



Building trust by delivering support, protection, and justice

Shadow Report on the Istanbul Convention

First thematic evaluation

Dutch CEDAW Network

14 August 2024

PREFACE

This shadow report has been compiled on behalf of the *Dutch CEDAW Network* by a team of independent women's rights experts in the Netherlands. Many NGOs, research institutions, and independent experts connected to the Network also lent their expertise. The consultation process started with interviews in May and included an expert meeting on 5 June 2024.

The purpose of this report is to contribute to the first thematic evaluation of GREVIO, the Group of Experts on action against violence against women and domestic violence, of the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) in the European part of the Kingdom of the Netherlands. The shadow report follows the questionnaire adopted by GREVIO in October 2022.

The *Dutch CEDAW Network* would like to express its appreciation for the Dutch Ministry of Public Health, Welfare, and Sport for providing the funds for the process in which this shadow report was produced. We would like to stress that this has not had any bearing on its content.

The shadow report was endorsed by **62** organisations working in the European part of the Kingdom of the Netherlands. A list of the NGOs that signed the shadow report is included hereafter.

- Aidsfonds – Soa Aids Nederland (STI AIDS Netherlands) (AIDS Fund – Soa Aids the Netherlands)
- Alliantie Politica (Alliance Politica)
- Amsterdam Centre for Sex Workers (ACM)
- Art. 1, kenniscentrum discriminatie (Art. 1 - Dutch knowledge centre on discrimination)
- Atria, Kennisinstituut voor Emancipatie en Vrouwengeschiedenis (Atria, Institute on Gender Equality and Women's history)
- Blijf Groep
- Bureau Clara Wichmann (Women's Rights Fund Clara Wichmann)
- CHOICE for Youth and Sexuality
- CKM (Centrum Kinderhandel en Mensenhandel)
- COC Nederland (COC Netherlands)
- CoMensha Coördinatiecentrum tegen mensenhandel (Dutch Coordination Centre against Human Trafficking)
- Commission Filipino Migrant Workers (CFMW)
- Dona Daria, kenniscentrum Emancipatie te Rotterdam (Dona Daria, Expertise Centre for Emancipation)
- Emancipator, voor mannen en emancipatie (Men and Gender Justice)
- FairWork
- Femmes for Freedom
- FIER, Expertise en behandelcentrum bij geweld in afhankelijkheidsrelaties (FIER, Expertise and Treatment Center for victims of Domestic and Sexual Violence, Child Abuse and Human Trafficking)
- Foundation Academy of Amsterdam
- Graduate Women International NL
- HIVOS

- HVO Querido, Zorgcoördinatie slachtoffers mensenhandel, Transhuis (Amsterdam Coordination Point Human Trafficking Victims)
- Ieder(In), nationale belangenbehartigersorganisatie voor mensen met een beperking of chronische aandoening (Everybody(In), National umbrella organization for people with disabilities or chronicle diseases)
- iMMO, instituut voor Mensenrechten en Medisch Onderzoek (Netherlands institute for Human Rights and Medical Assessment) (Institute for Human Rights and Medical Assesment)
- Johannes Wier Stichting (JWS) (Johannes Wier Foundation)
- La Strada International
- Molukse Vrouwen Raad (Moluccan Women's Council)
- MVVN, Marokkaanse Vrouwen Vereniging Nederland (Moroccan Women's Association Netherlands)
- Nederlandse Vereniging voor Vrouwenbelangen, Vrouwenarbeid en Gelijk Staatsburgerschap (Dutch Association for Women's Interests, Women's Work and Equal Citizenship)
- Nederlandse Vrouwen Raad (Dutch Women's Council)
- NJCM, Nederlands Juristen Comité voor de Mensenrechten (Dutch Section of the International Commission of Jurists)
- Ouderen Vrouwen Netwerk Nederland OVN (Older Women's Network NL)
- Platform Vrouwen & Duurzame Vrede (Platform Women & Sustainable Peace)
- Platform Zelfbeschikking en Verblijfsrecht (Platform Self-determination and Residence Rights)
- RADAR anti discriminatie bureau (RADAR Anti-discrimination agency)
- RESPECT Network (Rights Migrant Domestic Workers)
- Rutgers, Expertisecentrum seksualiteit (Rutgers, Expert Centre Sexuality)
- S.P.E.A.K Moslimvrouwen Collectief (S.P.E.A.K. Muslim Women's Collective))
- SekswerkExpertise, platform verbetering positie van sekswerkers (SekswerkExpertise, Dutch Platform for the Advancement of Sex Workers Rights)
- Single SuperMom
- SONPPCAN Stichting (Somali Network for Prevention and Protection against Child Abuse and Neglect)
- St. Landelijke Werkgroep Mudawwanah (Mudawwanah National Working Group Foundation)
- St. Ade Eritrea (Foundation Ade Eritrea)
- St. Aletta Jacobs Noord Nederland
- St. Bayanihan Centrum voor Filippijnse Vrouwen (Bayanihan Foundation, Philippine Women's Centre in the Netherlands)
- St. Landelijk Ongedocumenteerden Steunpunt (LOS) (National Support Organisation for Undocumented Migrants)
- St. Nisa for Nisa (Nisa for Nisa Foundation)
- St. NNID, Nederlandse organisatie voor seksediversiteit (NNID Foundation, Dutch organisation for sex diversity)
- St. Prostitutie Informatie Centrum (PIC) (Prostitution Information Center)
- Steungroep Vrouwen Zonder Verblijfsvergunning (SVZV) (Supportgroup Undocumented Women)
- Stg. nsa-gendervraagstukken (Stg. nsa gender issues)

- Tiye International (Platform landelijke organisaties zwarte, migranten en vluchtelingen vrouwen) (Platform national organisations black, migrant and refugee women)
- Transgender Netwerk (Transgender Network)
- Transnational Migrant Platform Europe (TMP-E)
- Unie van Soroptimistclubs in het Koninkrijk der Nederlanden en in Suriname (Soroptimist International Union of the Kingdom of the Netherlands and of Suriname)
- Vereniging voor Vrouw en Recht 'Clara Wichmann' (Dutch Association for Women and Law 'Clara Wichmann')
- VluchtelingenWerk Nederland (Dutch Council for Refugees)
- Vobis Stichting (Vobis Foundation)
- Vrouwen Tegen Uitzetting (VTU) (Women Against Deportation)
- Vrouwen van Nu (Women of Today)
- WO=MEN Dutch Gender Platform
- WOUW -Amsterdam, Netwerk van Maatschappijkritische 50+ vrouwen (Network of 50+ women critical of the social structure)
- YWCA Nederland (YWCA Netherlands)

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INTRODUCTION

We fully appreciate the efforts of the government to address violence against women and the various initiatives it takes to do so. However, we also observe a form of wishful thinking among policymakers and judges when it comes to domestic violence and other forms of violence against women. The idea persists that the Netherlands is an egalitarian country, fostering a belief that everything can and will be solved fairly. It leads to the denial of discrimination and unequal power relationships both countrywide and within institutions. This translates into a **gender-neutral¹ mantra** and a **lack of intersectional perspective²**, both of which disadvantage women and lead to victims feeling left alone.

The overarching theme of GREVIO's first thematic evaluation round is "building trust by delivering support, protection, and justice". Trust in the government, in the opinion of the NGOs, goes beyond just trusting that one is being protected. One also needs to be able to trust that policies are effective in practice, not just on paper. Moreover, building trust is a question of accessible and understandable information. Protecting women is the responsibility of the entire government at all levels, and the policy on this should be clear. However, there is an overall **lack of strong, nationally led coordination, and an integrated vision of violence in all its forms**. This reflects a denial of the existence of systemic discrimination.

The new government's coalition agreement³ does not include a section on gender equality or violence against women, apart from strengthening the approach to honour-based violence and violence against LHBTIQ+ people. NGOs are concerned that its **anti-migrant stance and policy proposals to restrict migration and access to asylum** will have a negative impact on the protection of migrant and refugee women from violence.

The government report contains a section addressing the **Caribbean part of the Netherlands** and the various projects that have been initiated in recent years. However, it is important to note that these initiatives have been slow to develop. Moreover, the government did not allocate any funding to include the Caribbean part of the Netherlands in this shadow report, and it never has before. Additionally, we observe that the Istanbul Convention has still not been ratified for the Caribbean part of the Netherlands.

¹ The term '**gender-neutral**' means that something is not associated with either women or men. It may refer to various aspects such as concepts or style of language. However, what is often perceived to be gender-neutral, including in areas of statistics or dissemination of data collected in reference to a population, often reflects gender blindness in practice (a failure to recognise gender specificities). (*EIGE*); **Gender-responsive policies** recognise and address the different needs, realities, and experiences of women and men respectively while promoting gender equality. They emphasise the importance of considering gender roles, stereotypes, and power dynamics in policies, programmes, and practices to ensure they do not perpetuate discrimination or inequality based on gender. They ensure that both women and men have equal opportunities and access to resources, services, and decision-making processes. Discrimination against women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity (*CEDAW GR 28, para 18*).

² **Intersectional** refers to the fact that discrimination against women based on sex and gender is inextricably linked to other factors affecting women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity (*CEDAW GR 28, para 18*).

³ Coalitiepartijen PVV, VVD, NSC en BBB (coalition parties) (16-05-2024). *Hoop, lef en trots. Hoofdlijnenakkoord 2024 – 2028 (Hope, courage, and pride. Outline agreement 2024-2028)*.

The most significant bottlenecks are:

- **Need for a nationally coordinated policy on violence against women.** There is no centrally coordinated, coherent, and long-term policy on violence against women. Current implementation efforts are predominantly project-based, fragmented, funded on a short-term basis, and spread across different (governmental) actors.
- **Need for better cooperation between 'care' and 'security'.** Cooperation between support & care agencies and the justice system is inadequate.
- **Inequitable funding system.** The current funding system favours large, established organisations at the expense of smaller women's organisations, particularly those representing migrants and refugees. As a result, migrant women's organisations in particular have little access to funding.
- **Need for consistent monitoring and evaluation of the effectiveness of projects and policies.** Monitoring and evaluation within the policy cycle is often fragmented, incomplete, or not carried out at all. There is no overall monitoring of gender-based violence policies and their effectiveness.
- **Need for coordinated, consistent, and systematic data collection.** Data collection on violence against women remains limited and fragmented, and data is often not disaggregated. This hinders a comprehensive understanding of the issue and the development of effective policies.
- **Shortage of shelters.** There is an urgent need to increase shelter capacity and to ensure that all women in need of shelter have access to a safe place.
- **'Family approach' neglects partner violence against women and their safety.** Lack of implementation of Art. 31 and 51 in decisions regarding custody and visitation rights; risk assessments are not standard procedure.
- **Inadequate response to complaints about gender-based violence; need for 'safe reporting' policies.** The number of incidents of violence reported to the police is significantly lower than the actual number of cases due to the victims' fear of negative consequences and a lack of expertise on gender-based violence within the police and judicial system.

PART I: CHANGES IN COMPREHENSIVE AND COORDINATED POLICIES, FUNDING, AND DATA COLLECTION IN THE AREA OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

Article 7: Comprehensive and coordinated policies

LACK OF COORDINATED, COHERENT, AND LONG-TERM POLICY

Policies on violence against women and domestic violence **lack national cohesion and integration, a long-term vision, and an integrated and intersectional perspective**. The Ministry of Health, Welfare, and Sport (VWS) has overall responsibility ('system responsibility') but lacks authority over other ministries and local government partners. VWS sets general frameworks and subsequently delegates implementation to municipalities, resulting in a multiplicity of local policies that lack national coherence, consistency, and integration.⁴ **Implementation is organised and funded on a project-by-project basis**, as testified by the many examples in the government report of projects that either run for just two years or that have already ended (Art. 7, Q.1).⁵ As a result, implementation of the Convention is fragmented and lacks coherence, **with much left to the local level**. Among other things, this leads to variations in the number and support of shelters between municipalities and a highly fragmented policy. Moreover, **impact measurement and evaluation of projects are often lacking**, which means that the results of programmes are not financially or otherwise secured or even proven effective. An example is the national action programme against domestic violence "Violence does not belong anywhere" ("Geweld hoort nergens thuis") which ran from 2018 - 2021. The results were promising, but the programme was not followed up with adequate capacity and funding, nor were the results evaluated and used to develop future projects.

Another example is the National Action Programme Sexual Transgressive Behaviour and Sexual Violence (Nationaal Actieplan Aanpak Seksueel Grensoverschrijdend Gedrag), which aims to dismantle the culture of gender stereotyping and abuse of power that leads to sexually transgressive behaviour and sexual violence. However, although its term has been extended to December 2026, the programme remains temporary and is constrained by limited resources. NGOs call for a long-term extension of the National Action Programme, the inclusion of an intersectional lens, and a broadening of its scope to include all forms of violence against women to strengthen the mandate of the government's Independent Commissioner.

A further example is the 'Organisation support landscape for abuse and violence in dependency relationships' mentioned in the government report, as many victims have problems finding their way to the right help in the maze of telephone numbers, websites, etc. (see also ShR Art. 20). It is laudable that the government aims to address this problem, but again, the project only runs for just a bit more than a year (2023-2024).

⁴ Dutch Network CEDAW (2024). *Mind the gap: addressing policy gaps in women's rights*. Dutch NGOs shadow report for CEDAW.

⁵ When we refer to the Government Report, we use 'Art.', referring to the Article of the Istanbul Convention, and 'Q.' referring to the question in GREVIO's questionnaire. When we refer to '**ShR Art.**', we refer to the comments in the Shadow Report under the Article concerned.

In addition, policies continue to pay more attention to physical violence than to psychological violence. To address this shortcoming, the Netherlands should **not only formally adopt the Istanbul Convention's definition of violence**, as it declares, but also implement corresponding policies.

On the positive side, there is a **slow process of moving from gender-neutral policies and protocols to gender-sensitive policies** in certain areas, such as the Plan of Action against Femicide. However, the 'gender impact' quality criterion previously included in the Regulatory Impact Assessment has disappeared from the newly adopted Policy Compass as a standalone gender assessment. It has been integrated into a mandatory assessment guide where gender impact is just one of the questions. This makes it weaker than a standalone gender assessment, and there is a risk that if the initial question of whether or not the policy has a gender impact is answered in the negative, no further gender impact assessment will be undertaken.

LACK OF FOCUS ON WOMEN'S RIGHTS AND EMPOWERMENT IN APPROACH TO COMPLEX DIVORCES

The programme "Violence does not belong anywhere" ("Geweld Hoort Nergens Thuis") ran from 2018 until the end of 2021. The programme was promising. However, it was not aligned with the programme 'Divorce without damage' ('Scheiden zonder schade') on so-called 'complex divorces', which ran during the same period (2018-2021).⁶ The latter programme aimed to prevent harm to children as a result of parental divorce. It was strongly based on a 'family approach' and focused on cooperation between parents and the importance of children maintaining contact with both parents. It did not take into account situations of child abuse, partner/domestic violence, coercive control, or stalking by the (ex) partner. As a result, violence against women and children by (ex) partners is ignored, and women are pressured to maintain contact with the perpetrator at the expense of their safety and that of their children.

Without measuring the programme's results, "Violence does not belong anywhere" turned into "Future Scenario Child and Family Protection" which further developed a family-focussed approach with the definition of "family" itself appearing rigid and lacking room for, for example, LGBTIQ families. This shift only **diverts attention further away from partner violence and women's rights** (see also ShR Art. 31 & 48.). The "Future Scenario Child and Family Protection" also lacks a gender-sensitive and intersectional approach.

SAFETY FIRST AGENDA

The national development agenda "Safety First" (Veiligheid Voorop) aims to strengthen cooperation between the care system and criminal justice partners in addressing domestic violence and child abuse. However, in some regions, the responsible municipalities are not allocating funds to "Safe at Home" (Veilig Thuis) to participate in these pilots.

Moreover, signals of abuse to different agencies and poor cooperation between agencies can lead to inaction, with sometimes disastrous consequences, as demonstrated by a recent case of serious child

⁶ 'Divorce without damage' is a joint programme of the Ministry of Justice & Security and the Ministry of Health, Welfare, and Sports (VWS) in partnership with the Association of Municipalities (VNG). Ministerie van Justitie en Veiligheid (Ministry of Justice and Security) (2022). *Eindrapportage: Scheiden zonder Schade (Final report: Divorce without Damage)*.

abuse by a foster family.⁷ The case seems to be representative of a **pattern of inadequate supervision and protection of children placed out of home, a lack of support for foster parents, and the decentralisation of youth care, coupled with budget cuts**. Previous research on violence against children in youth care has already pointed to the need for better supervision, adequate funding, appropriate pay and training for youth care staff, and more contact time between the child and the youth care guardian so that signals of violence are timely identified and acted upon.⁸

DEFINITION OF VIOLENCE ART. 3 ISTANBUL CONVENTION

According to the government report (Art. 7, Q. 2), the government has fully adopted and aligned policies with the definitions of domestic violence and violence against women of Art. 3 of the Istanbul Convention. However, **policies against gender-based violence refer to the definition in the Istanbul Convention but do not fully adopt it**. Economic violence or psychological violence, for example, are under-recognised, as are combinations of forms of violence. This is relevant, such as in the case of humanitarian residence permits for migrant spouses who are victims of domestic violence and who are denied continued residence because of the IND's limited interpretation of domestic violence (see also ShR Art. 12).⁹

For a discussion of the action plans on harmful practices and online violence against women, see ShR Art. 12 resp. ShR Art. 56.

New developments

NEW GUIDELINE 'WORKING FOR SAFETY'

A new guideline, "Working for Safety", was published in Spring 2024. The guideline sets out standards for municipalities to commission local 'Safe at home' teams and has been aligned with the "Future Scenario Child and Family Protection" programme. The risk of this approach is that municipalities may have overly high expectations of both local teams and the "Future Scenario Child and Family Protection" programme while, in practice, the **quality of these local teams differs widely**. In some municipalities, it seems to be used as a justification for cuts in ambulatory services from specialised organisations, such as women's shelters.

NEW REPORT ON STALKING

The Inspectorate of Justice and Security recently published a report entitled "Stalked. Seen. Heard?" ("Gestalkt. Gezien. Gehoord?"). The report shows that **victims often feel unheard and struggle with the lack of a single point of contact** within the police and prosecution service. The report also shows that stalking is often not recognised as such. This highlights a **gap in knowledge about gender-based**

⁷ The girl herself, the neighbours, and the school had given several signals of abuse to the various child protection and guardianship authorities involved, as well as to the police, but in the end no one intervened. NOS (31-05-2024). *Inspectie start onderzoek naar zorg mishandeld meisje Vlaardingen* (Inspectorate starts investigation into care of abused girl in Vlaardingen).

⁸ Commissie aanpak geweld in de jeugdzorg (Committee on combatting violence in youth care) (2019). *Onvoldoende beschermd. Geweld in de Nederlandse jeugdzorg van 1945-heden* (Insufficiently protected. Violence in Dutch youth care from 1945 to the present).

⁹ de Hart, B., & Arbaoui, Y. (2023). *De afhankelijke verblijfsvergunning van vrouwelijke huwelijksmigranten in het licht van internationaal recht* (The dependent residence permit of female marriage migrants in the light of international law). *Asiel & Migrantenrecht*, 9, 432-440.

violence among police and prosecutors. This gap may result from generalists carrying out assessments immediately following reports when a specialist assessment is needed. This is the more important, as stalking is considered a significant predictor of femicide.

ACTION PLAN "TOGETHER AGAINST HUMAN TRAFFICKING"

The action plan "Together against human trafficking" lacks a coherent and coordinated approach that puts the human rights of victims at the centre.¹⁰ **Access to assistance and temporary residence permits is conditional on the victim's willingness to cooperate** in the criminal investigation, rather than on their need for support and protection. Their right to remain in the Netherlands, for example, depends on the perpetrator's conviction. There is **no specific legal provision regarding non-punishment.** The willingness of victims to report is low, as are the prosecutions and conviction rates¹¹, especially in cases of labour exploitation outside of the sex industry.¹² The action plan focuses primarily on the sex industry, although 40% of all reported exploitation cases take place in other sectors¹³, such as care & domestic work and the cleaning & agricultural sector. However, there is **no data broken down by gender and sector.** The Dutch Labour Inspectorate identifies only 7% of cases of labour exploitation outside of the sex industry due to inadequate training and lack of capacity,¹⁴ and the burden of proof is extremely high in these sectors.¹⁵

INCREASE IN VIOLENCE AGAINST WOMEN DURING AND AFTER COVID-19

The impact of the COVID-19 pandemic has been particularly severe for women, yet the **gendered impact has been largely overlooked** by the government, both during the pandemic and in recovery policies, with the exception of some *ad hoc* measures against domestic violence.¹⁶ Surprisingly, the government has claimed that gender-based violence against women and girls did not increase during the COVID-19 pandemic¹⁷, despite a global rise in reports of domestic and sexual violence.¹⁸ This

¹⁰ Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen (National Rapporteur on Human Trafficking and Sexual Violence against Children) (07-02-2024). *Gebrek aan regie en prioriteitstelling in actieplan Samen tegen Mensenhandel (Lack of direction and prioritisation in action plan Together against Human Trafficking)*. Accessed 10 February 2022.

¹¹ Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen (National Rapporteur on Human Trafficking and Sexual Violence against Children) (18-10-2023). *Jaarcijfers Mensenhandel 2022 (Annual figures on human trafficking 2022)*.

¹² GRETA - Group of Experts on Action against Trafficking in Human Beings (2023). *Evaluation Report Netherlands: Third evaluation round - Access to justice and effective remedies for victims of trafficking in human beings*.

¹³ Comensha (2023). *Mensenhandel in Nederland: Het beeld van 2022 (Human trafficking in the Netherlands: The image of 2022)*. p. 6.

¹⁴ Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen (National Rapporteur on Human Trafficking and Sexual Violence against Children) (2023). *Intensivering aanpak mensenhandel blijft nodig (Intensifying approach to human trafficking remains necessary)*. Accessed on 10 February 2022.

¹⁵ Rijken, C., de Volder, E. (2022). *Arbeidsuitbuiting onder de loep. Een analyse van de uitleg van arbeidsuitbuiting in Nederland (Labour exploitation under the microscope. An analysis of the explanation of labour exploitation in the Netherlands)*. Tilburg University & Impact: Center against Human Trafficking and Sexual Violence in Conflict. 35-39.

¹⁶ Dutch Network CEDAW (2024). *Mind the gap: addressing policy gaps in women's rights*. Dutch NGOs shadow report for CEDAW.

¹⁷ Helmich, D.W. (10-06-2021). *Domestic Violence and COVID-19 in The Netherlands: A Case of (Im)Possible Framing?* News, Utrecht University. Accessed 22 April 2024.

¹⁸ Atria (2022). *Vrouwen harder getroffen door coronamaatregelen. Women hit harder by corona measures*. Accessed 2 July 2024.

contrasts with the Safe at Home (Veilig Thuis) organisations, which reported an **increase in the number of violent incidents**.¹⁹ Additionally, sex workers' health organisations and researchers have reported an increase in violence against sex workers.²⁰

In particular, **marginalised and disadvantaged groups of women working in typically female-dominated informal labour sectors**, such as sex workers and (undocumented) migrant domestic and care workers, **were hit hard**. Sex workers, for example, were not allowed to work during lockdowns but were also largely ineligible for government assistance. As a result, many of them saw no alternative but to continue working illegally. This made them targets for violence and robberies, as clients and criminals knew they could not go to the police. In the first year of Covid, 55% of sex workers continued to work illegally, rising to 90% in 2021. Of these, 40% were exposed to physical or sexual violence.²¹ Additionally, the government's submission of the COVID-19 recovery plan to the EU's Recovery and Resilience Facility²² does not address gender issues and fails to adequately prioritise women in economic stimulus packages.

WOMEN VICTIMS OF THE SO-CALLED 'CHILD BENEFITS AFFAIR'

A glaring example of government violence and 'self-reliance policies' are the victims of the so-called 'child benefits affair', predominantly low-income women from migrant backgrounds who were falsely accused of child benefit fraud and had to unjustly pay back thousands of euros to the tax authorities. As a result, many of them were thrown into deep poverty, lost their homes, and had their children taken away from them. Due to the policy of 'self-reliance', victims were not entitled to legal aid and had to fight the state apparatus on their own. In some cases, the **financial problems acted as a catalyst for partner violence or exacerbated existing situations of violence**, while their 'debt' to the tax department made it impossible for women to leave a violent partner, especially when children were involved. The implementation of compensation and reparation measures is very slow, and the **interaction between the Child Benefits Affair and domestic violence is not sufficiently recognised**, including in compensation and reparation measures.

¹⁹ Ministerie van Volksgezondheid, Welzijn en Sport (Ministry of Health, Wellbeing and Sports) (14-01-2021). *Stijging van acute meldingen bij Veilig Thuis (Increase in urgent reports at Safe at Home)*.

²⁰ Cubides Kovacsics, M. I., Santos, W., & Siegmann, K. A. (2023). *Sex workers' everyday security in the Netherlands and the impact of COVID-19*. *Sexuality Research and Social Policy*, 20(2), 810-824; Kloek, M., Waterman, L., Anonieme Sekswerker, Spek, E., Hendriks, S., Luhrs, Y. van Wees, D., Hontelez, J. A. C. (2021). *Onderzoek naar de impact van corona op sekswerk in Nederland (Research into the impact of corona on sex work in the Netherlands)*. SoaAids Nederland & Erasmus MC.; Van Stempvoort, M. (2021). *Hoe de Nederlandse overheid sekswerkers kwetsbaar maakte tijdens de eerste golf van de COVID-19 pandemie (How the Dutch government made sex workers more vulnerable during the first wave of the COVID-19 pandemic)*. *Tijdschrift Voor Seksuologie*, 45(1).

²¹ Kloek, M., Waterman, L., Anonieme Sekswerker, Spek, E., Hendriks, S., Luhrs, Y. van Wees, D., Hontelez, J. A. C. (2021). *Onderzoek naar de impact van corona op sekswerk in Nederland (Research into the impact of corona on sex work in the Netherlands)*. SoaAids Nederland & Erasmus MC.

²² European Commission (n.d.). *Netherlands' recovery and resilience plan*. Accessed 22 April 2024.

Article 8: Funding

The current funding landscape is **fragmented and project-based**, which hampers multisectoral collaboration, coherence, and achieving and sustaining results. Different funding streams are not aligned and are managed by different ministries, leading to silos in financing. Furthermore, funding mechanisms largely exclude small (migrant) women's organisations and (formal & informal) youth led organisations, networks and initiatives.

In addition, the **decentralisation of various government tasks** to municipalities (e.g., youth care), often without adequate funding or even with budget cuts, has added to fragmentation, local variations in available services, and barriers to tackling problems that transcend the local level. Projects are being implemented locally without overarching coordination, with a lack of monitoring and accountability, and with no system to track how funds are spent across municipalities.

As to the provision of adequate and sustainable financial and human resources to women's rights organisations providing specialist support, see ShR Art. 22. Contrary to what the government report suggests, the eight alliances mentioned do not provide direct specialist support services to victims but focus primarily on prevention and awareness-raising (Art. 8, Q. 5).

Article 11: Data collection and research

NGOs, GREVIO, and the CEDAW Committee have frequently pointed to the **lack of coordinated and systematic data collection** by the Dutch government on violence against women, including by type of violence and by groups of victims, such as women with disabilities. However, data collection remains fragmented, carried out separately by different organisations and according to different criteria. Data is often not gender disaggregated, and the relationship between different data sets is not clear.²³ In addition, the various data collection initiatives appear to focus mainly on the prevalence of violence and victims, rather than on perpetrators and the effectiveness of interventions to stop violence, protect victims and support their recovery, and prevent perpetrators from reoffending.

Gender-responsive policies and programmes still **lack the gender-disaggregated data** needed to address multiple and intersecting forms of discrimination and to monitor progress towards substantive gender equality. Contextual data is also often lacking. The Dutch government should proactively mainstream data collection and systematically collect disaggregated data to assess the impact of policies and their development. It is also important that data is not only collected but also visible and publicly accessible to NGOs, researchers, and the general public. Of particular concern is the structural lack of data collection in the Caribbean under the guise of 'privacy protection'.

²³ To illustrate, the government report lists many different organisations that collect data: CBS & WODC (domestic violence and sexually transgressive behaviour); law enforcement and judiciary (domestic violence and child abuse); police (incidents of victimisation); Safe at Home (child abuse and domestic violence); National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (victims and perpetrators); I&O Research (sexually transgressive behaviour); Panteia, Movisie & I&O research (LGBTQI+ people); Pharos (harmful practices); Public Prosecutor's Office (female victimisation); CBS (female emancipation); University Leiden Surveillance and Security Threats Monitor 2022-2023 (relational violence).

PART II: INFORMATION ON THE IMPLEMENTATION OF SELECTED PROVISIONS IN PRIORITY AREAS IN THE FIELD OF PREVENTION, PROTECTION, AND PROSECUTION

Prevention

Article 12: General obligations

ADDRESSING HARMFUL GENDER STEREOTYPES

Although the government's report emphasises its responsibility to tackle social inequality through cultural change, which requires a wider social debate (Art. 12, Q. 9a), its approach is fragmented, lacks inclusiveness, and leaves interpretation to third parties. A more systematic, coordinated, long-term, and proactive strategy is needed to effectively and sustainably eliminate harmful stereotypes and stereotypical gender roles.

Unfortunately, **in some cases the government itself perpetuates stereotypes through its policies and actions**, as highlighted in the 2018 Dutch NGO Shadow Report on the Istanbul Convention.²⁴ For example, violence against black, migrant, and refugee women is often categorised as a cultural issue that requires a gender and culturally sensitive approach, while violence against white women does not receive the same consideration. Similarly, the **persistent association of migrant and refugee women with oppression and harmful practices** reinforces stereotypes. Under the heading of 'harmful practices', the government report, for example, only lists harmful practices within migrant communities (Art. 7, Q. 1), while practices such as forced conversion therapy for homosexuals, medically non-necessary surgery on intersex children without their consent, the pathologisation of transsexual women, and the requirement of some Christian Reformed schools for children to declare their sexual orientation are not listed. This reinforces the stereotype that harmful practices only occur in migrant communities. (For a more detailed discussion of harmful practices, see the dedicated paragraph below.)

Furthermore, despite positive initiatives to address the stigmatisation of sex workers and to improve their social and legal status,²⁵ existing legislative proposals for forced registration of sex workers and mandatory interviews to determine their 'resilience' and possible victimhood (Wrs/Wgts, see also ShR Art. 56) cast **sex workers as helpless victims in need of state control**. This reinforces negative stereotypes of sex workers and contributes to stigma and social exclusion, which - rather than protecting sex workers - increases the risk of violence.

²⁴ Dutch CEDAW Network (10-2018). *Joining forces to break the circle of violence against women*. Dutch NGO Shadow Report on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). p. 10.

²⁵ Ministerie van Justitie en Veiligheid en Ministerie van Sociale Zaken en Werkgelegenheid (Ministry of Justice and Security and Ministry of Social Affairs and Employment) (11-2023). *Aanpak versterking sociale en juridische positie sekswerkers (Improving the social and legal position of sex workers)*.

In addition, victims of gender-based violence are frequently portrayed as impoverished, lacking in education, weak, or damaged, thereby perpetuating the stereotype of the 'ideal victim'. The **stereotype of the 'ideal victim'** often determines who is considered deserving of victim status and worthy of help.²⁶ This is particularly common in cases of sexual violence where the victim is perceived as lacking the necessary (sexual) 'innocence'. Research shows that when victims of sexual violence fit the profile of the ideal victim, they are more likely to get help and compassionate responses, as they "did not deserve what happened to them".²⁷ The ideal victim plays a central role in the reactions of others and often leads to a lack of recognition and support for those who do not meet this mould. According to the available data, those who do not fit the stereotype do not receive the help they expect, but instead are met with doubt, an 'if it is true ... **it is your own fault'** trope. These responses include not only blaming and shaming the victim but also redefine the experience and victim status.

Another example, as highlighted in the 2018 Dutch NGO Shadow Report on the Istanbul Convention, is the integration courses for migrants and refugees, aimed at introducing them to Dutch culture, which often portray an image of the Netherlands from about 50 years ago. These courses frequently **emphasise traditional gender roles**, where men are expected to work and pursue careers while women are encouraged to focus on childcare and household duties. The NGOs have observed a comparable pattern in relation to female refugees, noting that women receive less support in terms of job opportunities and pursuing education compared to their male counterparts.

NEED FOR PROGRAMMES ADDRESSING THE PREVENTION OF GENDER-BASED VIOLENCE

In its report, the government outlines several campaigns aimed at raising awareness about gender-related violence (Art. 12, Q. 9c). While promoting gender equality and women's (financial) independence is important, there is also a need for more initiatives that specifically address gender-based violence and prevention strategies from a clear gender perspective. This includes **addressing factors that put women and girls in a position of dependency**, such as the dependency on partners in the case of dependent residence permits, on carers in the case of elderly women, or on institutions in the case of women with disabilities.

Prevention also means that **all women should feel safe to report violence** without fear of negative consequences, such as deportation in the case of undocumented women, the loss of their children in the case of partner violence, or fines and eviction from their homes in the case of unlicensed sex workers, and that they can rely on being taken seriously and treated with respect (See ShR report Art. 49 & 50).

Moreover, with the recent amendment of the Sexual Offences Act, it is crucial to **educate boys and men** that recognising and communicating boundaries and desires is not only vital for preventing violence but also enhances the quality of relationships and sexuality.

²⁶ Eelmaa, S., & Murumaa-Mengel, M. (06-2022). *Who is worthy of help? Constructing the stereotype of the "ideal victim" of child sexual abuse*. In Child sexual abuse and the media. 261-278.

²⁷ Krahe, B., Temkin, J., Bieneck, S., & Berger, A. (2008). *Prospective lawyers' rape stereotypes and schematic decision-making about rape cases*. Psychology, Crime & Law, 14(5), 461-479.

Research also indicates a widespread **lack of knowledge about different forms of gender-based violence**, such as stalking and coercive control by (ex) partners, and methods to recognise and prevent violence, as well as a tendency to trivialise various forms of violence among the Dutch population.²⁸

MEANINGFUL PARTICIPATION

Groups and communities that prevention policies aim to reach, should be involved in the development, monitoring, and evaluation of prevention policies, including women with disabilities, migrant communities, sex workers, youth led organisations, and other groups. This will enhance the quality of policies, ensure that they are relevant to the realities of the communities concerned, and help to avoid (unforeseen) negative side effects.

NEED FOR INDEPENDENT REPORTING CENTRES

As mentioned in the government report in the framework of strategic alliances, in recent years, there has been increased attention on preventing sexual harassment in sports (Art. 7, Q. 1), which has led to amendments to disciplinary laws. Changes include the revision of statutes of limitations, implementation of mandatory reporting, and enhancing reporting mechanisms.²⁹ Also, **objective investigation of the incidents shows to be paramount**, particularly due to the significant number of reports received. This highlights the importance of independent reporting centres, such as the Dutch Centre Safe Sports (Centrum Veilige Sport Nederland)³⁰ and emphasises the need for continuous and systematic reporting of violence, alongside securing sustainable funding to sustain these efforts. If it is possible to effect change in this area, it should also be possible in other areas.

PREVENTION OF VIOLENCE AGAINST GROUPS THAT ARE SPECIFICALLY AT RISK OF INTERSECTIONAL DISCRIMINATION

In general, paying attention to groups especially at risk of intersectional discrimination is all the more important, as there is a general **lack of awareness and understanding of the intersectional dimensions of violence** among government officials and social workers.

Women with a dependent residence permit

As discussed in previous shadow reports to GREVIO and CEDAW, research shows that the **legal dependency on their partner puts migrant women with a dependent residence permit at a greater risk of violence**³¹. Legal dependency reinforces unequal power relations, traditional gender roles, and stereotypes, as well as hindering women's personal autonomy. In theory, women can apply for an independent residence permit on humanitarian grounds before the mandatory 5-year period in cases of violence. In practice, however, there are so many obstacles that it is almost impossible to obtain

²⁸ UN Women Nederland (UN Women Netherlands) (11-2023). *Actiepunten voor een gecoördineerde en effectieve aanpak van gendergerelateerd geweld. Orange the world (Action Points for a coordinated and effective response to gender related violence)*.

²⁹ Centrum Veilige Sport Nederland (Centre for Safe Sports Netherlands) (2022). *Jaarverslag 2022 Centrum Veilige Sport Nederland (Annual Report 2022 Centre for Safe Sports Netherlands)*.

³⁰ Centrum Veilige Sport Nederland (Centre Safe Sports Netherlands) (n.d.). *Grensoverschrijdend gedrag (Unacceptable behaviour)*. Accessed 2 July 2024.

³¹ Edien Bartels (2021): *"He Sees Me as His Possession and Thinks He Can Do What He Wants."* *Dependent Stay and Partner Violence among Moroccan Marriage Migrant Women in the Netherlands*. Journal of Muslim Minority Affairs.

such a permit. On average, there are no more than 180 applications for continued residence on the grounds of domestic violence per year, out of an average of 12,000 marriage migrants per year.³² Given the prevalence of domestic violence in Dutch society and the experience of civil society organisations, this is only the tip of the iceberg. According to research, the low number of applicants mainly reflects the **inadequacy of the current policies in protecting women from violence**. The three main barriers women face in accessing independent residence permits after domestic violence are: reporting the break-up of the relationship to the IND (with the attached risk of deportation); the limited interpretation of the definition of domestic violence; and uncertainty about the burden of proof.³³

In addition to abolishing or shortening the period of dependency, the definition of domestic violence should be brought into line with the Convention, the current barriers to obtaining an independent residence permit in cases of domestic violence - such as the high burden of proof - should be removed, and access to information on the possibility of obtaining an independent permit should be improved.

Women with disabilities

Women with disabilities are at greater risk of violence, exploitation, and abuse compared to other women.³⁴ This is particularly the case for women and girls with mild intellectual disabilities.³⁵ In a 2011 study 61% of them reported having experienced some form of sexual violence.³⁶ Therefore, it is crucial to pay extra attention to women with disabilities when addressing (sexual) violence against women. Furthermore, the UN Convention on the Rights of Persons with Disabilities **calls for the meaningful participation of women with disabilities in policymaking on (sexual) violence**. However, the Dutch government is currently failing to fulfil this requirement.³⁷

Furthermore, women with intellectual disabilities residing **in care homes** are **insufficiently protected** from sexual violence within these institutions. The same can be said of women with an intellectual disability **in prisons**. In the recruitment, selection, and training of prison workers, there is no

³² De Hart, B., Arbaoui, Y. & Verweij, E. (2022). *Heb geduld: De betekenis van het afhankelijk verblijfsrecht in het dagelijks leven van huwelijksmigranten en hun partners* (Be patient: The Meaning of Dependent Residence Rights in the Daily Lives of Married Migrants and their Partners). Vrije Universiteit Amsterdam VU.

³³ De Hart, B., Arbaoui, Y. & Verweij, E. (2022). *Heb geduld: De betekenis van het afhankelijk verblijfsrecht in het dagelijks leven van huwelijksmigranten en hun partners* (Be patient: The Meaning of Dependent Residence Rights in the Daily Lives of Married Migrants and their Partners). Vrije Universiteit Amsterdam VU

³⁴ Mans, L. (2024). *Dubbel benadeeld: Een overzicht van knelpunten en discriminatie van vrouwen en meisjes met een beperking in Nederland vanuit intersectioneel perspectief* (Double disadvantaged. An overview of bottlenecks and discrimination against women and girls with disabilities in the Netherlands from an intersectional perspective). Dutch CEDAW Network.

³⁵ Landelijk Kenniscentrum LVB (National LVB Knowledge Center (Mild Intellectual Disability)). *LVB & Uitbuiting* (LVB and exploitation). Accessed 2 July 2024.

³⁶ Van Berlo, W., de Haas, S., van Oosten, N., van Dijk, L., Brants, L., Tonnon, S., & Storms, O. (2011). *Beperkt weerbaar. Een onderzoek naar seksueel geweld bij mensen met een lichamelijke, zintuiglijke of verstandelijke beperking*. (Limited resilience. A study into sexual violence among people with a physical, sensory, or intellectual disability). Utrecht: Rutgers WPF/MOVISIE.

³⁷ Rijksoverheid (Dutch government) (2022). *Beantwoording List of Issues VN-verdrag Handicap* (Answers List of Issues UN Convention on Disability).

consideration given to the specific needs of female prisoners, nor to the importance of a balanced composition of male and female prison staff.³⁸

Elderly women

In 2023, Safe at Home (formerly: Support Centre for Domestic Violence) received 1,703 reports of elder abuse.³⁹ Previous research showed that **70 per cent of reports concerned female victims**.⁴⁰ As the population ages, this group will inevitably expand, particularly given that women tend to live longer than men on average. Elder abuse encompasses a range of forms, including physical, sexual, or psychological abuse, neglect, financial exploitation, and violation of rights, e.g., deprivation of mail. In about half of the reported cases, the perpetrator is a child, grandchild, or (ex) partner. Additionally, instances of unintentional violence perpetrated by overburdened informal carers have been documented. Exploratory research by 2023 found that **little is currently done with reports of violence and that many social workers are not equipped** to deal with them properly. This is also due to the way help is organised: there are few face-to-face contacts, and help is fragmented across different organisations.⁴¹

More attention should be paid to education on preventive measures, such as preventing the isolation of older people, preventing the overburdening of informal carers, and better equipping care workers to deal with elder abuse. The latter is particularly urgent given the ageing population, the fact that many informal carers are already overburdened, the systematic closure of old people's homes, and the policy of keeping older people at home for as long as possible. In addition, more research is needed to gain a better understanding of the nature and extent of the problem.

In addition, **older undocumented (single) women face increasing care needs**, declining incomes, and increasing dependency on others. Returning to their country of origin is often not a viable option after living and working in the Netherlands, sometimes for decades. Although long-term care is theoretically available, this is not always clear to professionals or tailored to the specific needs of this group. It also depends on the willingness of care organisations to accept undocumented migrants. The lack of rights and protection for a growing number of women increases the risk of violence.

Muslim women

Islamophobia is on the rise in the Netherlands⁴² and in its wake **discrimination and violence against Muslim women**, especially if they wear headscarves. NGOs are very concerned about the newly appointed Minister for Asylum and Migration, who openly supports replacement theories and declared that she would prefer Muslim women “to throw away their head scarfs and get a taste of

³⁸ Vaste commissie voor Justitie en Veiligheid (Commission for Justice and Security). *Verslag Commissiedebat 4 juli 2023*, Kamerstukken II, 2022–2023, 24 587, nr. 918 (*Report Commission Debate*, Parliamentary Papers Second Chamber).

³⁹ Ensink, B., Nieuwenhuis, M. (2024). *‘Ouderenmishandeling’ treft vooral vrouwen (concept) (Elder abuse mainly affects women (to be published))*. WOUW-Amsterdam, Netwerk van Maatschappijkritische 50+ vrouwen.

⁴⁰ Movisie (2011). *Registratie Ouderenmishandeling 2011 (Elder Abuse Registration 2011)*.

⁴¹ Kriek, F. Oude Ophuis, R.J.M. (2023) *Een verkennend onderzoek naar ouderenmishandeling (An exploratory study of elder abuse)*. Amsterdam, Regioplan publicatie nr. 1019.

⁴² College voor de Rechten van de Mens (Netherlands Institute for Human Rights) (18-01-2024).

Moslimdiscriminatie in Nederland (Anti-Muslim discrimination in the Netherlands). Accessed 2 July 2024.

freedom”.⁴³ In a recent Parliamentary debate, the prime minister even felt compelled to assure a female member of Parliament who wears a headscarf that “he sees her as a human being”⁴⁴

LGBTIQ persons

Research by the Social and Cultural Planning Office (SCP)⁴⁵ shows that lesbian, gay, and bisexual people are more likely to be victims of violent crimes, disrespectful behaviour, hacking, and cyberbullying than heterosexuals. LGBTIQ pupils in primary and secondary schools are at greater risk of being bullied and of becoming victims of violence.⁴⁶ Bisexual persons, LGBTIQ young people, and LGBTIQ persons with a migration background are in an especially vulnerable position when it comes to safety. Although the safety situation of lesbian women and gay men has improved, this is not the case for bisexual persons. In particular, bisexual women are more often victims of sexual violence. As many as one in three have been a victim of physical sexual violence in the past five years. **However, less than a quarter of LGBTIQ individuals in the Netherlands have ever reported a physical or sexual assault to the police.** Since 2006, prejudice, stigma, and negative stereotypes against LGBTIQ people have decreased, but there has been little or no increase in acceptance in recent years.

Intersex people are at increased risk of violence. The most recent EU LGBTIQ survey⁴⁷ conducted in 2023 by the EU Fundamental Rights Agency, showed a **large increase in physical and sexual attacks experienced by intersex people.** Less than one in five of the respondents had reported the most recent incident to any organisation. Additionally, the survey found a troubling rise in hate-motivated harassment against intersex individuals in their daily lives. The percentage of intersex respondents experiencing hate-motivated harassment in the 12 months before the survey increased from 42% in 2019 to 74% in 2023. Overall, 61% of the respondents say that violence against LGBTIQ people has increased.

Sex workers

Research shows that sex workers are exposed to high levels of violence, often stemming from the stigma attached to sex work.⁴⁸ This includes physical and sexual violence but also financial-economic violence, such as clients stealing their money or refusing to pay, and social-emotional violence, such as intrusive and unwanted questions, harassment, and humiliation, as well as invasion of their privacy and stalking. For many sex workers, stigma is the key reason why they choose to remain anonymous. By keeping their work as hidden as possible, they try to prevent violence against them and protect their families. Very few sex workers report violence to the police. **Rather than protecting sex workers,**

⁴³ NOS (04-07-2024). *Premier Schoof meteen onder vuur van oppositie, maar ook van Wilders* (Prime Minister Schoof immediately under fire from the opposition, but also from Wilders). Accessed 4 July 2024.

⁴⁴ RTL (04-07-2024). *Tranen in de Tweede Kamer* (Tears in the Second Chamber of Parliament). Accessed 4 July 2024.

⁴⁵ SCP (2022). *LHBT-monitor 2022. De leefsituatie van lesbische, homoseksuele, biseksuele en transgender personen in Nederland* (The living situation of lesbian, homosexual, bisexual, and transgender persons in the Netherlands).

⁴⁶ Van den Broek, A., Ramakers, C., Cuppen, J., Brukx, D. (2022). *Veilig op school. Landelijke veiligheidsmonitor 2020-2021. Veiligheidsbeleid en veiligheidsbeleving in het primair en voortgezet onderwijs* (Safe at school. National safety monitor 2020-2021. Safety policy and safety perception in primary and secondary education). Nijmegen: ResearchNed.

⁴⁷ FRA (2024). *LGBTIQ Equality at a Crossroads: Progress and Challenges*. EU LGBTIQ survey III. Country Data – Netherlands. Accessed 4 July 2024.

⁴⁸ SoaAids, Aidsfonds, Proud (2018), *Sex Work, Stigma and Violence against Sex Workers in the Netherlands*.

laws and policies on sex work negatively impact their safety and significantly raise the threshold for reporting crimes, particularly because of their focus on combating trafficking and unlicensed prostitution and the sharp decline in the number of licensed workplaces. In addition, for sex workers who wish to work independently - without interference of a brothel operator -, it is almost impossible to do so in the licensed sector. As a result, many sex workers work outside the licensed sector, which increases the risk of violence and exploitation.

HARMFUL PRACTICES

Overall, there is a **lack of coherent and integrated policies to address the correlation between harmful practices**. Research shows that women who experience one form of harmful practice often experience other forms of gender-based violence (such as honour-based violence, child and early forced marriage, marital captivity, (online) sextortion, forced abandonment, female genital mutilation, domestic violence, and child abuse).⁴⁹ There is an urgent need for coherent policies that address the relation between the different forms of violence, the groups affected, and their social, legal, and economic position. Data collection is fragmented and carried out separately by different organisations.

The ‘Harmful Practices Action Plan’ only ran from 2020-2022 (Art. 7, Q. 1) and, as such, is another example of **short-term, project-based policies**. It is not clear in what way the programme provides a “solid base” for current and future strategies and how it will be followed up.

The Action Plan mentions cultural mediators in migrant organisations as important actors in reaching out to migrant communities. Nevertheless, it is not clear whether and how they are or will be structurally embedded in professional organisations and funded, assuming that they are not expected to work for free. In general, **funding mechanisms exclude small migrant women's organisations**.

Moreover, the action plan had a limited focus and **did not pay attention to harmful practices that occur throughout Dutch society**, in particular forced conversion therapy for gay people (which is still legal in the Netherlands), medically non-necessary surgery on intersex children without their consent (see ShR Art. 20(24) on consent, sterilisation, and abortion), the pathologisation of transgender and non-binary people, and schools that demand a so-called ‘identity declaration’ from pupils as part of their fight against homosexuality.⁵⁰

In the case of marriage coercion and forced abandonment, there is funding to arrange reception abroad, return documents, and support on return to the Netherlands. In practice, however, these arrangements are complicated and often unfamiliar to both abandoned women and embassies, making them ineffective. Securing temporary shelter in the country of origin, obtaining travel

⁴⁹ European Commission (2023). *Towards the elimination of female genital mutilation*. Final Communication from the Commission to the European Parliament and the Council, European Commission. Brussels, 25.11.2013 COM(2013) 833.

⁵⁰ Ministerie van Onderwijs, Cultuur en Wetenschap (Ministry of Education, Culture and Science) (28-03-2023). *Antwoorden op schriftelijke vragen over het feit dat veel reformatoische scholen nog altijd homoseksualiteit afwijzen en identiteitsverklaringen hanteren* (Answers to written questions about the fact that many reformed schools still reject homosexuality and use identity declarations).

documents to return to the Netherlands, financial assistance for a ticket, and appropriate shelter and support upon return are all difficult to obtain and not communicated by the embassies. Organisations call for more direct and proactive support for victims of forced abandonment.

The new bill to modernise the trafficking article in the Criminal Code recognises forced marriage and marital exploitation as a form of trafficking. This is an important step forward. However, **women and girls who escape after years of forced abandonment abroad risk having lost their Dutch nationality** due to their prolonged involuntary stay abroad. This means that if the period of abandonment has lasted too long it is not possible anymore for them to return to the Netherlands. Despite the recognition of forced marriage as a form of trafficking, the bill to revise the Nationality Act on Dutch citizenship (RNW) does not take these situations into account and should be adapted to ensure that all victims of forced abandonment can return to the Netherlands. Furthermore, there is still a need for consular and legal support abroad for women trapped in marital captivity to process their divorce in their country of origin.

There is a policy and some funding available for **hymen repair surgery**, but not all operations are reimbursed and the criteria for eligibility are vague, so it is rarely used in practice.

For women who are threatened with **femicide** in another country, the Netherlands still does not provide a safe haven.

Article 14: Education

SEXUALITY EDUCATION UNDER PRESSURE

Comprehensive sexuality education needs to be improved both within and outside schools, and it should include more information about sexual orientations and gender identity.⁵¹ Additionally, there is a need for more comprehensive information on intersecting forms of discrimination, violence against women, and emerging types of online gender-based violence. However, **sexuality education has come under attack**.⁵² Political opposition and misinformation campaigns are actively targeting the “Spring Fling” (“Lentekriebels”) project week, during which schools focus on relational and sex education in a manner tailored to the specific age groups and needs. Though the project week has existed for nineteen years, the political resistance is new and can be seen as part of a wider trend of sexual and reproductive rights coming under pressure.

LACK OF QUALITY STANDARDS FOR SEXUALITY EDUCATION

In her advice to the Minister of Education, Culture, and Science, the government commissioner for sexual transgressive behaviour and sexual violence stresses that comprehensive sexuality education should have a permanent place in higher education.⁵³ Schools in the Netherlands are obliged to give

⁵¹ Rutgers (2022). *Manifest voor betere seksuele vorming (Manifesto for better sex education)*.

⁵² Rutgers (24-03-2023). *Roerige Lentekriebelsweek levert vooral veel waardevolle gesprekken op (Turbulent ‘Spring Fling’ mostly yields many valuable conversations)*. Accessed 22 April 2024.

⁵³ Regeringscommissaris seksueel grensoverschrijdend gedrag en seksueel geweld (The special government commissioner for sexual misconduct and sexual violence) (2024). *Advies over de aanpak van seksueel*

attention to comprehensive sexual education, but they are free to choose how they address the topic, thereby missing a major prevention opportunity. Moreover, there is currently **no standardised system of quality standards for sexuality education**. Additionally, it is crucial to develop a similar system of quality standards for civic integration courses designed for migrants and refugees.

LACK OF EDUCATION ON GENDER-BASED VIOLENCE

The importance of sexuality education cannot be understated, not only because children and young people develop a positive self- and body image through good relational and sex education but also because they learn to treat themselves and others respectfully, including saying no to unwanted touches or actions.⁵⁴ However, there is an additional **need for education on gender-based violence**, as it can play an important role in preventing such violence. Currently, there is no standard requirement to include education on gender-based violence in schools alongside sexuality education. Despite efforts to develop educational materials on this topic that have been put into practice, the government has not created a policy to make this mandatory.

Article 15: Training of professionals

As highlighted in the 2018 Dutch NGO Shadow Report on the Istanbul Convention, there is currently no standardised national policy for regular and mandatory training for professionals dealing with gender-based and domestic violence.⁵⁵ This approach poses significant challenges for institutions with high staff turnover, such as healthcare facilities or asylum seekers' centres. These institutions often experience ongoing depletion of skills and expertise that remains unaddressed.

Furthermore, the Dutch government should make training on what constitutes gender-based violence mandatory for judges, prosecutors, civil servants, and other agencies, due to a glaring lack of knowledge. Significantly, **judges and immigration officers are among the groups for whom training is not mandatory** (Art. 15, Q. 11). Emphasis should be placed on adopting a gender-sensitive approach throughout these training initiatives. Notably, judges undergo training at an independent institute where there is little room for training from external experts in gender-based violence.

In addition to these measures, there is a recognised **need to increase NGO involvement and incorporate 'experts by experience' into training programmes** for professionals. This is necessary to incorporate sensitivity to cultural differences in training programmes for professionals, particularly because women with a migration background face a higher risk of experiencing gender-based violence. Moreover, training on primary prevention, before any violence has occurred, is equally important and should be a mandatory part of professional training.

grensoverschrijdend gedrag en seksueel geweld in hoger onderwijs en wetenschap (Advice on tackling sexual misconduct and sexual violence in higher education and science).

⁵⁴ Lauwers, L., Van Reeuwijk, M., Leusink, P., Beek, T. (02-2024). *Achtergrondossier: Relationale en seksuele vorming (Background file: Relational and sexual education)*. Rutgers.

⁵⁵ Dutch Network CEDAW (04-07-2024). *Mind the gap: addressing policy gaps in women's rights*. Dutch NGOs shadow report for CEDAW.

Article 16: Preventive intervention and treatment programmes

There are programmes to prevent perpetrators from re-offending, such as buddy and peer programmes, but they are unevenly distributed across the country. A more coherent policy is needed. Equally **important is addressing problematic masculine behaviour patterns** to prevent violence from occurring in the first place. Currently, masculinity is not addressed in government policies, which are gender-neutral (as discussed under ShR Art. 7). **Primary prevention tends to focus mainly on minorities with migration backgrounds**, such as in the case of harmful practices. Prevention and education programmes should include addressing problematic masculine behaviour; otherwise, the root cause of violence against women will not be addressed.

Protection

Article 18: General obligations

TOP-DOWN POLICIES ADDRESSING VIOLENCE AGAINST SPECIFIC GROUPS

Policies addressing violence against specific groups often follow a top-down approach, where **affected groups** such as black, migrant, and refugee women, as well as sex workers, **are not consulted or included in the policy-making process**. This exclusion is particularly noticeable among vulnerable and marginalised communities. As a result, their experiences and expertise are often overlooked or even disregarded, which may lead to less effective policy outcomes and risks having unexpected and/or undesirable side effects.

CHALLENGES IN THE DEVELOPMENT OF MULTI-AGENCY COOPERATION MECHANISMS

Lack of integrated vision and multi-agency cooperation

Women's shelter organisations observe that domestic violence manifests in various patterns, each with a different background and requiring distinct approaches. It is crucial to address these issues in an integrated and systematic manner to develop sustainable solutions to combat violence against women. Multi-agency cooperation mechanisms involve collaboration with the mental health care and support services in areas such as debt, housing, parenting skills, and addiction. Despite the integrated approach that is described in the government report (Art. 18, Q. 15a), organisations face several bottlenecks in developing multi-agency cooperation mechanisms. Challenges include the **lack of continuation of (successful) projects/programmes** due to financial silos between departments, **inadequate funding models** (as described below), a **lack of investments by municipalities**, and **long waiting lists** that hinder effective collaboration between different care facilities, delaying timely interventions.

Funding model favours large organisations

The government's funding model tends to **favour large, non-gender-specific organisations** at the expense of small women's organisations, especially those representing black, migrant, and refugee women, women with disabilities, and those reliant on volunteers. As a result, current policies fall short

of facilitating meaningful and sustainable participation.⁵⁶ Small community organisations, which play a crucial role in reaching marginalised women, are not adequately integrated into the chain approach.

Problematic collaboration between “formal” and “informal” organisations

Informal organisations possess invaluable knowledge, are trusted by the communities they are part of, and serve as crucial intermediaries between formal support systems and survivors. However, **informal care organisations are often overstretched and collaboration between formal and informal organisations faces significant challenges**. For example, communication problems and language barriers between these groups hinder effective coordination. In addition, informal care providers are often undervalued, and their insights are disregarded by professionals in formal organisations, who perceive them as lacking sufficient expertise. When informal organisations draw attention to problems or mistakes in the work of formal organisations, their feedback is often not valued, making future collaboration more difficult.

Article 20: General support services

In general, government policy places a strong **emphasis on the so-called 'self-reliance'** of citizens. This basically means that women are expected to be able to seek help and change their situation on their own. However, not all women - particularly those from marginalised groups - and not all victims of violence are equally 'self-reliant', which can prevent them from accessing appropriate support.

ACCESS TO CARE

Contrary to what the government report suggests (Art. 20, Q. 22), **not all women victims of violence have equal access to care and support**. This particularly concerns women with disabilities, women in dependent relationships, women from migrant and refugee backgrounds, women in asylum procedures, undocumented women, victims of coercive control/intimate terror, and elderly women. Some victims do not dare or are ashamed to ask for help or to report the violence, can't find the way, or are not reached by support services. In other cases, the support services offered do not meet their needs, lack knowledge about their specific background, or fail to take the violence committed against them seriously. Additionally, common policies may exclude certain categories of victims from accessing resources such as shelters.

ACCESS TO INTERPRETATION

In the case of migrant women, lack of access to interpreters can be a barrier to accessing help. Until 2012, social and health workers could use a free state-funded interpreter, but this was abolished because the government expects people living in the Netherlands to learn Dutch. Since then, the **reimbursement of interpreters is limited to victims of trafficking, asylum seekers in reception centres, and women in crisis shelters**.⁵⁷ In other cases, reimbursement rules vary according to the type of professional and client group, and in many cases, care providers have to pay for an interpreter

⁵⁶ Dutch Network CEDAW (04-07-2024). *Mind the gap: addressing policy gaps in women's rights*. Dutch NGOs shadow report for CEDAW.

⁵⁷ Artsenfederatie KNMG (The Royal Dutch Medical Association RDMA) (02-05-2022). *Tolken in de zorg (Interpreters in the medical care sector)*.

themselves.⁵⁸ Several organisations have called for a more comprehensive and cross-sectoral national regulation covering all care providers.

FEAR OF LOSS OF CHILDREN IN CASE OF DOMESTIC VIOLENCE

A common complaint of victims of domestic violence is the **lack of attention paid to violence against women by ex-partners, especially when children are involved**. Victims of domestic violence who have (young) children are often reluctant to contact youth services or organisations that are (or are perceived to be) in contact with the Child Protection Council for fear of losing their children. This fear is not unrealistic given the widespread problem of children being removed from their homes in the youth care system. If the violence they experienced is taken seriously, mothers are often judged for not leaving their aggressive partners sooner and accused of endangering their children by staying in the relationship. However, if the violence they have experienced is not taken seriously, youth services routinely insist on the importance of contact between the children and the perpetrator and pay little attention to the safety of the victim. Mothers often feel abandoned by the system that should offer them protection (see also “Women victims of coercive control”).

WOMEN WITH DISABILITIES⁵⁹

Research indicates that not every municipality provides the required specialised support and care for girls and women with disabilities who are victims of domestic and sexual violence.⁶⁰ One **problem is the accessibility of shelters** for this group. This includes a lack of information on websites regarding the (physical) accessibility of these facilities, as well as accessibility issues with the websites themselves. According to information from the Alliance on the UN Convention on the Rights of Persons with Disabilities (CRPD), women with intellectual disabilities residing in care facilities who are victims of violence struggle to find their way to police or social workers.⁶¹

NGOs note a **lack of understanding about migrant women with disabilities**, who may face increased risks of domestic violence and social isolation due to taboos surrounding disability within their families and communities. This creates additional barriers to accessing necessary support and care.⁶²

⁵⁸ Pharos (01-2022). *Infosheet: Tolken in de zorg (Factsheet: Interpreters in the medical care sector)*.

⁵⁹ This section is based on Mans, L. (2024). *Dubbel benadeeld: Een overzicht van knelpunten en discriminatie van vrouwen en meisjes met een beperking in Nederland vanuit intersectioneel perspectief (Double disadvantaged. An overview of bottlenecks and discrimination against women and girls with disabilities in the Netherlands from an intersectional perspective)*. Dutch CEDAW Network

⁶⁰ De Vaan, K., Harthoorn, H., Martina, K. (2021). *Gendersensitiviteit in de Nederlandse aanpak van huiselijk geweld: nadere concretisering van de GREVIO-aanbevelingen (Gender sensitivity in the Dutch approach to domestic violence: further concretisation of the GREVIO recommendations)*. Regioplan.

⁶¹ Alliantie VN-Verdrag Handicap (Alliance UN Convention on the Rights of Persons with Disabilities (CRPD)) (2019). *Schaduwrapportage Verdrag inzake de rechten van personen met een handicap in Nederland (Shadow report on the Convention on the Rights of Persons with Disabilities in the Netherlands)*.

⁶² Dutch CEDAW Network (30-03-2023). *The NGOs' comments on the reply of the Netherlands to the reporting form on the implementation of the Recommendation of the Committee of the Parties n 30 January 2020 (IC-CP/Inf(2023)3)*.

WOMEN IN RELATIONSHIPS OF DEPENDENCY

Recent research indicates that despite the wide array of services available, **only a small fraction of victims of violence in dependency relationships are reached.**⁶³ Examples are abuse of elderly people, human trafficking, and exploitation, as well as sexually transgressive behaviour at sports or hobby clubs. Intimate partner violence, child abuse, and sexual violence also fall under this heading. As recognised in the government report, for many victims finding the right help is a complex and lengthy process (Art. 7, Q. 1). Navigating through a maze of phone numbers, websites, and information services proves daunting. There is a need to make information more easily accessible. **Victims would greatly benefit from having a support person or buddy to guide them through this process.** This individual could be an expert by experience, someone from their personal network, or a trained professional. Cultural mediators (a buddy with the same cultural, linguistic, and or religious background with knowledge of the systems) could be of great added value for migrant women. Experts by experience can also significantly reduce barriers to seeking help and should be a standard offering. Furthermore, once victims reach out, help should be readily accessible without waiting lists, repeated intakes, and referrals from one organisation to the next (see also ShR Art. 20(18)).

WOMEN VICTIMS OF COERCIVE CONTROL

Current guidelines and protocols within child welfare, child protection, and family law services often do not adequately address cases of **intimate partner violence/coercive control ('intimate terror') that continues after separation as Post Separation Abuse (PSA).** The experience of many mothers is that these guidelines and protocols actually perpetuate the abuse, facilitate the perpetrator's coercive control over the victim, and often re-traumatise and re-victimise the mothers and their children over a long period of time. They often feel victimised by the very institutions that are supposed to protect and help them. As highlighted by GREVIO in its 2020 baseline report (paras. 201-204), intimate partner violence and PSA are rarely taken into account in decisions on custody and visitation rights, even in cases where judges have found that violence has occurred. The consequences of domestic violence and its effects are often misunderstood or underestimated by judges, or it is wrongly assumed that the violence will stop after the divorce. **Women are often pressured to "forget the violence" and "cooperate" under threat of being seen as "obstructive" or malicious and losing custody of their children.** Also, the argument of 'parental alienation' is frequently (ab)used to silence women, as is also signalled by the UN Special Rapporteur on Violence against Women.⁶⁴

A key concern is the requirement for mothers to continue to communicate with the perpetrator, a stipulation found in all guidelines and directives of youth welfare and child protection services. **Rather than seeing PSA as a contraindication, mediation-like trajectories are structurally and frequently imposed.** Too often, situations of coercive control and PSA are not recognised and treated as 'high-conflict divorces', in which both parents are equally responsible and actively harming the children.

⁶³ Wildt, R. de., Steketee, M., Compagner, M. (2023). *Laagdrempelige hulp voor slachtoffers en plegers van geweld in afhankelijkheidsrelaties* (Accessible help for victims and perpetrators of violence in dependency relationships). Utrecht: Verwey-Jonker Instituut.

⁶⁴ Alsalem, R. (13-04-2023). *Report of the Special Rapporteur on violence against women and girls, its causes and consequences: Custody, violence against women and violence against children.* (A/HRC/53/36).

WOMEN FROM MIGRANT AND REFUGEE BACKGROUNDS

Women from migrant and refugee backgrounds often face significant barriers in accessing appropriate care. They, for example, do not make use of the Sexual Assault Centres or Safe at Home organisations. Barriers include challenges such as **lack of culturally sensitive services and inadequate knowledge about legal aspects related to (lack of) migration status**. This makes key community figures and self-organisations indispensable partners in reaching out to these groups, as they possess valuable skills, networks, and cultural competencies that formal aid organisations may lack internally. It is essential to enhance the diversity and inclusivity of healthcare service staff, and to recognise and compensate key community figures. **Improving structural collaboration between formal and informal organisations is also vital**. There is a need for more accessible assistance, for instance, in peer-to-peer groups.

WOMEN IN ASYLUM CENTRES

Women in asylum centres (AZCs) often hesitate to report incidents of physical or sexual harassment, and even rape, to the police due to **fears that lodging a complaint could negatively impact their asylum process**, thereby limiting their access to appropriate care.⁶⁵ Yet, estimates indicate that a significant proportion - ranging from 63 to 80 per cent - of women from refugee backgrounds have experienced sexual violence.⁶⁶ This violence can occur in their country of origin, during the protection, or upon arrival in the host country where they seek protection. However, there remains limited understanding of the profound implications of the physical, psychological, and sexual violence endured by refugee women. Research conducted by Amnesty and the Institute for Human Rights and Medical Research (iMMO) found that women seeking asylum in the Netherlands, who have potentially experienced sexual violence, face a risk of re-traumatisation within the asylum procedure.⁶⁷ On the whole, **asylum procedures in the Netherlands are neither gender-sensitive nor trauma-sensitive, and do not take women's rights sufficiently into account**.

As highlighted in the Dutch Shadow Report on the CEDAW Convention in 2021, the **lack of psychosocial support** exacerbates the trauma of women who have experienced conflict-related sexual and gender-based violence.⁶⁸ Despite access to (specialised) healthcare (Art. 20, Q. 23), as stated in the government report, ensuring adequate and continuous care is challenging, if not impossible due to the **frequent transfer of asylum seekers from one centre to another**. Although mandatory safety protocols exist for these centres, not all have effectively implemented them. There is also a lack of centralised government coordination to systematically monitor the implementation and effectiveness of social safety policies within AZCs.⁶⁹

⁶⁵ CEDAW (21-07-2021). *List of issues and questions prior to the submission of the seventh periodic report of the Netherlands*.

⁶⁶ Donse, A., Safi, M. (2023). *Blinde vlek in asielprocedure? Slachtoffers van seksueel geweld (Blind spot in asylum procedure? Victims of sexual violence)*. Tijdschrift Asiel & Migrantenrecht, nr. 5.

⁶⁷ Amnesty International (2023). *Seksueel geweld: blinde vlek in de asielprocedure (Victims of sexual violence: blind spot in the asylum process)*.

⁶⁸ Women, Peace and Security - NAP (2021-2025). *Fourth Dutch National Action Plan on the implementation of UNSCR 1325 and successive resolutions*. p. 64.

⁶⁹ Central Agency for the Reception of Asylum Seekers (COA) (2020). *Rapport Sociale veiligheid van bewoners. Report Social safety of residents*.

In its baseline report in 2020, GREVIO criticised the Dutch government for **lacking gender-sensitive guidelines** regarding the application of the Convention relating to the Status of Refugees.⁷⁰ More specifically, GREVIO highlighted the absence of gender guidelines or training within the Dutch Immigration and Naturalisation Service (IND) for conducting interviews in a gender-sensitive manner. The European Asylum Agency (EUAA) provides training courses such as ‘Interviewing Vulnerable Persons’ and ‘Interviewing Techniques’ but does not specifically offer training on interviewing victims of sexual violence.

Art. 20 (18): Programmes aimed at recovery

Effective support aimed at recovery requires coordination of the different types of services and support needed, both in terms of time and sequence. Unfortunately, this **coordination** is frequently **hindered by separate funding streams for different types of assistance and lengthy waiting lists for specialised help** (see also ShR Art. 18).

When victims of domestic violence stay in shelters, they frequently accumulate additional debts. Managing child benefits and other social benefits is complex and time-consuming. There is a lack of continuity in social benefits and care, forcing women to restart bureaucratic procedures after leaving the shelter. Although the Housing Act gives municipalities the power to provide urgency to vulnerable groups, it is often difficult to find safe and affordable housing after shelter. Moreover, not all municipalities make use of this option. **Programmes designed to enhance economic independence after (domestic) violence are insufficient and lagging behind.** The Dutch Women’s Council (Nederlandse Vrouwen Raad) and Valente developed programmes to support women rebuilding their lives, such as “A New Future”, but their implementation depends on whether municipalities choose to invest in them. We are also concerned that women in shelters are accumulating debt because they have to pay an own contribution while their regular housing costs also continue, a practice that is contrary to GREVIO guidelines.

Art 20 (19): Access to healthcare

For undocumented women, structural barriers to access to healthcare and specialised care include the fact that only costs that are covered by basic health insurance is reimbursed by the Central Administration Office (CAK). Moreover, this requires a referral from a general practitioner, but it is difficult for undocumented women to find a general practitioner. GPs are often unaware of the possibility of reimbursement by the CAK. In addition, undocumented women are excluded from population screenings, such as breast and cervical screening.

⁷⁰ GREVIO (2020). *Baseline Evaluation Report Netherlands*, para 310.

Art. 20 (24): Consent, sterilisation, and abortion

Officially, sterilisation, abortion, or other irreversible treatments or operations on individuals with disabilities, as well as intersex persons, do not take place without their free and informed consent. However, **intersex children are still subjected to so-called ‘normalising’ medical treatments without their consent.** Research shows there are over 1,000 surgeries every year alone for children under 12 years old.⁷¹ Dutch legislation, particularly regarding proxy consent in relation to the child's right to an open future, bodily integrity, and self-determination, violates international and supranational law despite recommendations by the CEDAW⁷² and CESCR⁷³ Committees. The UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Committee on the Rights of the Child have called for a ban on these treatments until children are old enough to decide for themselves. The Dutch organisation on sex diversity, NNID, calls for non-consensual and non-necessary medical treatments and interventions to be included in the penal code in a similar way to FGM.⁷⁴

Several court cases revealed the prescription of **forced contraception in closed juvenile care homes.**⁷⁵ According to the Supreme Court, this practice imposes more restrictions on patients than the law allows.⁷⁶

Article 22: Specialist support services

Significant investments are made in the "front door" services like Safe at Home and the Local Teams, but there is a **noticeable shortage of specialised services “behind the front door”**, such as specialised counselling and trauma-sensitive treatment within women's shelters. There are also long waiting lists, which make it difficult to coordinate the various specialist services.

As of 2022, shelters are able to use the expertise platform "Drakentemmers", a platform with specialists in trauma and attachment after domestic violence.⁷⁷ However, funding is temporary and

⁷¹ Leemrijse, C. en S. v. Dulmen (2022). *Genitale operaties bij kinderen met DSD jonger dan 12 jaar (Genital surgery in children with DSD under 12 years of age)*. Utrecht, Nederland, Nivel.

⁷² CEDAW/C/NLD/CO/6.

⁷³ E/C.12/NLD/CO/6.

⁷⁴ Van der Have, MJ. Misvattingen over intersekse (Misconceptions about intersex) (2023). *Op weg naar wettelijke regulering geslachtsbevestigende behandelingen intersekse personen (Towards legal regulation of gender-affirming treatments for intersex people)*. Nijmegen, Nederland: Stichting NNID

⁷⁵ Pointer (03-02-2022). *Gedwongen anticonceptie in gesloten jeugdzorg: ‘Als je het niet nam, waren er zeker consequenties’ (Forced contraception in closed youth care: ‘If you didn't take it, there were certainly consequences)*. Accessed 2 July 2024.

⁷⁶ Mans, L. (2024). *Dubbel benadeeld: Een overzicht van knelpunten en discriminatie van vrouwen en meisjes met een beperking in Nederland vanuit intersectioneel perspectief (Double disadvantaged. An overview of bottlenecks and discrimination against women and girls with disabilities in the Netherlands from an intersectional perspective)*. Dutch CEDAW Network.

⁷⁷ Drakentemmers (n.d.). *Expertiseplatform trauma & gehechtheid na huiselijk geweld (Expertise platform on trauma & attachment after domestic violence)*. Accessed 6 July 2024.

uncertain. Structural problems include the **project-based and temporary nature of funding**, partly due to financial divisions between different ministries and programmes, and the lack of secure continuation of successful projects. This situation forces shelters to constantly seek resources to sustain important and effective programmes. For instance, the Safety Net programme on online violence by ex-partners is struggling to secure funding. Moreover, the decentralisation of services has led to significant regional disparities. These variations mean that the availability and quality of support can differ widely depending on where victims are living.

Article 25: Support to victims of sexual violence

STRUCTURAL SHORTAGE OF SHELTER CAPACITY

There is a **systemic shortage of shelter capacity** in the Netherlands. While the Minister of Health, Welfare, and Sport (VWS) recognises the problem, both the national government and local authorities are relying on each other to address the issue. According to the government, it provides financial resources to the municipalities to solve the problem. However, municipalities argue that these resources are insufficient. Increasing the number of shelters is especially critical for vulnerable groups such as migrant, refugee, and low-income women who may lack a private support network.

According to GREVIO and CEDAW guidelines, **access to a safe shelter should be available to all women at all times**, not solely in situations of immediate physical danger or when a woman cannot find a safe place within her own network. In addition to the lack of shelters, the Netherlands fails to meet the above criterion in a number of ways:

- **Undocumented women are denied access to shelters** unless they are in immediate physical danger. Shelters are only accessible to women who are applying for a residence permit or are in the process of doing so, not to those whose application has been rejected or who do not (or cannot) apply.
- **Access to shelters is problematic for women with a dependent residence permit.** Organisations lack adequate knowledge of migration law, which leads to women being refused access to some shelters on the grounds that they "have no right to it". One of the negative consequences for the women concerned is that to qualify for a continued residence permit on the basis of domestic violence, they need a statement from a women's shelter.

Article 31: Custody, visitation rights, and safety

THE DETERMINATION OF CUSTODY AND VISITATION RIGHTS OF CHILDREN

The legislative measures described in Art. 31 of the Istanbul Convention that address the consideration of violence in decisions regarding custody and visitation rights are not implemented in the Netherlands. Currently, as stated in the government report, there is **no legal framework in place for family judges to systematically consider partner violence in their assessment of cases** (Art. 31, Q. 32). **Safety assessments are not made at all and judges often assume that partner violence ends after the end of a relationship**, thereby violating both Art. 31 and Art. 51(1) of the Istanbul

Convention.⁷⁸ Although GREVIO has previously criticised the Netherlands for not integrating domestic violence adequately into family law, the government has still not taken the required legislative amendments.⁷⁹

The **pro-contact culture (contact with both parents)** plays a central role in the determination of custody and visitation rights. Contact is only prohibited if it is deemed to be unsafe for the child, and this decision is not taken lightly. The safety of the victim-parent plays little role in this assessment. There is no consideration of whether these decisions might endanger her and/or the child(ren)'s safety.⁸⁰ Judges have a **glaring lack of knowledge about domestic violence and coercive control** despite its significant impact in complex divorce cases. In its report, the government states that “There [are] no measures taken by the government to ensure [that] judges, court-appointed experts and other legal professionals have sufficient knowledge nor can they be taken for they are independent” (Art. 31, Q. 33a). However, in order to make a proper assessment of complex divorce cases, gender-sensitive knowledge about domestic violence is a prerequisite. Judges, child custody boards, family guardians, and lawyers almost universally lack knowledge about domestic violence. There are few courses available on the subject, and training in this area is not mandatory. Also, the Council for Child Protection (Raad van de Kinderbescherming) and Youth Protection (Jeugdbescherming) lack the necessary knowledge to recognise cases of coercive control.

There is **limited understanding within the Council for Child Protection about gender-based violence or coercive control**, and their reports and recommendations often lack an analysis of the violence that occurred. For example, mothers are required to give ‘emotional consent’ for contact, even in cases involving an abusive father. Consequently, the Council for Child Protection rarely prioritises domestic violence in its court recommendations, which are nevertheless uncritically adopted by judges.

The biggest problem regarding the involvement of youth protection/care organisations is their **exclusive focus on the importance of parents’ communication**, which is emphasised in all guidelines regarding high-conflict divorces. Rather than taking into account the coercive behaviour of the perpetrator and its effect on the mother and the children as an explanation for the ongoing problems between the parents, and thus focusing on the role of the perpetrator, youth care workers see improved communication as the sole solution and thus focus on the victim, who is often, for obvious reasons, very reluctant to meet and talk with her ex-partner. Often, the victim is pressured to participate in mediation or joint therapy sessions with the perpetrator in a way that goes counter to the provisions of the Istanbul Convention.

Moreover, **vague language is used to describe violence in family law cases**, for example: “there was violence between the parents”, instead of “the husband abused the wife”. This is especially prevalent in court decisions and reports drafted by the Board of Child Protection. Similarly, the concept of ‘high-conflict divorces’ suggests an equal share by both parents in the conflict, which does not accurately

⁷⁸ Avontuur, I., van Hoof, M.-J. (14-06-2024). *Gezag en omgang in de context van dwingende controle/intieme terreur* (Authority and intercourse in the context of coercive control/intimate terror). Nederlands Juristenblad, afl. 21;

Lünnemann, M., Lünnemann, K., Compagner, M. (2024). *Vadercontact in de opvang*. (Father contact in the shelter). Verwey-Jonker. pp. 24-25.

⁷⁹ GREVIO (2020). *Baseline Evaluation Report Netherlands*. pp. 43-44.

⁸⁰ Lünnemann, K. D. (2023). *Verschillend perspectief, samen kijken* (Different perspectives, looking together).

reflect the dynamics of abuse and power imbalances in such situations. Generally, there is a lack of specific details regarding the actions and behaviour of the perpetrators. This fits in with the idea of 'where two fight, two are to blame'. **Women are often advised by lawyers not to mention violence in custody or visitation rights cases, for fear of being accused of sabotaging the child's contact with the other parent and facing the risk of losing custody.** This way, mothers are unable to protect their children against violence. Perpetrators on the other hand are usually not expected to take responsibility or receive treatment.

In 2016, the courts entered into cooperation with municipalities within the framework of the "Uniform Assistance Offer" (Uniform Hulp Aanbod) programme. In custody and visitation rights cases, parents are referred to the municipality, which then seeks a (youth) assistance provider for parenting mediation and/or supervised visitation. However, domestic violence and child abuse are not discussed in this programme; **raising these issues is considered to be unconstructive and unhelpful.**

This ultimately results in victims of gender-based violence losing confidence in the family law system and its corresponding institutions. The reprimand of a judge in August 2023 by the president of the Court for pointing out in an article on LinkedIn that the family law system in the Netherlands fails to protect victims of domestic violence and child abuse further discouraged victims from using the legal system that is supposed to protect them.⁸¹ **The lack of knowledge and attention to domestic violence in family law has led to widespread abuse of the system by perpetrators invoking 'parental alienation.'** The problem has been exacerbated by the 2021 Parental Alienation Expert Team (Expert team Ouderverstoting) report in 2021, which places the blame on mothers for parental alienation.

Prosecution

Article 48: Prohibition of mandatory alternative dispute resolution process or sentencing

VICTIMS ARE PRESSURED TO PARTICIPATE IN MEDIATION

Currently, the idea prevails that parents must be able to work out 'their conflict' together without regard to power imbalances. Although mediation might be useful in 'lighter' cases (healing rather than re-traumatisation), it should not be a general practice imposed on women. Victims are sometimes subjected to serious pressure to participate in mediation cases; the same applies if they want to quit during the course of the aforementioned "Uniform Assistance Offer" programme. Victims are then told that it is their fault that it did not work out and that the judge will draw consequences. Such programmes are thus **voluntary on paper, but in practice, participation is enforced by threatening the victim with consequences**, such as removal of the children from the home. In the government report, it is highlighted that mediation is voluntary and joint parenting is not pursued if there is a history of violence or there are suspicions of violence (Art. 48, Q. 38). However, in practice such assessments are rarely made, as described in the previous paragraphs. Consequently, access to justice is limited due to the government clearly favouring mediation.

⁸¹ Louwerse, P. (25-07-2023). [Klokkenluidersmelding en berisping: conflict rond rechter escaleert](#) (*Whistleblower reporting and reprimand: conflict surrounding judge escalates*). Accessed 4th July 2024.

Moreover, efforts are underway to roll out a new pilot, the so-called “Family Advocate”. This concept is controversial within the legal profession, as one of the core values of lawyers is partisanship and the interests of different family members can be in conflict.⁸² The goal of the Family Advocate is to reach mutual agreements in ‘high-conflict’ divorces, but it’s evident that this approach can be harmful in cases involving domestic violence and/or coercive control,⁸³ especially when no analysis is made of patterns of violence within the family.⁸⁴ Again, this method **ignores domestic violence** and is based on the “Complex Divorce Methodology” (Methodiek Complexe Scheidingen), which presumes that domestic violence and child abuse do not play a role, but that the parents are simply arguing in an immature way.

Article 49 and 50: General obligations and immediate response, prevention, and protection

HARDLY ANY GENDER AWARENESS IN THE JUDICIAL SYSTEM

Attorneys who represent victims of domestic violence in family law cases and who invoke the Istanbul Convention and/or the European Convention on Human Rights in their submissions to the court very often report that **the court, in its decisions, fails to respond to claims made under the conventions**. References to the conventions are, in the experience of family attorneys, routinely ignored. To assess whether this is indeed common practice, and to get an empirically well-founded view of the way claims of domestic violence are handled in Dutch family courts, Research Institute Verwey-Jonker will carry out a survey among Dutch family law attorneys about their experiences with domestic violence cases. The research is funded by a number of Dutch NGOs, among others the Vereniging voor Vrouw en Recht 'Clara Wichmann' (Association for Woman and Law 'Clara Wichmann'). The survey will be distributed in September 2024. The research outcomes are expected in November/December 2024 and will be used to formulate recommendations for the handling of domestic violence cases in family courts.

As highlighted in the Dutch NGO Shadow Report on the Istanbul Convention in 2018, there is insufficient recognition among police and justice officials that gender plays a significant role in the types of crimes against women and men, as well as in how victims and perpetrators are treated. There is a notable **lack of understanding regarding power dynamics and hidden coercion mechanisms**, which often results in domestic violence being inadequately addressed as a ‘high conflict divorce’ situation. Public prosecutors, judges, and police officers frequently emphasise that victims and perpetrators have a shared responsibility for the violence, suggesting that both parties need help. The

⁸² Avontuur, I., van Hoof, M-J. (14-06-2024). *Gezag en omgang in de context van dwingende controle/intieme terreur* (Authority and intercourse in the context of coercive control/intimate terror). Nederlands Juristenblad, afl. 21.

⁸³ Avontuur, I., van Hoof, M-J. (14-06-2024). *Gezag en omgang in de context van dwingende controle/intieme terreur* (Authority and intercourse in the context of coercive control/intimate terror). Nederlands Juristenblad, afl. 21.

⁸⁴ Avontuur, I., van Hoof, M-J. (14-06-2024). *Gezag en omgang in de context van dwingende controle/intieme terreur* (Authority and intercourse in the context of coercive control/intimate terror). Nederlands Juristenblad, afl. 21.

government states in its report that court-appointed experts and legal professionals offer various courses on domestic violence through the training institute for judges (Art. 31, Q. 33a). However, as mentioned under ShR Art. 15, there is no mandatory, structured training programme for family judges (Art. 15 Q. 11).

TREATMENT OF VICTIMS BY THE POLICE: THE NEED FOR SPECIALISED POLICE OFFICERS

Every month, a child or adult dies in the Netherlands due to domestic violence. The police record approximately 84,000 incidents of domestic violence a year.⁸⁵ However, the actual number of incidents is likely much higher. As highlighted in the 2018 Dutch NGO Shadow Report on the Istanbul Convention, one reason for this discrepancy is the way the police treat victims. Experience shows significant disparities in how the police handle ‘moral law’ cases (those falling under criminal law on sexual offences, such as rape and sexual child abuse) compared to cases of domestic violence and stalking.

Reports of domestic violence or stalking must be filed with regular police, often resulting in negative experiences for victims. As recognised in the government report, the police and Public Prosecution Office do not have units that specifically focus on crimes and violence against women (Art. 49 and 50, Q. 42b). **Victims report being sent away, discouraged from filing a complaint, told that the case is not serious enough, having registration of the complaint refused, or seeing no further action taken by the police.** When children are involved, charges - including serious offences such as stalking or nonfatal strangulation - are often dismissed “in the best interest of the child”, with parents referred to mediation to resolve “their issues”. Other complaints include a **general attitude of distrust towards victims**, accusations of making false statements, and victims facing stereotypes and prejudices.

Often, there is a lack of sensitivity towards the victim’s position, their dependence on the perpetrator, and the safety risks involved, especially when the perpetrator finds out that the victim has pressed charges. In the view of the NGOs, complaints about domestic violence and other forms of gender-based violence should always be handled by a specialised police officer with expertise in domestic violence and related crimes, and who is trained to assess safety risks.

The above-described problems have **worsened since the reorganisation of the police into one national force**, as highlighted in the 2018 Dutch NGO Shadow Report on the Istanbul Convention. This reorganisation has resulted in a **significant loss of expertise on domestic violence and other forms of gender-based violence**. Although there are initiatives aimed at improving the situation, the problem persists. In short, the judicial system makes women responsible for their own safety and that of their children. Police stations in different cities do not exchange information with each other. Consequently, if a victim moves to another city or is admitted to a shelter in another town (e.g. for safety reasons), the local police are unaware of the situation. This lack of communication seriously hinders the protection of victims, especially since perpetrators often manage to track down their victims in other cities or towns.

⁸⁵ Politie Nederland (Police Netherlands) (n.d). *Hoe vaak komt huiselijk geweld voor? (How often does domestic violence occur?)*. Accessed 5 July 2024.

FEAR OF NEGATIVE CONSEQUENCES OF REPORTING VIOLENCE TO THE POLICE: NEED FOR A 'SAFE REPORTING' POLICY

All victims should be able to safely report violence to the police, regardless of their residence status, the type of work they do, or other circumstances, without fear that their personal data will be shared with other agencies or private entities, such as the immigration police, tax department, child protection agencies, employers, housing associations, or landlords. Additionally, victims should be able to trust that their complaints will be taken seriously and that they will be treated respectfully.

Where they exist, **safe reporting provisions for undocumented migrants are not formally recognised** in national legislation and are largely unknown to both police and migrants.⁸⁶ This can lead to the deportation of undocumented victims if they come into contact with the authorities.

Article 51: Risk assessment and risks management

RISK ASSESSMENTS ARE NOT A STANDARD PART OF THE RESPONSE TO DOMESTIC VIOLENCE, NOR IN CUSTODY OR VISITATION RIGHTS CASES

Art. 51(1) of the Istanbul Convention is not complied with in practice, which the government report fails to mention. **The carrying out of a risk assessment is not included in the standard response to domestic violence or intimate terrorism/coercive control**, nor is it included in decisions on custody and visitation rights. In family law cases, criminal law convictions for domestic violence or problems in the perpetrator's other relationships are not taken into account. Research of police files on intimate partner violence shows that the domestic violence cases brought to the Public Prosecution Service (OM) mostly involve physical violence where little to no injury has occurred.⁸⁷ In half of the cases, the incident was the first one reported to the police. Legally speaking, this does not constitute serious violence: the suspect is a first offender of a minor crime. **High levels of controlling behaviour**, which have the highest predictive value for a potentially severe or even fatal outcome, **are often dismissed**.

Although legally it may concern a minor offence, this does not preclude the need for a risk assessment, given the **escalating character of domestic violence**, as known by justice professionals and police officers specialised in domestic violence. They are acquainted with the risk factors and know that cases of intimate partner violence may start with a 'minor offence' but can develop into much more serious crimes.

Risk assessments using the so-called SASH method (Screening Assessment for Stalking and Harassment) are only conducted after the victim has filed a stalking report. **The reporting of stalking**

⁸⁶ Timmerman, R., Leerkes, A., Staring, R. (2019). *Safe reporting of crime for victims and witnesses with irregular migration status in the Netherlands*. Compas, Global Exchange on Migration and Diversity, University of Oxford;

Wijntuin, P. (2023) *Country report about pioneering strategies on safe reporting of crime - City of Utrecht*. Safe Reporting Project Utrecht.

⁸⁷ Lünnehan, K., Drost, L., Jansma, A., Lünnehan, M. (2016). *The Protection of IPV victims: file analysis and victim interviews - The Netherlands*. Verwey-Jonker Instituut, INASC. Improving Needs Assessment and Victim Support in Domestic Violence Related Criminal Proceedings, co-financed by the Criminal Justice Program of the EU. p. 5.

is often a long and difficult if not impossible process. Additionally, stalking is frequently not recognised as such. For example, vandalism or the creation of fake online profiles is assessed separately by the police.

FEMICIDE

As discussed in the previous paragraphs, there are several bottlenecks in the prevention and investigation of femicide reports. These include a lack of specialised police officers and insufficient sensitivity towards victims. Furthermore, risk assessments are not routinely part of the responses to domestic violence, leading to the frequent oversight of high levels of controlling behaviour. This is especially concerning since **femicide often follows a clear timeline with identifiable patterns that need to be analysed and mapped**. However, as recognised in the government report, not all cases of femicide are retrospectively analysed (Art. 51, Q. 50). The shooting in Zwijndrecht is a sad but clear example in which all the red flags were missed, including the possession of firearms, despite Art. 51(2) of the Convention emphasising that this significantly increases the risk of a fatal ending.⁸⁸ The new “Femicide Plan” and its shortcomings will be discussed in the next “emerging trends” section.

Article 52: Emergency barring orders and Article 53: Restraining or protection orders

EMERGENCY BARRING ORDERS ARE NOT EFFECTIVE ENOUGH

Emergency barring orders can be helpful for a victim as a kind of timeout. However, it is often only an interim solution when it should be integrated into a longer process. **Additional long-term tools are needed**. Currently, the emergency barring order is linked to a location and the current partner. This does not provide sufficient protection against ex-partners and in cases where the victim has moved to another location. This is contrary to the European Directive on violence against women and domestic violence,⁸⁹ which states that these types of order should follow the family instead of a location or the partner. Problems also persist in the context of custody and visitation rights after a divorce, where parents are forced to talk to each other. As stated by GREVIO in its baseline evaluation of 2020, there are no proper follow-up procedures after the emergency barring order ends, leaving gaps in protection precisely when the risks are highest.

Article 55: Measures of protection

THE PROTECTION OF THE PRIVACY OF THE VICTIM IS NOT PROPERLY SAFEGUARDED

The privacy of the victim is not properly safeguarded by either the police or aid services. The privacy legislation (AVG) is often used as an excuse to avoid data collection ‘to protect the privacy of the offender’. During a criminal investigation, certain evidence can be difficult to access. On the other

⁸⁸ NOS (15-05-2024). *Levenslang geëist tegen ‘Lucky’ wegens fatale schietpartij Zwijndrecht (Life sentence demanded against ‘Lucky’ for fatal Zwijndrecht shooting)*. Accessed 4 July 2024.

⁸⁹ Directive (EU) (14-05-2024). *On combating violence against women and domestic violence*. 2024/1385 of the European Parliament and of the Council.

hand, sensitive information such as the addresses of victims of gender-based violence are included in judicial documents that are sent both to the victim and perpetrator, disregarding the safety of the victim.

PART III: EMERGING TRENDS ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

DIGITAL MANIFESTATIONS OF VIOLENCE AGAINST WOMEN

Research and practice indicate a significant rise in online violence targeting women and girls. Reports highlight that **women politicians, in particular, are increasingly subjected to hate speech, threats, and intimidation** on social media and other online platforms.⁹⁰ These attacks can escalate to physical threats and violence, severely impacting their behaviour, functioning, and ability to participate freely in public discourse. In extreme cases, it leads women politicians to withdraw from politics altogether.⁹¹ A concerning trend is also the **emergence of digital violence through apps that enable ex-partners to track their ex-wives** or access their personal information, such as bank accounts. Research on the implementation of GREVIO's General Recommendation 1 regarding the digital dimension of violence against women indicates that efforts to address this issue are still in the early stages.⁹² There is increasing awareness of the diverse forms of digital violence and its rapid evolution, and both its impact on victims and its broader societal implications are becoming more recognised. However, as noted by the researchers, the government policy is characterised by the same fragmentation, reinforced by the decentralisation of policy to the local level, and relative unfamiliarity with the issue as the general approach to violence against women. There are also few dedicated efforts to effectively investigate and prosecute such crimes. Existing initiatives face legal complexities, capacity constraints, and a shortage of specialised knowledge. The study emphasised the **urgent need for a coordinated national approach that consolidates existing knowledge, enhances capacity** (both in terms of expertise and workforce and in terms of protection, prosecution, and prevention), **and that integrates strategies for addressing online and offline violence against women into national and local government policies**. This approach should also align with efforts to combat cybercrime. It is crucial to improve the protection of victims of online violence and strengthen prevention measures across society, involving both citizens and professionals. Prevention should include educating young people about how to protect themselves from online violence and how to deal with it when they are victims.

AMENDMENT OF THE SEXUAL OFFENCES ACT

As of July 1 2024, the Sexual Offences Act has been amended. In addition to what is already punishable, **the new law criminalises sexual contact with someone against their will**. To substantiate rape or sexual assault, it is no longer necessary to prove that force was involved. This is an important step in the fight against sexual violence and in supporting its victims. Victims will therefore be able to report rape and sexual assault in more cases. Public sexual harassment will also

⁹⁰ Atria (2024). *"Ga aardappelen schillen of zoiets" - Onderzoek naar de omvang, aard en gevolgen van online agressie en geweld tegen vrouwelijke politici in Nederland* ("Go peel potatoes or so" - Research into the extent, nature, and consequences of online aggression and violence against women politicians in the Netherlands).

⁹¹ Runderkamp, Z. (2023). *Barrières voor vrouwen om politiek actief te worden, zijn en blijven* (Barriers for women to become, are and to stay politically active). Alliantie Politica

⁹² Korf, W., Harthoorn, H., Witvliet, M. (2023). *Digitale dimensie van geweld tegen vrouwen. Opvolging Algemene Aanbeveling nr. 1 GREVIO, Eindrapport* (Digital dimension of violence against women. Follow up recommendation nr. 1 Grevio, Final report). Amsterdam: Regioplan.

become punishable; this can occur offline on the street, as well as online on public websites and social media. Additionally, sex chatting will become punishable. The maximum penalties for some offences will be increased, and the law is updated to reflect digital advancements. The NGOs are pleased with this significant development, which brings the law into line with international human rights treaties. It is important that municipalities use the new law to strengthen their prevention policies. Prevention remains the main pillar of tackling street harassment. Municipalities must clearly establish that street harassment and sexually transgressive behaviour against girls and women are unacceptable in order to change the social norm. Moreover, the message emphasised by the new law must be conveyed through campaigns and education in schools. The Dutch government made a good start with the campaign “Together we draw the line” (“Met elkaar trekken we de grens”).

NEW PLAN OF ACTION “STOP FEMICIDE” LACKS SUBSTANTIAL IMPACT

On 7 June 2024, the administration published the Action Plan “Stop Femicide!”. However, **the Action Plan does not explicitly criminalise psychological violence**. Psychological violence, such as coercive control, often precedes femicide, making this a significant oversight. While the new action plan reiterates ongoing studies on the criminalisation of psychological violence, the completion of these studies will take years. Criminalisation is not ruled out in the future, but the new plan once again delays possible legislative changes. Significantly, four years ago, the Dutch government stated that it believed the current legal framework was sufficient to prosecute psychological violence.

NGOs also criticise the **absence of a national coordinator for violence against women**, which would help to address the current fragmented policies. Moreover, **without any allocated funding, plans on paper become ineffective in practice**.⁹³ Projects included in the action plan either lack funding, will soon face cuts, or are set to end in the near future. In the government report, it is stated that the plan of action “highlights” the importance of recognising early warning signs (Art. 7, Q. 1). Indeed ‘Stop Femicide’ merely highlights issues without creating substantial impact.

NEW PROJECT TO STRENGTHEN TEMPORARY RESTRAINING ORDERS

There is a new project to strengthen the application of temporary restraining orders.⁹⁴ Currently, there are **significant regional differences** in how these orders are implemented; some municipalities are performing better than others, but the regional differences are large.

EXTENSION MANDATE FOR INDEPENDENT COMMISSIONER

Since 2022, the Netherlands has had a specific commissioner for combating inappropriate behaviour and sexual violence. We call for the duration of the Sexual Violence Action programme to be extended on a long-term basis and for its **scope to be broadened to include all forms of violence against women** to strengthen the mandate of the Government’s Independent Commissioner. More specifically,

⁹³ Amnesty International (2024). *Statement Amnesty International: Stel psychisch geweld expliciet strafbaar in Nederland (Statement Amnesty International: Explicitly criminalise psychological violence in the Netherlands)*.

⁹⁴ Ministerie van Justitie en Veiligheid (Ministry of Justice and Security) (24-03-2024). *Het tijdelijk huisverbod vanuit een nieuw perspectief: Analyse van de knelpunten en concrete voorstellen voor een verbeterde werkwijze van de Wet tijdelijk huisverbod (The temporary restraining order from a new perspective: Analysis of the bottlenecks and concrete proposals for an improved working method of the Temporary Restraining Order Act)*.

attention should be given to the types of violence refugees face, which are currently not included in the National Action Plan Against Sexual Violence.

RATIFICATION OF ILO CONVENTION 190 IS TAKING A LONG TIME

The government has announced its intention to ratify ILO Convention 190, The Right of Everyone to a World of Work Free from Violence and Harassment, but the process is taking a long time. Moreover, the **government is aiming for minimal implementation**, with no changes in policies in the Netherlands planned to enforce the ILO Convention 190.

BILL ON FORCED REGISTRATION OF SEX WORKERS

In spite of the objections of CEDAW (2010), sex workers, social workers, health services, lawyers, and the negative advice of the Council of State⁹⁵ and the Data Protection Authority,⁹⁶ as well as the previous rejection of a similar bill by the Senate, the government has reintroduced two bills on **compulsory registration of sex workers**. The first bill (Wrs: 'Law on the regulation of sex work') raises the legal age for sex work to 21, requires all sex workers to register in a national database, and criminalises clients and working relationships of sex workers who are not able or willing to register. It also requires sex workers to undergo a mandatory interview with two officials who must decide whether they are victims of trafficking and whether they are sufficiently 'resilient' to be granted a government licence to do sex work. The second bill (Wgts: 'Law on the Municipal Supervision of Sex Work') authorises municipalities and brothel owners to register sex workers in a local database, **including data on their racial or ethnic origin, health, sexual behaviour, and sexual orientation**. Forced registration violates sex workers' privacy, risks involuntary outings, social exclusion and loss of future work perspectives, and exacerbates stigma and discrimination. Recently in a case brought by the Bureau Clara Wichmann together with two sex workers, the Arnhem Court ruled that a registration requirement for sex workers violates the right to privacy (GDPR)⁹⁷. Experience in Germany, which introduced compulsory registration in 2017, shows that five years later, fewer than 15% of sex workers have registered. Large numbers of sex workers have moved from the legal to the illegal sector and trafficking has not decreased.⁹⁸

Sex worker, social, health, and human rights organisations fear that rather than protecting sex workers the Wrs (and Wgts) will **put (unregistered) sex workers at greater risk of violence and exploitation and cut them off from health and social services, as well as access to the police in the event of violence or exploitation**. In addition, a growing body of research shows that the criminalisation of

⁹⁵ Advies Raad van State Wet Regulering Sekswork (Advice Council of State Law on the regulation of sex work). W16.20.0238/II, 27 January 2021, Kamerstukken II 2020/21, 35715, nr. 4.

⁹⁶ Advies Autoriteit Persoonsgegevens Wet regulering sekswork (Advice Data Protection Authority Law on the regulation of sex work) (23-06-2020). See for the ruling of the Court <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBGEL:2024:3967>. Accessed 12 August 2024.

⁹⁷ In particular Art. 9 GDPR, processing of special categories of personal data.

⁹⁸ Henning, J., Hunecke, I., & Walentowitz, G. (2021). *Das Prostituiertenschutzgesetz im Lichte der Kriminalitätsstatistik: Vom Inkrafttreten des ProstSchG bis zur Covid-19-Krise (The Prostitute Protection Act in the light of crime statistics. From coming into force of the Prostitute Protection Act up to Covid-19 crisis)*. *Monatsschrift für Kriminologie und Strafrechtsreform*, 104(4), 359–374.

consensual adult sex work, including of clients, has a negative impact on the safety, health, well-being, and rights of sex workers.⁹⁹

ACCESS TO ASYLUM AND INTERNATIONAL PROTECTION FOR WOMEN VICTIMS OF GENDER-BASED VIOLENCE

Asylum procedures fall short of international standards set out in the Istanbul Convention and CEDAW. They **fail to recognise (sexual) trauma** contrary to the OHCHR¹⁰⁰ and the EU Court of Justice.¹⁰¹ From March 2024 "Gender" is recognised as a separate ground of persecution under the 1951 Convention, in line with recent ECJ case law, but the government has already stated that this change is "unlikely to result in a higher level of protection for women" as women are often granted subsidiary protection under current policy anyway.¹⁰² The government report also states that it is not expected that the ECJ judgement will lead to a different level of protection (Art. 56, Q. 56e). However, according to the decision of the State Secretary for Justice and Security, this judgement can lead to the conclusion that refugee status may be granted within the meaning of the Refugee Convention if the violence qualifies as an act of persecution under Article 3.36 VV (Foreigners Regulation 2000).¹⁰³ This judgement will thus effectively amend the regulation.

'Safe-country-of-origin' policies and the application of the principle of non-refoulement **do not take into account the situation in regards to violence against women** in the country concerned, for example, in the case of FGM or femicide.¹⁰⁴

In the asylum procedure, **female interviewers and interpreters are not always available**, nor are they always adequately trained to recognise signs of sexual violence. In addition, lawyers are not involved in the initial interview, and legal aid providers are not always adequately trained.

⁹⁹ Amnesty International (2016). *The human cost of "crushing" the market: criminalization of sex work in Norway*;

Amnesty International (2022). *"We live within a violent system. Structural violence against sex workers in Ireland"*;

Dodillet, S., Östergen, P. (2011). *The Swedish sex purchase act: Claimed success and documented effects*;

Le Bail, H. et al. (2018). *What do sex workers think about the French Prostitution Act?* A study on the Impact of the Law of 13 April 2016 against the "Prostitution System" in France;

Platt, L., Grenfell, P., Meiksin, R., Elmes, J., Sherman, S. G., Sanders, T. & Crago, A. L. (2018). *Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies*. PLoS medicine, 15(12), e1002680;

Sweetman, B. (2015). *Is the criminalisation of the purchase of sex (the Swedish model) consistent with the European Convention on Human Rights?* In LAW PUBL 751: Comparative Human Rights.

¹⁰⁰ UNHCR (2002). Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees.

¹⁰¹ EU Court of Justice (21024), case C-621/21, 16 Jan 2024.

¹⁰² Parliamentary papers (Government letter to parliament) (05-03-2024). *Brief wijzigingen beoordelingskader asielaanvraag (Letter amendments assessment framework asylum applications)*. p. 11.

¹⁰³ *Besluit van de Staatssecretaris van Justitie en Veiligheid van 13 juni 2024, nummer WBV 2024/12, houdende wijziging van de Vreemdelingencirculaire 2000 (Decision of the State Secretary for Justice and Security of 13 June 2024, number WBV 2024/12, amending the Immigration Circular 2000)*.

¹⁰⁴ Vrouwen tegen Uitzetting (Women against Deportation) (2023). *VTU luidt noodklok over vrouwonvriendelijke asielprocedures (Women against deportation raises alarm over misogynistic asylum procedures)*.