minister van Onderwijs, Cultuur en Wetenschap’ (13 February 2023) Vergaderjaar 2022-2023, 30420, nr. 380. Available at: <[https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2023Z02470&did=2023D05696](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2023Z02470&did=2023D05696)> accessed 1 May 2024).

<sup>11</sup> The other organisations and archive that have received subsidies are Alliantie Kleurrijk en Vrij, Alliantie Financieel Sterk door Werk, Alliantie Verandering van Binnenuit 2.0, Alliantie Act 4 Respect Unlimited, Alliantie Gelijke Representatie in de Politiek, Alliantie Jong Gelijk, Alliantie Gezondheidszorg op Maat and Archief IHLIA.

In doing so, the development of expertise of teachers is included in the field of sexual and gender diversity.<sup>12</sup> The emancipation policy also lists a number of measures that the Government is working on or has already taken in order to increase social safety at school, including the free and safe education bill, which regulates that schools must make an effort to improve social safety at school.<sup>13</sup> The NJCM encourages these initiatives and especially the free and safe education bill.

The NJCM encourages the Government to promptly implement the new curriculum on citizenship, which has been long overdue.

The NJCM urges the Government to continue respecting the professionally and carefully developed methods for sexual education, and abstain from imposing limiting subjective conditions, such as “neutrality”, onto education.

### Article 22: Specialist support services

**Question 25: Please describe the type of specialist support services dedicated to women victims of the forms of gender-based violence covered by the Istanbul Convention (e.g., stalking, sexual harassment and domestic violence, including their digital dimension, female genital mutilation, forced marriage, forced sterilisation, forced abortion), including those specialist support services providing:**

- a) Shelters and/or other forms of safe accommodation
- b) Medical support
- c) Short- and long-term psychological counselling
- d) Trauma care
- e) Legal counselling
- f) Outreach services
- g) Telephone helpline
- h) Other forms of support (e.g. Socio-economic empowerment programmes, online assistance platforms etc.)

The multitude of organisations, as shown in the appendix, shows a high degree of fragmentation in the available specialised help for women who have been victims of GBV. These organisations offer particular types of care or cater to a specific target group. It is noticeable that there are no organisations that offer support to victims of *all* forms of GBV and coordination from the Government is also absent. Organisations operate independently and it is unclear to what extent they coordinate or collaborate amongst themselves to be able to offer the appropriate individualised care. Furthermore, the biggest and most well-known organisations Veilig Thuis and Slachtofferhulp Nederland, have a broader target group beyond GBV.

Consequently, the assistance offered by these organisations may lack the necessary gender sensitivity. In a report by UN Women Netherlands, it was reiterated that one of the critical issues of the Dutch implementation of the Istanbul Convention is that the policy and approach are insufficiently gender-sensitive.<sup>14</sup> Besides, it is not always apparent what specific assistance each organisation provides. For instance, it may be unclear whether an organisation offers direct healthcare services or merely acts as an intermediary, referring victims to general practitioners or hospitals. It is for instance also unclear to what extent specialised psychological care is available through the existing specialised organisations.

<sup>12</sup> Voortgangsrapportage Emancipatie 2022 – 2023 p. 12. Available at: <https://www.rijksoverheid.nl/documenten/rapporten/2023/12/01/voortgangsrapportage-emancipatie-2022-2023> accessed 1 May 2024.

<sup>13</sup> *Ibid.* p. 32, 33; see for more information on the free and safe education bill: <https://www.rijksoverheid.nl/onderwerpen/veilig-leren-en-werken-in-het-onderwijs/veiligheid-op-school> accessed 17 May 2024.

<sup>14</sup> *Ibid.*

The fragmentation of help organisations has been highlighted in the baseline report of 2022 and continues to exist.<sup>15</sup> The Verwey-Jonker Institute, a Dutch institute focused on social issues and vulnerable groups, has also addressed this issue, stating that *"many victims are unable to discern the most appropriate avenue for assistance. There are an overwhelming number of potential sources of information and assistance, including websites, telephone numbers, chats, and a multitude of institutions. However, it is unclear where victims can turn for assistance and support."* A victim of trafficking adds, *"I am intelligent, resourceful, highly educated, and even I encountered difficulties."*<sup>16</sup>

This fragmentation and lack of holistic approach in supporting all victims of GBV poses a significant risk of not only creating confusion among victims about what type of assistance to seek and where, but victims also highly risk missing out on the necessary support and care. There is a notable absence of a holistic and coordinated approach that guarantees adequate and tailored support and care for victims of all forms of GBV. The baseline report also recommended establishing a telephone advice line covering all forms of violence against women in accordance with the Istanbul Convention, separate from child protection services and operated by staff trained in a gender-based approach to violence against women, including domestic violence. Similarly, the report by UN Women Netherlands asserted that for a comprehensive and effective policy, all policies pertaining to gender-based violence must be unified and encompass all forms of gender-based violence. To date, no significant developments have been made in this area.

Lastly, the shortage of shelter for women victims of GBV has been a worrying trend.<sup>17</sup> The insufficiency in shelter places has also meant that the available emergency beds for women in acute danger has been under pressure, posing unacceptable safety risks for women and children in danger.<sup>18</sup> This shortage is partly caused by a general shortage of social housing, which leads to women in shelters being unable to pass on to permanent homes.<sup>19</sup>

The NJCM therefore strongly suggests the Government establish policies that enable women victims of all forms of GBV to easily access the appropriate and necessary specialist support services and that guarantees an individualized and gender-sensitive approach for each victim. This may include the organisation of collaboration and coordination between the multitude of organisations and municipalities.

The NJCM urges the Government to comply with the recommendation in the Baseline Report, by establishing a telephone advice line covering all forms of violence against women in accordance with the Istanbul Convention.

The NJCM lastly urges the Government to provide the necessary funding to enable relevant organisations to organise sufficient sheltering for all women victims of GBV in need of such support, and especially to those in urgent need of protection.

**Question 26: Which type of specialist support service includes child psychologists or other professionals specialised in supporting children who have been exposed to domestic violence, including violence perpetrated by one parent against the other?**

<sup>15</sup> Baseline report, para 168.

<sup>16</sup> [https://www.verwey-jonker.nl/wp-content/uploads/2023/03/122030\\_Laagdrempelige-hulp.pdf](https://www.verwey-jonker.nl/wp-content/uploads/2023/03/122030_Laagdrempelige-hulp.pdf), p. 25.

<sup>17</sup> See <https://pointer.kro-ncrv.nl/migrantenvrouwen-die-slachtoffer-zijn-van-huiselijk-geweld-komen-niet-terecht-bij-juiste-instanties> and <https://www.binnenlandsbestuur.nl/sociaal/volle-opvanghuizen-voor-slachtoffers-van-huiselijk-geweld-door-een-tekort-aan-woningen>

<sup>18</sup> See <https://nos.nl/op3/artikel/2304604-tientallen-slachtoffers-huiselijk-geweld-noodgedwongen-opgevangen-in-hotels> and <https://www.valente.nl/nieuws/tekort-aan-opvang-voor-slachtoffers-huiselijk-geweld-is-onverantwoord/>

<sup>19</sup> <https://www.trouw.nl/binnenland/woningcrisis-treft-ook-slachtoffers-van-huiselijk-geweld-de-opvang-is-overnvol-b3d159cc/?referrer=https://www.google.com/>

For 44 years, the **Kindertelefoon** (*Child Helpline*) has been the primary organisation in the Netherlands for children to talk freely and confidentially about topics they may not feel comfortable discussing in their own environment. The Kindertelefoon fulfils a legal obligation, hence receiving funding from the Ministry of Health, Welfare, and Sport. With approximately 600 volunteers, they offer a listening ear, provide information if needed, and consider possible next steps. They operate via chat and phone for any query and cater to children and adolescents aged 8 to 18 years old. They emphasise self-reliance and collaboratively explore opportunities for support within one's own network. In certain situations, they also refer to professional help.

Among the large national organisations listed in question 25, Veilig Thuis, Slachtofferhulp, and the Centrum voor Seksueel Geweld explicitly provide help to children. Additionally, Fier and Sterk Huis, two of the smaller organisations, also focus on children. Blijf Groep has established special programmes to assist children in processing their experiences of domestic violence, both within and outside of the care system. The problem of fragmentation, as described under question 25, also seems to be a problem with regard to the available support for children who have been exposed to GBV.

The NJCM therefore urges the Government to also ensure that children who have been exposed to domestic violence have easy and effective access to the necessary specialized support.

**Question 27: Do specialist support services exist that cater to the specific needs of migrant women and girls or those belonging to national or ethnic minorities who are victims of violence against women, including women and girls seeking asylum and those granted refugee or international protection status?**

A study by Pointer (KRO-NCRC) dated 12 June 2023 indicates that migrant victims of domestic violence often do not receive the assistance they require from the appropriate agencies. There is a need for enhanced collaboration between informal and formal institutions, with the latter often being the first point of contact for the former.<sup>20</sup> The study found that discrimination often occurs during the screening process at the police or with bigger organisations such as Veilig Thuis. Some women as a result are not appointed a place in a shelter, even when they in fact are eligible. Undocumented women are therefore often denied access to a shelter.<sup>21</sup> In this respect, migrant women with a residence permit that is dependent of their partner's legal residency, are particularly vulnerable. If they end their relationship, the legal grounds for their residence permit are no longer met, which leads to the revocation of the permit. Many women therefore see the need to remain within their abusive relationship. Lastly, when migrant women are eligible for a shelter place, the shortage of shelters (as discussed under question 25) may result in homelessness.

Furthermore, the SAFE initiative (see question 25) has indicated that young women with a migration background rarely utilise SAFE's service, potentially due to its exclusive availability in Dutch and its development within the Dutch cultural context.<sup>22</sup> Women with a migration background may experience diverse forms of intimate partner violence (IPV) due to a multitude of factors, with discrimination and gender inequality representing only two of these.

<sup>20</sup> 'Migrantenvrouwen die slachtoffer zijn van huiselijk geweld komen niet terecht bij juiste instanties', *KRO-NCRV*, 12 June 2023, <https://pointer.kro-ncrv.nl/migrantenvrouwen-die-slachtoffer-zijn-van-huiselijk-geweld-komen-niet-terrecht-bij-juiste-instanties>

<sup>21</sup> 'Ongedocumenteerden worden vaak niet geselecteerd voor de vrouwenopvang', *Kennisplatform inclusief samenleven*, 8 March 2018, <https://www.kis.nl/artikel/ongedocumenteerden-worden-vaak-niet-geselecteerd-voor-de-vrouwenopvang>; 'Reconstructie: vijf jaar onderzoek en resultaten, Waarom vrouwen in de opvang de Nationale ombudsman hard nodig hebben', *De Nationale Ombudsman*, 15 July 2021, <https://www.nationaleombudsman.nl/professionals/nieuws/artikel/2021/waarom-vrouwen-in-de-opvang-de-nationale-ombudsman-hard-nodig>

<sup>22</sup> 'SAFE – Veilige online plek voor vrouwen met een migratieachtergrond en partnergeweld', *SAFE*, <https://www.sass.nl/projecten/vrouwen-met-een-migratieachtergrond-en-partnergeweld/>

Consequently, the Radboud University medical centre has initiated a research project, with the objective of identifying the culturally sensitive needs and preferences of Arabic-speaking women with a non-Dutch cultural background in relation to IPV.<sup>23</sup>

In conclusion, it appears that there exists a general lack of organisations that are specifically tailored to the needs of migrant women who are victims of GBV and that the structural denial of shelters to undocumented women renders them particularly vulnerable.

The NJCM urges the Government to guarantee sufficient shelters and adequate specialist support services for undocumented women and their children who are victims of GBV and are in need of protection.

The NJCM urges the Government to adopt policies that guarantee easy and effective access to specialised support services that cater to the specific needs of migrant women.

### Article 53: Restraining or protection orders

**Question 53: Have any legislative or other measures been taken to introduce and/or amend the legal framework governing restraining and protection orders in order to align it with the requirements of Article 53? If yes, please specify whether:**

- a. restraining or protection orders are available – in the context of criminal proceedings and/or upon application from civil courts - to women victims of all forms of violence covered by the Istanbul Convention, including domestic violence, stalking, sexual harassment, forced marriage, female genital mutilation, violence related to so-called honour as well as digital manifestations of violence against women and girls;**

Since the baseline evaluation report by GREVIO, published on 20 January 2020, there have been no legislative or other type of measures taken to amend the legal frameworks described in the report. There are still three avenues through which an individual can be subject to a restraining order and/or no-contact order. Firstly, under civil law a victim has the possibility to petition for such an order at the civil court.<sup>24</sup> Secondly, within the framework of a criminal procedure, the public prosecutor may, under certain conditions, enforce a restraining order and/or no-contact order against a suspect.<sup>25</sup> Lastly, when an individual is convicted of a criminal offense, the judge of the criminal court has the authority to impose a restraining and no-contact order under criminal law.<sup>26</sup>

Under civil law, the imposition of a restraining order or a no-contact order is considered an infringement upon the right of individuals to move freely. Case law dictates that only highly plausible facts and circumstances can justify such an infringement.<sup>27</sup> Consequently, the threshold for imposing these orders is set very high, requiring the victim to meet a high standard of proof. Additionally, legal representation by an attorney is mandatory<sup>28</sup> and the payment of court fees is required.<sup>29</sup> Therefore, a victim is required to cover the expenses to initiate this civil procedure.

<sup>23</sup> ‘Vrouwen met een Migratieachtergrond en Partnergeweld’, *Nederlands Huisartsen Genootschap*, <https://richtlijnen.nhg.org/onderzoeken/vrouwen-met-een-migratieachtergrond-en-partnergeweld>

<sup>24</sup> Article 3:296 of the Civil Code.

<sup>25</sup> Article 509hh of the Criminal Procedural Code.

<sup>26</sup> Article 38v of the Criminal Code.

<sup>27</sup> For example District Court Noord-Holland, 19 April 2022, ECLI:NL:RBNHO:2022:3395.

<sup>28</sup> ‘Advocaat wel of niet verplicht’, *de Rechtspraak*, <https://www.rechtspraak.nl/Naar-de-rechter/Paginas/Advocaat-wel-of-niet-verplicht.aspx> en ‘Welke vormen van (contact)verbod zijn er? En wie legt het verbod op?’, *Politie*, <https://www.politie.nl/informatie/welke-vormen-van-contactverbod-zijn-er-en-wie-legt-het-verbod-op.html>.

<sup>29</sup> ‘Griffierecht bij civiele zaken’, *de Rechtspraak*, <https://www.rechtspraak.nl/Naar-de-rechter/Kosten-rechtszaak/Griffierecht/paginas/griffierecht-civiel.aspx>.

Also, Slachtofferhulp Nederland, the organisation that offers assistance and aid to victims of various crimes including domestic violence, does not provide assistance with obtaining restraining or no-contact orders under civil law.<sup>30</sup> Victims are directed to Juridisch Loket for assistance; however, this organisation does not provide information about their assistance with the civil restraining or no-contact order on their website.<sup>31</sup> Furthermore, for court proceedings this organisation usually redirects victims to an attorney.

Within the framework of a criminal procedure, the public prosecutor can, under certain circumstances, issue a restraining order and/or no-contact order against a suspect for a maximum period of 90 days, which can be extended three times.<sup>32</sup> Violating this order constitutes a criminal offense.<sup>33</sup> It is at the discretion of the public prosecutor whether to impose such an order. However, the victim may request the public prosecutor to do so. A standardised letter for this purpose is available at the Victim Support website.<sup>34</sup> Whilst the victim may contact the public prosecutor to request a restraining or no-contact order, there is, however, still no formal procedure for a victim to apply for restraining and protection orders during criminal proceedings other than the restraining order or no-contact order under civil law. However, as mentioned before, that procedure is costly and a high standard of proof applies for the victim.

Lastly, through its verdict, the judge of the criminal court can impose various measures aimed at protecting society or preventing further offenses. These measures may require a convicted person to refrain from being in certain areas, refrain from contacting specific individuals, be present at designated locations at certain times or during specified periods or lastly to report at specified times to a designated law enforcement officer. These measures can be imposed for up to five years and may be imposed alongside other penalties and measures.

The NJCM urges the Dutch Government to facilitate easy access for victims to obtain restraining and no-contact orders under civil law and to establish formal procedures within the criminal proceedings for a victim to request such orders.

**Question 54: Please provide information on the measures taken to enforce protection orders and on responses to any violations of such orders.**

Failing to adhere to a restraining order or no-contact order under civil law does not constitute a criminal offence. The order can be accompanied by a penalty that becomes due upon violation.<sup>35</sup> The victim can enlist a bailiff to obtain the penalty payment. In addition to a penalty, the victim can also request a 'strong arm' authorisation. This means that to enforce the ban, the police and judiciary can be called upon to intervene if necessary.<sup>36</sup> Finally, if it is plausible that the previous mentioned measures will be insufficient and if the victim's interest justifies its application, the judge can declare the restraining or contact order enforceable by detention.<sup>37</sup> This must be determined by the judge in the judgment and can be requested by the victim during the proceedings.

Breaching a restraining or no-contact order imposed by the public prosecutor is a criminal offence which is punishable by imprisonment for a maximum of one year or a fine.<sup>38</sup>

<sup>30</sup> 'Contactverbod aanvragen', *Slachtofferhulp Nederland*, <https://www.slachtofferhulp.nl/strafproces/contactverbod/>.

<sup>31</sup> <https://www.juridischloket.nl>, <https://www.juridischloket.nl/politie-en-justitie/aangifte/klachtdelict/>.

<sup>32</sup> Article 509hh of the Criminal Procedural Code.

<sup>33</sup> Article 184a of the Criminal Code.

<sup>34</sup> 'Contactverbod aanvragen', *Slachtofferhulp Nederland*, <https://www.slachtofferhulp.nl/strafproces/contactverbod/>.

<sup>35</sup> Article 611a of the Code of Civil Procedure.

<sup>36</sup> See for example District Court Amsterdam, 5 August 2022, ECLI:NL:RBAMS:2022:4723.

<sup>37</sup> Article 585 and 587 of the Code of Civil Procedure.

<sup>38</sup> Article 184a of the Criminal Code.



In case the restraining or no-contact order is imposed by the judge of the criminal court, substitute imprisonment will be enforced for a duration determined in the verdict, with the total duration not exceeding six months.<sup>39</sup>

According to the website of the Dutch national police, if there is a violation of a contact or area ban, the victim should call the general emergency number (112) if the situation is urgent, or the non-emergency police-specific number (0900-8844) if it is not urgent. The website also stresses the importance of gathering as much evidence as possible.<sup>40</sup>

### **Article 56: Measures of protection**

**Question 55: Please provide information on the measures taken to ensure the following:**

- a. that the relevant agency informs the victim when the perpetrator escapes or is released temporarily, at least when they or their family might be in danger (paragraph 1 b);**

Upon the victim's request, the public prosecutor provides them with information regarding whether the suspect or convicted individual has been granted leave, released, or has escaped from prison.<sup>41</sup> The public prosecutor also informs the victim upon request about the measures taken for their protection in case a suspect in pre-trial detention or a convicted offender is released from custody or has escaped.<sup>42</sup> If the victim changes their address, telephone number or e-mail address, it is their responsibility to notify the police, the Public Prosecution Service or the Slachtofferloket of this change.<sup>43</sup>

- b. the protection of the privacy and the image of the victim (paragraph 1 f);**

A victim has the option to report the criminal offence with a different address than their residential address. Communication addressed to the victim is sent to the provided address. Law enforcement and the Public Prosecution Service know the victim's residential address, but this is not included in the criminal case file.<sup>44</sup> Furthermore, it is possible to report the criminal offence without including the name, date of birth and address of the victim in the report. The police will instead assign a number to identify the victim.<sup>45</sup>

Moreover, on 12 February 2024, a draft general administrative regulation ‘**Decision on the Protection of Victim Data in Legal Documents**’ was published for an internet consultation, during which individuals and institutions could offer suggestions to enhance its quality and feasibility.<sup>46</sup> The draft general administrative regulation aims to prevent the unnecessary disclosure of victim data to the defendant and others. The premise is to exclude personal data at the source, thus when the legal document is first drafted. Consequently, the public prosecutor will not be required to structurally and actively search the case file for irrelevant victim data.<sup>47</sup>

<sup>39</sup> Article 83W of the Criminal Code.

<sup>40</sup> ‘Wat moet u doen bij overtreding van een contact-, gebieds- of locatieverbod?’, *Politie*,

<https://www.politie.nl/informatie/wat-moet-u-doen-bij-overtreding-van-een-contact--gebieds-of-locatieverbod.html>.

<sup>41</sup> Article 51ac (4) of the Criminal Procedural Code. For information in English, see also ‘Rights of victims of criminal offences’, *Ministry of Justice and Security*, <https://open.overheid.nl/documenten/ronl-c04f15d1d1cb5cc2c8b6d79eae72320179f98033/pdf>.

<sup>42</sup> Article 51ac (5) of the Criminal Procedural Code and article 5.5 of the Guideline Victim Rights Rights (<https://wetten.overheid.nl/BWBR0041092/2018-07-01>).

<sup>43</sup> ‘Rights of victims of criminal offences’, *Ministry of Justice and Security*, <https://open.overheid.nl/documenten/ronl-c04f15d1d1cb5cc2c8b6d79eae72320179f98033/pdf>, p. 1.

<sup>44</sup> Article 3.2 of the Guideline Victim Rights (<https://wetten.overheid.nl/BWBR0041092/2018-07-01>).

<sup>45</sup> Article 3.3 of the Guideline Victim Rights (<https://wetten.overheid.nl/BWBR0041092/2018-07-01>). For information in English, see also ‘Rights of victims of criminal offences’, *Ministry of Justice and Security*, <https://open.overheid.nl/documenten/ronl-c04f15d1d1cb5cc2c8b6d79eae72320179f98033/pdf>, p. 4.

<sup>46</sup> ‘Besluit bescherming slachtoffergegevens in processtukken’, <https://www.internetconsultatie.nl/slachtoffergegevens/bl>.

<sup>47</sup> ‘Besluit bescherming slachtoffergegevens in processtukken’, <https://www.internetconsultatie.nl/slachtoffergegevens/bl>.

According to the draft, law enforcement officers do not include data such as address, place of residence, phone number, e-mail address etc., unless they consider these data to be reasonably relevant for any decision to be taken by the judge.<sup>48</sup> The consultation closed on April 12, 2024. The general administrative regulation still has to be approved by the council of ministers.

This general administrative regulation was formulated after the Research and Data Centre (WOCD) concluded in two studies that victims experience a significant invasion of their privacy when suspects have access to their personal data through the case file. These studies further revealed that many personal details of victims that are now included in case files such as phone numbers, addresses, and place of residences, are often unnecessary for a proper defence and are also not relevant for criminal prosecution purposes either.<sup>49</sup>

The NJCM welcomes the draft regulation, as victims are currently often unaware of their option to exclude personal details from the case file.<sup>50</sup> Moreover, there are instances where victims who initially filed an anonymous report still found their personal data included in the criminal case file after a law enforcement officer accidentally had forgotten to exclude their name in a report.<sup>51,52</sup> Excluding personal data of victims from the beginning can ensure that the privacy of the victims is safeguarded.

Lastly, the **College voor de Rechten van de Mens** (*Netherlands Human Rights Institute*) reacted in a positive manner to the draft decision during the internet consultation. It views the draft decision as a measure that fulfils the obligation to protect the private life and safety of victims, as required by, among others, Article 56(f) of the Istanbul Convention. Furthermore, now that the draft decision allows for the mention of personal data if they may be relevant to a judicial decision, the NHRI believes that a balanced approach has been achieved between the rights and interests of the victim and the rights of the defendant.<sup>53</sup>

**c. the possibility for victims to testify in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available (paragraph 1 i);**

When a victim is summoned to appear in court as a witness, they are obligated to go. However, if they are afraid that their health may be seriously endangered as a result, they can inform the public prosecutor and the court. The court subsequently decides whether or not the victim must attend the hearing.

If the victim does not want the defendant to be present in the courtroom during the testimony, they can inform the public prosecutor beforehand. The public prosecutor will then request the judge to remove the defendant for the duration of the testimony. The victim can also request this directly to the judge during the hearing. The judge can approve or refuse this request. The judge is obliged to inform the defendant of what the witness has said in the testimony.<sup>54</sup>

<sup>48</sup> Article 1 and 2 of the Draft Decision on the Protection of Victim Data in Legal Documents.

<sup>49</sup> Concept Besluit bescherming slachtoffergegevens in processtukken', Nota van Toelichting, p. 3 <https://www.internetconsultatie.nl/slachtoffergegevens/b1>.

<sup>50</sup> 'Privacy van het slachtoffer. Feit of fictie?', *Slachtofferhulp Nederland*, 2020.

<sup>51</sup> 'Anonimiteit in het strafproces: De praktijk van de regeling beperkt anonieme getuige en de regeling bedreigt anonieme getuige in het strafproces', *W. Dreissen & O. Nauta, DSP-groep/WODC*, 2012.

<sup>52</sup> See also 'De strafvorderlijke relevantie van persoonsgegevens van slachtoffers', *het Nederlands Studiecentrum Criminaliteit en Rechtshandhaving (NSCR)*, June 2022, p. 13 and 'Slachtoffers misdrijven willen meer privacy, angst voor wraak daders', *NOS*, 18 Februari 2020 (<https://nos.nl/artikel/2323532-slachtoffers-misdrijven-willen-meer-privacy-angst-voor-wraak-daders>).

<sup>53</sup> Besluit bescherming slachtoffergegevens in processtukken  
Reactie College Voor de Rechten van de Mens (A. Stolk), <https://www.internetconsultatie.nl/slachtoffergegevens/reactie/c12e7600-be5d-4247-a724-185200864a07>.

<sup>54</sup> 'U bent getuige in een strafproces' *de Rechtspraak*, <https://www.rechtspraak.nl/Zoeken/Paginas/Documenten.aspx?k=documenten#k=getuige%20in%20een%20strafproces>, p. 6 and 7.

The NJCM is not aware of any digital technologies currently being utilised in practice for taking testimonies from victims. These technologies enable victims to testify without being in the presence or proximity of the alleged perpetrator, from a location of their choice. Such measures can reduce stress, enhance accessibility, ensure confidentiality and privacy and minimize interruption to the victim's daily life. Ultimately, this can create a less intimidating environment for victims, leading to a more effective and fair judicial process. The NJCM notes that during the COVID-19 pandemic, the Judiciary has used platforms such as Skype for Business and Microsoft teams for online hearings, indicating established expertise in using this technology.

The NJCM therefore strongly encourages the Government to formally implement the use of digital technologies when taking victims' testimonies in court.

**d. the provision of appropriate support services for victims so that their rights and interests are duly presented and taken into account (paragraph 1 e).**

Veilig Thuis, as described under question 25, is an organisation that provides support for everyone that is affected by domestic violence. By law, Veilig Thuis has the following tasks: providing advice; receiving reports of (suspected) domestic violence from victims, perpetrators, bystanders, the police and other professionals the police; conducting investigations to determine if there is a case of domestic violence or child abuse and if necessary, referring to voluntary assistance, informing the Child Protection Board, and/or making a report to the police; providing feedback to the reporter.<sup>55</sup>

The organisation Slachtofferhulp Nederland, also described under question 25, has the task to provide legal, practical, and emotional support to all victims of suspected criminal offenses or their relatives, as well as certain family members of the victim. This includes victims of all sorts of crimes, including GBV. Victims have the right to free assistance if they are a victim of a criminal offense, also if they did not file a report.<sup>56</sup> Slachtofferhulp Nederland is a foundation that receives subsidy from the Government.

Finally, the Ministry of Health, Welfare, and Sport created a website with information about domestic violence intended for organisations and individuals involved in addressing domestic violence.<sup>57</sup>

More generally, in an inspection report of the Ministry of Justice and Safety, it was found that there is a significant difference in the ways and the extent in which police officers decide on the vulnerability of a victim when receiving a report of a criminal offense. Whether a victim is labelled vulnerable is for example dependent on the particular police officer they have talked to and of the setting of the conversation. According to the report, these differences are partly caused by a lack of knowledge and training of these police officers on the different protection measures and their application.<sup>58</sup>

The NJCM urges the Government to implement professional training to police officers in order to equip them with the adequate knowledge to decide on the vulnerability of victims and necessary protection measures. It is paramount that in such trainings a gender sensitive approach is taught and emphasized so as to guarantee the effective protection of women victims of GBV, including children and migrant women.

<sup>55</sup> <https://www.rijksoverheid.nl/contact/contactgids/veilig-thuis>, <https://veiligthuis.nl/hoe-werkt-veilig-thuis/>, Article 4.1.1 of the Social Support Act 2015 (Wet maatschappelijke ondersteuning 2015).

<sup>56</sup> 'Recht op hulp', Slachtofferhulp Nederland, <https://www.slachtofferhulp.nl/strafproces/rechten-slachtoffers-en-nabestaanden/hulp/#:~:text=Je%20hebt%20recht%20op%20gratis,je%20recht%20op%20gratis%20hulp>.

<sup>57</sup> <https://www.huiselijkgeweld.nl>.

<sup>58</sup> 'Rapport Een kwetsbaar recht', Inspectie Justitie en Veiligheid, 27 September 2021, paragraph 6.2, available at: <https://www.inspectie-jenv.nl/Publicaties/rapporten/2021/09/27/rapport-een-kwetsbaar-recht#:~:text=De%20politie%20bestedt%20onvoldoende%20aandacht,onderzoek%20'Een%20kwetsbaar%20recht>

## APPENDIX

### Overview of specialized support services for women victims of GBV

In the Netherlands, a comprehensive network of specialised support services addresses different categories of gender-based violence. Those affected can access **Slachtofferwijzer.nl** (*‘Wiser victim’*), a website that refers them to the appropriate organisation based on their specific needs.

One key organisation is the National Network **Veilig Thuis** (*Safe Home*), comprising 25 regional Veilig Thuis organisations. According to the **Wet Maatschappelijke Ondersteuning** (*Social Welfare Act*), municipalities are responsible for the establishment of a Veilig Thuis-organisation. Veilig Thuis’ primary focus is providing guidance and intervention in cases of domestic violence and child abuse. They are not specialised in gender-based violence, however, regional Veilig Thuis Organisations do provide assistance in the case of female genital mutilation. Their legal obligations include offering advice, acting as a reporting point for cases of (suspected) domestic violence, investigating reported incidents, and facilitating necessary follow-up actions, such as referral to voluntary assistance, informing the Child Protection Council, or involving law enforcement. They also operate a national helpline, offering advice and assistance anonymously if needed.

Another crucial entity is **Slachtofferhulp Nederland** (*Victim Aid Netherlands*). This body looks after the interests of all those affected. Slachtofferhulp does provide support for, inter alia domestic violence, stalking, sexual abuse, and sexual intimidation. However, they are not specialised in gender-based violence. Slachtofferhulp can assist by identifying options, guiding the victim through the criminal justice process, or by helping them apply for compensation. Individuals close to the victim may also seek assistance from Slachtofferhulp. Depending on the individual's wishes and the situation, Slachtofferhulp will collaborate with the victim to identify the most appropriate course of action. They provide multiple channels for communication, including email, chat, phone, and social media, and can arrange face-to-face meetings either at the victim's home or in a regional office. Their staff includes specialists in different types of trauma, such as sexual abuse or traffic accidents, and legal experts who can guide victims through legal proceedings or help them seek compensation. Victims of severe violence or sexual crimes, as well as families of homicide victims, receive intensive support from designated case managers. Slachtofferhulp Nederland also facilitates peer support for survivors.

The **Centrum Seksueel Geweld** (*Sexual Assault Centre*) is another significant player. The centre is a facility that provides assistance to individuals who have experienced sexual violence. This assistance encompasses a range of services, including forensic, medical, and psychological care. A multidisciplinary team of professionals, including doctors, nurses, police officers, and other specialists, collaborate at the Sexual Assault Centre to provide specialised care across sixteen regions in the Netherlands. Each regional centre has established a collaborative relationship with local partners (e.g. police, hospital, **GGD** (*regional public health services*), **GGZ** (*Association of Mental Health and Addiction Care*), Veilig Thuis, Slachtofferhulp Nederland and others) with the objective of providing integrated, multidisciplinary care for victims of sexual violence. They are not specialised in gender-based violence, but do offer support to all victims of sexual assault. In January 2024, it was announced that the Centrum Seksueel Geweld would receive additional resources (1.1 million EUR) over the following three years from the Ministry of Justice and Security, the Ministry of Health, Welfare and Sport, and municipalities. This was intended to reinforce the centre’s core functions in the coming years.

Furthermore, **MIND Korrelatie** operates nationally, providing anonymous professional mental health support. MIND Korrelatie offers a 30-minute free and anonymous counselling session. During this session, the counsellor will pose questions to ascertain the nature of the situation and the individual's query. The objective of this session is to provide the client with the knowledge and resources to continue on their own or to identify additional support (via phone and online platforms). They are not specialised in gender-based violence.

Victims seeking legal aid can receive free assistance from Slachtofferhulp Nederland's legal experts or approach the **Slachtofferloket** (*Victim support desk*). **LANGZS** provides specialised legal representation for violence victims during legal proceedings, often at no cost. Additionally, victims may seek compensation through the **Schadefonds Geweldmisdrijven** (*Violence Compensation Fund*) or consult the **Juridisch Loket** (*Legal Aid Desk*) for further assistance.

Through "**Opvangatlas.nl**" (*Shelter atlas*) victims can input their postal code or location name to find refuge facilities that can provide assistance in their specific situation. Besides, **EVA** (Kompaan en De Bocht) and **Zahir** (Fier) are small-scale crisis shelters and treatment facilities for girls aged 12 to 23 who are experiencing some form of honour-related violence, including threats of honour-based violence.

Listed below are several smaller/regional organisations:

- **WTFFF!?** is a platform created for and by Gen Z, the first generation growing up with social media. It highlights the stories of five young people who have experienced online sexual abuse.
- **Fier** provides support for those facing or who have faced threats and violence in relationships, online sexual abuse, forced sex, family violence, or issues within honour cultures. They offer trauma treatment, assistance with other issues, training sessions, and peer support groups. Fier also provides safe housing, intensive 24/7 treatment, and protected living arrangements in Leeuwarden and Rotterdam. Young individuals can chat with a counsellor at specific times via [www.chatmetfier.nl](http://www.chatmetfier.nl).
- **SAFE** focuses on women experiencing or have experienced partner violence, encompassing all types of abuse, both in person and online. Their website offers relationship and partner violence information, local support options, and a platform to connect with other women who have faced unsafe relationships.
- **Moviera** addresses domestic violence, offering telephone support, outpatient assistance, shelter, and guidance primarily in the Utrecht and Gelderland regions. Emergency assistance is available beyond these areas.
- **Helpwanted** assists with issues like sextortion, image sharing, deepfakes, and cyberstalking, providing practical help and personal advice via chat, email, or phone.
- **Qpido** provides education, training, and assistance regarding sexual development and inappropriate sexual behaviour.
- **Blijf Groep** (*Stay Group*) offers tailored direct assistance, coordinating support at home or in shelters for anyone facing exploitation in relationships or domestic violence in the North Holland and Flevoland regions. Emergency aid extends beyond these areas, and they also provide shelter for men.
- **Kadera** offers shelter and support for victims of domestic violence, human trafficking, exploitation by loverboys, honour-related violence, and sexual abuse in Overijssel.
- **Perspektief** supports all domestic violence victims with information, advice, shelter, temporary housing, and outpatient assistance in The Hague, Delft, Zoetermeer, and surrounding areas. They also provide national shelter for individuals needing a secret residence.
- **Sterk Huis** (*Strong Home*) intervenes in cases of (impending) domestic violence, sexual abuse, stalking, or human trafficking, offering investigation, outpatient assistance, peer support, treatment, emergency and crisis aid, potentially combined with shelter. Sterk huis' shelters and professional centres is located in Midden-Brabant, but they may cater to victims throughout the country if their safety requires it.
- **Project SpeakNow** aims to broaden the discussion on sexual abuse and violence. They offer various forms of assistance, including peer support, discussions with experienced individuals, coaching, healing groups, toolkits for conversation support, partner support, and assistance with triggers.
- **Pharos** and **Sense**, in collaboration with the **GGD** (regional public health services), organise counselling/aftercare sessions for women who have undergone FGM. For example, in

Amsterdam, a walk-in clinic for female genital mutilation (FGM) is held on Thursdays between 13:00 and 16:00. Women can consult with a specialist nurse at the gynaecology outpatient clinic at the OLVG-West Hospital.

- **Academie voor Herstel en Ervaringsdeskundigheid** (*Academy for Recovery and Expertise*) supports adult victims of child abuse and organises numerous activities throughout the year focused on peer support.
- **Landelijk Knooppunt Huwelijksdwang en Achterlating** (*National Centre for Forced Marriage and Abandonment*): LKHA offers assistance to victims of forced marriage and abandonment. A staff member listens to the victim's story, provides advice, and offers assistance as needed.