

Committee of the Parties



Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Netherlands

IC-CP/Inf(2020)4

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by the Netherlands on 18 November 2015;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by the Netherlands adopted by GREVIO at its 19th meeting (14-15 November 2019), as well as the comments of the Government received on 16 January 2020

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Dutch authorities in implementing the Convention and noting in particular:

- the long history of addressing violence against women through policy and legislation;
- the political will to respond to domestic violence in a holistic manner, including the multi-agency approach of the multi-annual national action plan “Violence does not belong anywhere” (2018-2021) and the one-stop domestic violence support services (Safe Home);
- the promising initiatives to raise awareness of and address diverse forms of violence against women, including the strong commitment to reaching out to the younger generation to promote intimate relationships based on gender equality;
- the significant increase of budget spending for child protection and domestic violence programmes and the desire to monitor its impact;
- the strong focus on research and evaluation of measures and policies in the realm of violence against women to ensure evidence-based policy-making, including on intersectional issues faced by groups at risk of violence;
- the role of the health sector in identifying women at risk of the different forms of violence and in reducing generational transmission of trauma and violent behaviour;

- the adoption of the Reporting Code Act, which sets a legal requirement for various professionals to establish and use a reporting code, to report cases of suspected domestic violence and child abuse, and to refer to appropriate specialist services where necessary;
- the explicit legal recognition of gender-based violence, including female genital mutilation, as a form of persecution in the asylum procedure;
- the innovative approaches to ensuring support for the protection and return of young women and girls facing forced marriage and abandonment abroad;

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of the Netherlands take the following measures identified in GREVIO's Baseline Evaluation Report¹ for immediate action to:

1. draw up an implementation plan and take all possible measures, including financial, to encourage and assist Aruba, Curaçao and Sint Maarten to ratify and implement the provisions of the Istanbul Convention and to extend the application of the Convention to Bonaire, Sint Eustatius and Saba (paragraphs 6 and 9);
2. ensure that all policy and legislative measures taken in implementation of the Istanbul Convention reflect more clearly the notion that violence against women – within and outside of dependency relationships – is gender-based violence directed against women because they are women or that affects them disproportionately (paragraph 15);
3. ensure the implementation of the proposed measures for improving protection of women with disabilities, asylum-seeking and irregular migrant women and to further ensure that the provisions of the Istanbul Convention are implemented without discrimination on any grounds (paragraph 26);
4. review the gender-neutral approach and implement the gender analysis of legislation and policy with a view to ensuring that all policies on violence against women and domestic violence are gender-sensitive and based on a gendered understanding of these forms of violence, and promote and effectively implement policies of equality between women and men and the empowerment of women (paragraph 33);
5. adopt and implement integrated, state-wide, effective, comprehensive and co-ordinated policies addressing all forms of violence against women and domestic violence – beyond dependency relations (paragraph 44);
6. ensure for all policies and measures which form part of the required comprehensive and co-ordinated approach to combating violence against women stable and sustainable funding levels on the basis of separate budget and funding lines, while researching into the levels of difference in funding made available for services and measures to prevent and combat violence against women at local level (paragraph 50);
7. recognise the key roles that women's NGOs, including black, migrant and refugee women's organisations, play in developing and implementing policy and ensure steps are taken to support their work and to maintain their continued participation in local and national policy making, while ensuring that adequate funding is provided to women's NGOs (paragraph 53);
8. assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, competences and the necessary human and financial resources, while ensuring that their functions apply to all forms of violence against women covered by the Istanbul

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

Convention, that they are exercised in close consultation with relevant civil society organisations and that they are supported by adequate data (paragraph 59);

9. develop standardised data categories for mandatory use by law-enforcement agencies, the judiciary and all other relevant actors on the gender and age of the victim and perpetrator, their relationship, type of violence and the geographical location (paragraph 72);
 10. evaluate the impact of the gender-neutral approach on prevention, protection and prosecution of violence against women and the impact of the merger of the child protection and domestic violence services on women's access to prevention and safety mechanisms, as well as victims' experiences and satisfaction with the institutional response to the different forms of violence against women (paragraph 79);
 11. review the gender-neutral approach to the protection and support of victims and to ensure that all measures taken in this regard are based on a gendered understanding of violence against women and domestic violence while focusing on the human rights and safety of victims, as well as on their empowerment and economic independence (paragraph 125);
 12. ensure that women victims are directly referred to specialist women's support services and that repeat referrals are avoided, while guaranteeing that social services can recognise the gender dimension of violence against women, and favour women victims' safety and empowerment (paragraph 145), and that efforts to redistribute shelter places throughout the territory does not result in permanent loss of shelter provision but rather in the expansion of the provision of shelters to reach the minimum standard of one family place per 10 000 head of population (paragraph 165);
 13. take the necessary measures, including any required legislative amendments, to ensure that courts are under an obligation to consider all issues relating to violence against women and domestic violence when determining custody and visitation rights, while adopting gender-sensitive guidelines, safeguarding necessary support requirements for women victims of violence in child procedures and recognising that the risk of witnessing future violence against a close person jeopardises the best interests of the child (paragraph 205);
 14. review and adapt legislation and guidance on alternative dispute resolution in all criminal cases of violence against women and domestic violence, to ensure that such practices do not lead to their decriminalisation and that the rights of victims are upheld (paragraph 247);
- B. Requests the Government of the Netherlands to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2023.
- C. Recommends that the Government of the Netherlands take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.