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**Onze referentie**  
2025-0000611303

Datum 16 februari 2026  
Betreft Kabinetsbrief over ontwikkelingen rond rapportages onder  
mensenrechtenverdragen

Hierbij bieden wij u in afschrift aan de heden aan de Voorzitter van de Tweede Kamer gezonden kabinetsbrief over ontwikkelingen op het gebied van rapportages onder mensenrechtenverdragen.

De minister van Binnenlandse Zaken  
en Koninkrijksrelaties,

De minister van Buitenlandse Zaken,

F. Rijkaart

D.M. van Weel



> Retouradres

Aan de voorzitter van de Tweede Kamer der Staten-Generaal  
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**Onze referentie**  
2026-0000061139

Datum 16 februari 2026  
Betreft Kabinetsbrief over ontwikkelingen rond rapportages onder  
mensenrechtenverdragen

Met deze brief geeft het kabinet invulling aan de toezegging om uw Kamer jaarlijks te informeren over rapportages onder mensenrechtenverdragen, vorig jaar gedaan in reactie op het jaarrapport van het College voor de Rechten van de Mens 2022. De brief biedt een samenhangend overzicht van ontwikkelingen op dat terrein, langs de lijn van de op dat moment lopende rapportagecycli. De brief vormt daarmee een aanvulling op de reeds bestaande informatievoorziening over de verdragsrapportages vanuit de verantwoordelijke vakdepartementen en heeft tot doel de dialoog met het parlement over mensenrechten te versterken.<sup>1</sup>

De brief is opgesteld door het interdepartementale netwerk van verdragscoördinatoren, dat bestaat uit vertegenwoordigers van de volgende ministeries: ministerie van Justitie en Veiligheid, ministerie van Asiel en Migratie, ministerie van Sociale Zaken en Werkgelegenheid, ministerie van Volksgezondheid, Welzijn en Sport, ministerie van Onderwijs, Cultuur en Wetenschap, ministerie van Buitenlandse Zaken en het ministerie van Binnenlandse Zaken en Koninkrijksrelaties. Het ministerie van Binnenlandse Zaken en Koninkrijksrelaties heeft de totstandkoming van de brief gecoördineerd; de verzending ervan geschiedt mede door de Minister van Buitenlandse Zaken.

Voordat in deze brief wordt ingegaan op de ontwikkelingen rond lopende rapportagecycli, wordt eerst stilgestaan bij de totstandkoming van het interdepartementale netwerk van verdragscoördinatoren. De oprichting van dit netwerk vormt een eerste stap in het versterken van de infrastructuur binnen de Rijksoverheid rond verdragsrapportageprocessen. Vervolgens wordt een overzicht gegeven van de mensenrechtenverdragen met rapportageverplichtingen waarbij het Koninkrijk der Nederlanden (hierna het Koninkrijk) is aangesloten. Daarna worden enkele ontwikkelingen en activiteiten toegelicht die het afgelopen jaar hebben plaatsgevonden of gepland stonden. Deze hebben betrekking op het Internationaal Verdrag van de Verenigde Naties (hierna VN) voor Economische, Sociale en Culturele Rechten (hierna IVESCR), het Verdrag van de VN inzake de Rechten van het Kind (hierna VN-Kinderrechtenverdrag), het Verdrag van de VN inzake de Uitbanning van alle Vormen van Discriminatie van Vrouwen (hierna CEDAW), Verdrag van de VN inzake de Rechten van Personen met een Handicap

<sup>1</sup> Zie de kabinetsbrief van 16 augustus 2024, *Kamerstukken II 2023/24*, 33826, nr. 54, p. 5, [hier](#) te raadplegen.

(hierna VN-Verdrag Handicap) en het Verdrag van de Raad van Europa (hierna RvE) inzake het Voorkomen en Bestrijden van Geweld tegen Vrouwen en Huiselijk geweld (hierna Verdrag van Istanbul).

### **Interdepartementaal netwerk van verdragscoördinatoren**

In Nederland worden de voorbereidingen van rapportages onder mensenrechtenverdragen en de opvolging van aanbevelingen georganiseerd binnen een interministerieel systeem. Dit systeem kenmerkt zich door verspreiding van verantwoordelijkheden over verschillende ministeries. Dit betekent dat een verdragsrapportage inhoudelijk wordt voorbereid door het ministerie dat verantwoordelijk is voor het beleidsterrein waarover wordt gerapporteerd. De opvolging van aanbevelingen wordt eveneens beschouwd als een verantwoordelijkheid van de respectieve ministeries die verantwoordelijk zijn voor de beleidsterreinen waarop de aanbevelingen betrekking hebben.

In de kabinetsreactie op het jaarrapport van het College voor de Rechten van de Mens werd geconstateerd dat er binnen dit interministeriële systeem ruimte was om tot meer en sterkere coördinatie en daarmee een vastere (infra)structuur te komen. Om dit te bewerkstelligen is in oktober 2024 het interdepartementale netwerk van verdragscoördinatoren opgericht. Het netwerk fungeert als een structureel samenwerkingsmechanisme binnen het interministeriële systeem en bestaat uit vertegenwoordigers van de verschillende ministeries die betrokken zijn bij verdragsrapportages.<sup>2</sup> De belangrijkste doelstellingen van het netwerk zijn het versterken van de coördinatie en kennisdeling tussen ministeries en andere betrokken partijen, het bevorderen van een uniforme en gestructureerde aanpak van het rapportageproces en het stimuleren van een dialoog over de mensenrechten in Nederland en de implementatie van aanbevelingen.

Om deze doelstellingen handen en voeten te geven, heeft het netwerk het afgelopen jaar gewerkt aan een interne handreiking voor omgang met rapportages onder mensenrechtenverdragen. De handreiking bevat informatie en praktische handvatten voor Rijksambtenaren die betrokken zijn bij verdragsrapportages.<sup>3</sup> Zo wordt in de handreiking het internationaal systeem van toezicht op mensenrechtenverplichtingen beschreven, informatie verstrekt over de processtappen voor de voorbereiding van rapportages, ingegaan op consultatie van het maatschappelijk middenveld en is aandacht voor de wijzen waarop het systeem van monitoring van opvolging van aanbevelingen kan worden ingericht. De handreiking beschrijft ook wanneer en hoe de Caribische delen van het Koninkrijk worden betrokken bij deze processen. De handreiking is in september 2025 vastgesteld en is inmiddels in gebruik.

### **Mensenrechtenverdragen met rapportageverplichtingen**

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<sup>2</sup> Verdragsrapportages bestrijken niet alleen Nederland maar ook de Caribische landen van het Koninkrijk. Daarom worden ook vertegenwoordigers uit de Caribische landen betrokken bij het werk van het netwerk.

<sup>3</sup> In de handreiking wordt expliciet benoemd dat de handreiking sturing moet geven aan de wijze waarop ambtenaren in Europees Nederland met de beschreven processen omgaan. Dat neemt niet weg dat de handreiking ook nuttige inzichten kan bieden aan ambtenaren in de Caribische delen van het Koninkrijk.

Het Koninkrijk is partij bij verschillende mensenrechtenverdragen van de RvE en de VN.<sup>4</sup> Veel van deze mensenrechtenverdragen kennen een rapportageverplichting op grond waarvan het Koninkrijk verplicht is om periodiek verslag uit te brengen aan de betreffende verdragscomités over de wijze waarop het zijn verdragsverplichtingen naleeft. Deze rapportages vormen de basis voor een beoordeling door het verantwoordelijke verdragscomité. De procedures en termijnen verschillen per verdrag maar het rapportageproces omvat vaak een aantal overeenkomende kernelementen, waaronder het indienen van een rapportage door de verdragsstaat ongeveer iedere 4 – 6 jaar, het voeren van een dialoog met het verdragscomité en de opvolging en implementatie van aanbevelingen gedaan door het verdragscomité.<sup>5</sup>

#### Overzicht

| Verdrag                                                                                      | VN/RvE | Laatste staten-rapport | Coördinerend Ministerie |
|----------------------------------------------------------------------------------------------|--------|------------------------|-------------------------|
| Herziene Europees Sociaal Handvest                                                           | RvE    | 2022                   | SZW                     |
| Kaderverdrag inzake de Bescherming van Nationale Minderheden                                 | RvE    | 2021                   | BZK                     |
| Verdrag inzake het Voorkomen en Bestrijden van Geweld tegen Vrouwen en Huiselijk geweld      | RvE    | 2024                   | VWS                     |
| Europees Verdrag ter voorkoming van foltering en onmenselijke of vernederende behandeling    | RvE    | 2022                   | JenV                    |
| Internationaal Verdrag inzake Burgerrechten en Politieke Rechten                             | VN     | 2023                   | JenV                    |
| Internationaal Verdrag voor Economische, Sociale en Culturele Rechten                        | VN     | 2022                   | SZW                     |
| Verdrag tegen Foltering en andere Wrede, Onmenselijke en Onterende Behandeling of Bestrafing | VN     | 2023                   | JenV                    |
| Verdrag inzake de Rechten van het Kind                                                       | VN     | 2021                   | VWS                     |
| Verdrag inzake de Rechten van Personen met een Handicap                                      | VN     | 2018                   | VWS                     |
| Internationaal Verdrag inzake de Uitbanning van alle Vormen van Rassendiscriminatie          | VN     | 2019                   | SZW                     |
| Verdrag inzake de Uitbanning van alle Vormen van Discriminatie van Vrouwen                   | VN     | 2022                   | OCW                     |

#### Ontwikkelingen en activiteiten ten aanzien van lopende rapportagecycli

<sup>4</sup> Het aangaan van verdragen is een exclusieve bevoegdheid van het Koninkrijk. De Caribische landen binnen het Koninkrijk beslissen echter in beginsel zelf over de medegelding van verdragen voor die landen en zijn, indien er sprake is van medegelding, verantwoordelijk voor de implementatie van deze verdragen.

<sup>5</sup> Rapportages onder het herziene Europees Sociaal Handvest vinden jaarlijks plaats.

Sinds het uitkomen van de kabinetsreactie op het jaarrapport van het College voor de Rechten van de Mens op 16 augustus 2024, hebben ten aanzien van een vijftal lopende rapportagecycli noemenswaardige ontwikkelingen en activiteiten plaatsgevonden. Deze worden hieronder achtereenvolgens kort toegelicht.

#### Rapportage en dialoogsessie IVESCR

In het kader van de periodieke rapportagecyclus onder het IVESCR heeft het Koninkrijk in 2022 zijn laatste rapportage ingediend.<sup>6</sup> Naar aanleiding van de rapportage heeft het comité schriftelijke vragen gesteld waarop het Koninkrijk in november 2024 heeft gereageerd.<sup>7</sup> De schriftelijke vragen betroffen thema's zoals armoede, discriminatie, gendergelijkheid, kwaliteit van gezondheidszorg, asiel- en arbeidsmigratie, vakbondsrechten, gezond en veilig werken en de rechten van nationale minderheden. Gedurende de rapportagecyclus hebben verschillende maatschappelijke organisaties (waaronder het College voor de Rechten van de Mens en vakbonden) zogenoemde "schaduwrapportages" gedeeld met het IVESCR-verdragscomité. In het voorjaar van 2025 hebben ambtenaren van verschillende ministeries deelgenomen aan een consultatie met maatschappelijke organisaties over de door hen ingediende rapportages, mede ter voorbereiding op de toen naderende dialoogsessie met het IVESCR-verdragscomité.

De betreffende dialoogsessie vond plaats op 16 en 17 september jl. in Genève en verliep is op constructieve wijze. Een brede delegatie van Nederlandse ambtenaren nam hieraan deel. Binnen het rapportageproces vormt de dialoogsessie de laatste stap voordat het verantwoordelijke verdragscomité zijn lijst met aanbevelingen aan de verdragsstaat vaststelt en deelt. Deze lijst is in de eerste week van oktober ontvangen en is als bijlage bij deze brief gevoegd. De lijst bevat aanbevelingen op de werkterreinen van vrijwel ieder departement, met een nadruk op de bevordering van de verdragsrechten in het Caribisch deel van het Koninkrijk, in het bijzonder Caribisch Nederland.<sup>8</sup> De aanbevelingen zien onder andere op de aanpak van discriminatie en recht op sociale zekerheid, werk, huisvesting, gezondheidszorg en onderwijs. Opvallend is de aandacht van het verdragscomité voor financiële onderwerpen, zoals belastingen, anti-witwasbeleid en internationale financiële instellingen.

Met ontvangst van de aanbevelingen breekt de fase van opvolging daarvan aan. In dat kader wordt voorzien in een consultatie met het maatschappelijk middenveld over de ontvangen aanbevelingen en wordt een reactie op de aanbevelingen voorbereid. Deze reactie zal onder een volgend kabinet aan uw Kamer worden gestuurd.

#### Kinderrechtencyclus

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<sup>6</sup> Zevende Periodieke Rapportage inzake de implementatie van het IVESCR-verdrag binnen het Nederlands Koninkrijk (2022), [hier](#) te raadplegen.

<sup>7</sup> Reactie van het Koninkrijk der Nederlanden op de lijst van zaken betreffende haar zevende periodieke rapportage (2024), [hier](#) te raadplegen.

<sup>8</sup> Concluding observations on the seventh periodic report of the Netherlands (2025), [hier](#) te raadplegen.

In 2022 heeft het toenmalige kabinet, naar aanleiding van de laatste dialoog met Nederland bij het VN-Kinderrechtencomité, toegezegd een jaarlijkse kinderrechtencyclus in te richten om de opvolging van de aanbevelingen over kinderrechten te versterken met structurele betrokkenheid van het maatschappelijk middenveld, in het bijzonder de betrokkenheid van kinderen en jongeren.<sup>9</sup> De jaarlijkse kinderrechtencyclus bestaat uit drie onderdelen: 1) de beleidsanalyse Kinderrechten in Beweging,<sup>10</sup> waarin het Kinderrechtencollectief de stand van zaken op tien domeinen schetst, 2) de Kinderrechtenconferentie, waarin kinderen aanbevelingen formuleren en leren over hun rechten en 3) de Kinderrechtendialoog, waarin deze aanbevelingen en analyses met beleidsmakers en maatschappelijke organisaties worden besproken.

Op 7 april 2025 vond in Utrecht de derde editie van de Nationale Kinderrechtendialoog plaats. Deze dag stond in het teken van ontmoeting, reflectie en actie. Voorafgaand aan de dialoog vond op 20 november 2024 de kinderrechtenconferentie plaats. Hier formuleerden zo'n vijftig kinderen van groep 7 en 8 van verschillende basisscholen in Nederland aanbevelingen op de thema's discriminatie, (online) veilig opgroeien en armoede. Tijdens de conferentie zijn deelnemers in tien thematafels aan de slag gegaan met het formuleren van concrete acties, gericht op opvolging en implementatie van de aanbevelingen van het VN-Kinderrechtencomité én de kinderen. De cyclus is inmiddels drie keer doorlopen. De meerwaarde van een jaarlijkse cyclus zit naar mening van het kabinet in de herhaling, de verbinding tussen de drie onderdelen en de gezamenlijke reflectie. Tegelijkertijd wordt de cyclus doorontwikkeld. Dit najaar wordt in dat kader met verschillende ministeries, kinderrechtenorganisaties en jongeren gereflecteerd op mogelijkheden om de cyclus te versterken.

#### CEDAW-dialoogsessie

De dialoogsessie in het kader van het CEDAW, aanvankelijk voorzien in oktober 2025, is uitgesteld tot 6 februari 2026. Dit vanwege de financiële crisis binnen de VN, waardoor niet voldoende middelen beschikbaar zijn om alle sessies te laten plaatsvinden zoals oorspronkelijk gepland. Deze dialoogsessie is al twee keer uitgesteld. De sessie zal plaatsvinden naar aanleiding van de zevende periodieke rapportage van het Koninkrijk.<sup>11</sup>

Op basis van de eerder toegestuurde lijst met vragen van het desbetreffende verdragscomité, de schaduwrapportages van het maatschappelijk middenveld en de aanbevelingen die naar aanleiding van de vorige CEDAW-dialoogsessie in 2026 zijn gedaan, is de verwachting dat het verdragscomité tijdens de dialoogsessie aandacht zal hebben voor thema's zoals de aanpak van gendergerelateerd geweld, de uitbanning van genderstereotypen en stereotiepe rolpatronen, de bevordering van economische zelfstandigheid en de positie van vrouwen op de arbeidsmarkt, de positie van vrouwelijke mensenrechtenverdedigers en ngo's en de verankering van het CEDAW in nationale wetgeving.

<sup>9</sup> Zie [Mensenrechten in Nederland | Tweede Kamer der Staten-Generaal](#)

<sup>10</sup> Zie [Kinderrechten in Beweging](#) | [Kinderrechtencollectief](#)

<sup>11</sup> Zevende Periodieke Rapportage inzake de implementatie van het CEDAW binnen het Nederlands Koninkrijk (2020), [hier](#) te raadplegen

#### Ontvangst aanbevelingen VN-Verdrag Handicap

Op 11 juli 2025 heeft de staatssecretaris voor Langdurige en Maatschappelijke Zorg aan de Tweede Kamer de Werkagenda bij het VN-Verdrag Handicap aangeboden.<sup>12</sup> De inhoud van deze werkagenda is mede gebaseerd op de aanbevelingen die het verdragscomité bij het VN-Verdrag Handicap in september 2024 heeft gedaan. Met de werkagenda wordt niet in één keer opvolging gegeven aan alle aanbevelingen, maar worden wel belangrijke eerste stappen gezet. In de bijlage bij de werkagenda staat welke aanbevelingen van het VN-comité zijn vertaald naar maatregelen in de werkagenda. Zo zijn er maatregelen opgenomen om inclusieve kinderopvang en inclusief onderwijs te verbeteren (aanbeveling 54 van het verdragscomité). Ook is opgenomen dat het ministerie van VWS onderzoekt hoe curatoren, professionele bewindvoerders en mentoren die werken onder het toezicht van de rechtspraak, ofwel CBM-dienstverleners, meer ondersteunde besluitvorming zouden kunnen toepassen (aanbeveling 30b van het verdragscomité). Aanvullende maatregelen zullen worden opgenomen in toekomstige werkagenda's tot 2040.

De komende vijf jaar wordt de uitvoering van de werkagenda nauwlettend gevolgd: betrokken bewindspersonen komen in dat kader jaarlijks bijeen, directeuren-generaal komen tweemaal per jaar bijeen en de voortgang van zowel de werkagenda als de nationale strategie wordt systematisch gemonitord.<sup>13</sup> Om vast te stellen of aanpassing van wet- en regelgeving vereist is om de gestelde doelstellingen te realiseren, worden daarnaast ook juridische analyses uitgevoerd door VWS.

#### Ontvangst aanbevelingen Verdrag van Istanbul

Op 10 juli 2025 heeft Nederland het rapport over de eerste thematische evaluatie van de naleving van het Verdrag van Istanbul ontvangen. Dit verdrag van de RvE richt zich op het voorkomen en bestrijden van geweld tegen vrouwen en huiselijk geweld. Het evaluatierapport, getiteld *Building trust by delivering support, protection and justice*, is als bijlage bij deze brief gevoegd. Het rapport is opgesteld door de *Group of Experts on Action against Violence against Women and Domestic Violence* (hierna GREVIO), een commissie bestaande uit onafhankelijke experts die namens de RvE toezicht houdt op de naleving van het verdrag. Het evaluatierapport is gebaseerd op de beantwoording van een vragenlijst door de betrokken departementen, een schaduwrapportage opgesteld door vertegenwoordigers van het maatschappelijk middenveld en een bezoek van GREVIO aan Nederland waarbij een week lang gesprekken zijn gevoerd met vertegenwoordigers van zowel de betrokken departementen als het maatschappelijk middenveld.

De staatssecretaris voor Langdurige en Maatschappelijke Zorg heeft, mede namens de staatssecretaris voor Justitie en Veiligheid en de staatssecretaris van Onderwijs, Cultuur en Wetenschap, het evaluatierapport inclusief een inhoudelijke

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<sup>12</sup> Kamerstukken II 2024/25, 24170, nr. 362, [hier](#) te raadplegen.

<sup>13</sup> Kamerstukken II 2024/25, 24170, nr. 362, [hier](#) te raadplegen.

reactie op het rapport en de aanbevelingen op 27 november jl. aan uw Kamer gestuurd.<sup>14</sup>

De bevindingen en aanbevelingen bieden waardevolle aanknopingspunten voor een kritische reflectie op de nationale aanpak en voor verdere verbetering in de bescherming van vrouwen en andere slachtoffers van geweld. Zoals gebruikelijk bij de ontwikkeling van het beleid gericht op het voorkomen en bestrijden van geweld tegen vrouwen en huiselijk geweld wordt het maatschappelijk middenveld geconsulteerd bij de opvolging van de aanbevelingen.

### Conclusie

Verdragsrapportages vormen een belangrijk instrument voor de vormgeving van het Nederlandse mensenrechtenbeleid. Deze boodschap stond centraal in het jaarrapport van het College voor de Rechten van de Mens over het jaar 2022. Met het oog hierop heeft het kabinet in reactie op het jaarrapport toegezegd uw Kamer jaarlijks te informeren over ontwikkelingen op dat gebied. Dat doet het kabinet met inachtneming van het sturende principe dat aan het Nederlandse mensenrechtenbeleid ten grondslag ligt: de eigen verantwoordelijkheid van vakdepartementen voor het beleidsterrein waarover wordt gerapporteerd.

In deze eerste editie van de jaarlijkse kabinetsbrief is aandacht besteed aan ontwikkelingen en activiteiten met betrekking tot vijf mensenrechtenverdragen. Nederland stelt zich actief op binnen de verschillende rapportageprocessen en de neemt uitkomsten daarvan serieus. Tegelijkertijd onderkent het kabinet dat er ruimte is om de mogelijkheden die verdragsrapportages bieden beter te benutten. Een eerste stap in die richting is vorig jaar gezet met de instelling van het netwerk van verdragscoördinatoren, waarmee betrokken ministeries de coördinatie van de verschillende rapportagewerkzaamheden hebben versterkt.

De Minister van Binnenlandse Zaken  
en Koninkrijksrelaties,

De Minister van Buitenlandse Zaken,

F. Rijkaart

D.M. van Weel

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<sup>14</sup> *Kamerstukken II* 2024/25, 28345, nr. 292, [hier](#) te raadplegen

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**Committee on Economic, Social and Cultural Rights****Concluding observations on the seventh periodic report of the Netherlands\***

1. The Committee considered the seventh periodic report of the Netherlands<sup>1</sup> at its 42nd and 43rd meetings,<sup>2</sup> held on 16 and 17 September 2025, and adopted the present concluding observations at its fifty-eighth meeting, held on 26 September 2025.

**A. Introduction**

2. The Committee welcomes the submission by the State Party of its seventh periodic report and the supplementary information provided in the replies to the list of issues.<sup>3</sup> The Committee appreciates the constructive dialogue that it held with the State Party's multisectoral delegation, which included representatives from the ministries of the Netherlands as well as from Aruba, and thanks the delegation for the supplementary information provided. However, it regrets the scarce information provided on the application of the Covenant on the islands of the Dutch Caribbean (Bonaire, Saba and Sint Eustatius), and the countries of Curaçao and Sint Maarten, as well as the absence of an independent delegate from each of them.

**B. Positive aspects**

3. The Committee notes the adoption of important measures by the State Party to advance the enjoyment of economic, social and cultural rights, including the significant increase of the statutory minimum wage since 2022 and its indexation to inflation, together with the adoption of a national programme on poverty reduction and indebtedness, which have contributed to a notable decline in poverty rates. It also commends the extension of parental leave in 2022 and the increase in childcare allowances aimed at promoting gender equality and supporting families in 2024, as well as the adoption of the national action plan on business and human rights (2022–2026).

**C. Principal subjects of concern and recommendations****Implementation of the Covenant across all constituent countries of the Kingdom**

4. The Committee notes the State Party's governance structure, which includes four autonomous countries, the Netherlands, Aruba, Curaçao and Sint Maarten, and three special municipalities in the Caribbean (Bonaire, Sint Eustatius and Saba). It is concerned about

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\* Adopted by the Committee at its seventy-eighth session (8–26 September 2025).

<sup>1</sup> E/C.12/NLD/7

<sup>2</sup> See E/C.12/2025/SR.44 and E/C.12/2025/SR.45

<sup>3</sup> E/C.12/NLD/RQ/7

persistent disparities in the enjoyment of economic, social and cultural rights among the constituent countries and territories of the Kingdom, owing to varying financial and administrative capacities and the limited availability of disaggregated information in respect to the Caribbean Netherlands and Aruba, Curaçao and Sint Maarten. The Committee reiterates that the State Party holds the ultimate responsibility for the implementation of the Covenant across all territories under its jurisdiction, including Aruba, Curaçao, Sint Maarten and the Caribbean Netherlands.

**5. The Committee recommends that the State party:**

**(a) Take effective measures to reduce disparities in poverty rates and access to social security, including social benefits, housing, health care and utility costs between the European territory and the Caribbean Netherlands;**

**(b) Ensure that Covenant obligations are fully implemented across Aruba, Curaçao and Sint Maarten, including through stronger coordination and accountability mechanisms at the Kingdom level;**

**(c) Establish robust mechanisms for collecting and publishing disaggregated data in all constituent countries and in the Caribbean Netherlands to properly monitor and design adequate and effective public policies for the enjoyment of Covenant rights;**

**(d) Ensure the meaningful participation of authorities and civil society from all constituent countries in the design, implementation and monitoring of Covenant-related policies.**

**Domestic application of the Covenant**

6. The Committee notes the steps taken to enhance the consideration of Covenant rights in the legislative process, including the ongoing development of a manual to strengthen the assessment of economic, social and cultural rights in policymaking. It remains concerned, however, about the low application of Covenant rights before domestic courts, the absence of examples of direct invocation of the Covenant, and the fact that the State Party has not yet taken steps to incorporate the Covenant fully into its domestic legal order and to ratify the Optional Protocol to the Covenant.

**7. Recalling its 2010 and 2017 recommendations, the Committee recommends that the State Party:**

**(a) Ensure that the provisions of the Covenant are given full effect in its domestic legal order, including through incorporation into national legislation, so that Covenant rights may be directly invoked and applied by courts and policy makers;**

**(b) Strengthen training and awareness-raising on the Covenant among judges, lawyers, prosecutors and public officials, and provide information in the next periodic report on any case law invoking Covenant rights;**

**(c) Guarantee that effective judicial and non-judicial remedies are available for violations of Covenant rights, including through legal aid in relevant cases;**

**(d) Complete its review of the Optional Protocol to the Covenant and proceed to ratify it, thereby enabling individuals and groups to seek remedies at the international level;**

**(e) Be guided by the Committee's general comment No. 9 (1998) on the domestic application of the Covenant.**

**National human rights institutions**

8. The Committee welcomes the recent appointment of the first Ombudsman of Aruba, which represents a significant step in strengthening accountability across the Kingdom. It is concerned, however, that no national human rights institutions have yet been established in Curaçao and Sint Maarten, and that gaps remain in the coverage and enforcement of economic, social and cultural rights across the constituent countries of the Kingdom. It is also concerned that the National Human Rights Institute may not have sufficient financial

and human resources to discharge its mandate effectively, including in relation to the Caribbean Netherlands.

**9. The Committee recommends that the State Party:**

**(a) Expedite the adoption of the pending bill to enable the Netherlands Institute for Human Rights to make rulings on discrimination complaints concerning the Caribbean Netherlands;**

**(b) Establish, without delay, national human rights institutions in Curaçao and Sint Maarten, and strengthen the Ombudsman institution in Aruba, ensuring compliance with the Paris Principles;**

**(c) Ensure that all such institutions are provided with adequate financial, human and technical resources to carry out their mandates independently and effectively.**

**Maximum available resources**

10. The Committee is concerned about the concentration of wealth in the State Party, the persistence of inequality, and reports that the Netherlands continues to be listed among jurisdictions that facilitate tax planning and profit-shifting. It also welcomes some measures taken by the State Party to strengthen financial oversight and reduce illicit financial flows, however it is also concerned about the lack of systematic public assessment of revenue losses from tax avoidance and illicit financial flows (art. 2 (1)).

**11. The Committee recommends that the State Party:**

**(a) Conduct a comprehensive and participatory assessment of the effects of its fiscal policies on the enjoyment of Covenant rights, particularly by disadvantaged and marginalized groups;**

**(b) Adopt a more progressive and socially just fiscal policy, including through strengthened wealth and corporate taxation, and ensure the redistribution of resources to reduce inequality among all territories of the Kingdom;**

**(c) Strengthen efforts to combat illicit financial flows, tax evasion and fraud, particularly by wealthy individuals and businesses, including through enhanced measures to disincentivize the use of shell companies for profit-shifting, and by ensuring greater scrutiny of financial flows and beneficial ownership;**

**(d) Conduct an independent, participatory impact assessment of the extraterritorial effects of its tax policies, particularly the corporate tax policies on the economies of developing countries;**

**(e) Ensure greater transparency and accountability in budgetary processes, including through public participation and oversight;**

**(f) Be guided by the Committee's statement on tax policy and the International Covenant on Economic, Social and Cultural Rights.**

**Obligations of a State Party under the Covenant as a member of international financial institutions**

12. The Committee is concerned that the State Party, as a member of such international financial institutions as the International Monetary Fund and the World Bank, has not taken sufficient steps to assess and to ensure that the conditionalities that those institutions attach to loans and debt servicing do not result in unjustified retrogression in the enjoyment of the rights covered by the Covenant in borrowing States.

**13. The Committee recommends that the State Party make every effort to ensure that the international financial institutions of which it is a member do not attach unsustainable loan conditionalities or impose excessive debt-servicing burdens that would undermine the capacity of borrowing States, particularly developing countries, to meet their obligations under the Covenant. In particular, such conditionalities should not lead to the adoption of unjustified retrogressive measures or violations of**

the obligations under the Covenant or have a disproportionate impact on disadvantaged individuals and groups in the borrowing States. In that regard, it also recommends that the State Party ensure that the international financial institutions of which it is a member carry out a human rights impact assessment prior to the provision of a loan. The Committee draws the attention of the State Party to its statement on public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights and the letter on austerity measures sent by the Chairperson of the Committee to States Parties on 16 May 2012.

#### **Official development assistance (ODA) and international cooperation**

14. The Committee notes with appreciation the State Party's longstanding commitment to international cooperation. It is, however, concerned that the State Party's official development assistance has declined in recent years and currently is below the United Nations target for official development assistance. It is further concerned that the reorientation of ODA towards migration management, and trade interests may weaken its contribution to the realization of economic, social and cultural rights in partner countries (art. 2(1)).

15. **The Committee recommends that the State Party:**

(a) **Take all measures necessary to progressively increase its official development assistance to reach at least 0.7 per cent of gross national income, in line with the United Nations target for official development assistance;**

(b) **Ensure that development cooperation is firmly grounded in a human rights-based approach, including through systematic human rights impact assessments of ODA programmes;**

(c) **Avoid tying development assistance to migration management or other conditionalities that may undermine the enjoyment of Covenant rights in recipient countries;**

(d) **Ensure coherence between its trade, climate, security and development policies so as to maximize their contribution to the realization of economic, social and cultural rights abroad.**

#### **Extraterritorial obligations**

16. The Committee is concerned about reports that arms exports from the State Party to Israel and other commercial engagements may contribute to gross and systematic human rights violations in the Palestinian Occupied territories, in particular in the Gaza Strip. The Committee is further concerned about conditionalities being imposed by the state party, during its trade negotiations with developing countries, especially on issues relating to intellectual property rights, that adversely impact upon farmers rights related to conservation and sustainable use of plant genetic resources for food security and agriculture.

17. **The Committee recommends that the State Party:**

(a) **Ensure that its arms export controls and licensing decisions are fully consistent with its obligations under the Covenant; in particular, take all necessary and urgent measures to ensure a complete ban and its effective implementation on the export and transit of weapons, weapon parts, and dual-use items to Israel as well as cease all trade and investment relations that can contribute to the current gross and systematic human rights violations of the Palestinian people, particularly in the Gaza Strip, to life, food, health, water and sanitation, housing, and the right to self-determination, as enshrined in the Covenant and in light of International Court of Justice 2024 decisions.<sup>4</sup> It also recommends taking all necessary steps to avoid**

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<sup>4</sup> International Court of Justice, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 19 July 2024 and Order of 26 January 2024, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, para. 86(1).

recognising, aiding, or assisting the Israel occupation in Palestinian territory, including by ensuring that all business enterprises domiciled in its territory or under its jurisdiction are not involved in the illegal Israeli settlements.

(b) Allow developing countries to retain policy space in trade negotiations, especially those relating to conservation and sustainable use of plant resources for food security and agriculture and in respect to the 1991 Act of the International Convention for the Protection of New Varieties of Plants.

### **Business and human rights**

18. The Committee welcomes the State Party's commitment to adopt a binding regulation for Business and Human Rights with the transpose of the European Union Corporate Sustainability Due Diligence Directive into national law. The transposition should be done in order to have a regulatory framework requiring all business enterprises domiciled in its jurisdiction to carry out human rights' due diligence throughout their operations and supply chains.

19. **The Committee recommends that the State Party:**

(a) Expedite the adoption of binding legislation on human rights due diligence, covering all business enterprises domiciled in its jurisdiction and entities under their control, across their domestic and overseas operations and supply chains;

(b) Strengthen judicial and administrative mechanisms to ensure access to effective remedies for victims of business-related human rights violations, including those committed abroad;

(c) Strengthen the existing complaint and redress mechanisms and collect information on complaints filed by victims of abuses of economic, social and cultural rights committed by State-owned and private business enterprises operating or domiciled in the State Party and entities that they control, including those in their supply chains and those operating abroad;

(d) Monitor and evaluate the implementation and outcomes of the 2022–2026 national action plan on business and human rights, with the meaningful participation of civil society and social partners;

(e) Be guided by the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities, in particular with regard to the introduction of mandatory human rights due diligence.

### **Climate change**

20. The Committee is concerned that the State Party may not meet its greenhouse gas reduction targets, particularly in light of recent postponements of climate measures. It is also concerned that the state party's climate and environment policies do not consistently integrate its human rights obligations, risking unequal protection for disadvantaged groups. It is further concerned about the lack of systematic and meaningful consultation with affected communities in Caribbean Netherlands on environmental governance, resource use, climate adaptation and the disproportionate impacts of climate change upon them, where rising sea levels, extreme weather events and high energy costs pose serious risks to the enjoyment of Covenant rights including those linked to self-determination and natural resources. Moreover, communities in Caribbean Netherlands face ongoing environmental harms, without equal protections that are provided in European Netherlands.

21. **The Committee recommends that the State Party:**

(a) Take all measures necessary to meet its nationally determined contributions under the Paris Agreement and align its climate policies with its obligations under the Covenant;

(b) Implement its international obligations of assistance and development cooperation to prioritize climate finance, technology transfer, capacity building and information sharing with its development partners;

(c) Accelerate the transition towards renewable energy, phasing out reliance on fossil fuels and ensuring a just and inclusive energy transition, with special attention to workers and low-income households;

(d) Expedite the adoption of human rights-based climate and environmental frameworks in the Caribbean Netherlands and ensure equivalent protective standards to those of the European Netherlands and strengthen adaptation and resilience measures, including infrastructure for disaster preparedness, safe housing, water supply and affordable renewable energy, ensuring free, prior and informed consent and the meaningful participation of affected communities;

(e) Be guided by the Committee's statement on climate change and the Covenant (E/C.12/2018/1).

#### **Corruption**

22. The Committee is concerned about reports of gaps in the enforcement of anti-corruption measures and the absence of a comprehensive and unified national strategy against corruption, (art. 2(1)).

23. **The Committee recommends that the State Party:**

(a) Adopt a comprehensive national anti-corruption strategy with clear objectives, timelines and monitoring mechanisms; and ensure effective accountability and sanctions for corruption-related offences.

(b) Ensure the independence, coordination and adequate resourcing of all anti-corruption bodies, and strengthen safeguards against conflicts of interest in public administration.

#### **Data collection**

24. The Committee welcomes the establishment of a commission for a national statistical system in Aruba and ongoing efforts to improve data collection in the Caribbean Netherlands. The Committee remains concerned, however, that disaggregated data on the enjoyment of Covenant rights are not systematically collected across all constituent countries of the Kingdom, and that gaps remain in statistics relating to disadvantaged groups, including migrants, persons with disabilities, minorities, and residents of the Caribbean Netherlands, Aruba, Curaçao and Sint Maarten (art. 2 (2)).

25. **The Committee recommends that the State Party:**

(a) Expedite the adoption and implementation of a comprehensive equality data strategy, ensuring sufficient financial, human and technical resources;

(b) Strengthen statistical systems in Aruba, Curaçao, Sint Maarten and the Caribbean Netherlands to ensure the availability of timely, reliable and comparable data on the enjoyment of Covenant rights;

(c) Improve its data-collection system by, inter alia, collecting data disaggregated by race, colour, ethnicity, gender, sex, age, language, religion, disability status, national origin, migration status, region (urban or rural) and other relevant criteria, with a view to formulating evidence-based public policies and designing special measures for individuals and groups that are disadvantaged in the exercise of their economic, social and cultural rights;

(d) Utilize the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights<sup>5</sup> to guide data collection and reporting.

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<sup>5</sup> See [HRI/MC/2008/3](https://www.hri.mc/2008/3).

### **Non-discrimination**

26. The Committee welcomes the legal and policy measures adopted to combat discrimination, including the amendment of the Penal Code to increase penalties for hate speech, the activities of the Netherlands Institute for Human Rights in addressing discrimination cases, and public awareness campaigns to promote diversity in employment. The Committee remains concerned, however, about structural discrimination faced by migrants, refugees, asylum seekers and ethnic minorities in employment, housing, education and social security. It is also concerned that socioeconomic status and multiple/intersectional discrimination are not explicitly recognized as prohibited grounds of discrimination in national legislation and about draft bills under consideration that would criminalize irregular migrants and restrict their access to Covenant rights. It is further concerned over unequal protection of cultural identity, heritage, and land-related rights for communities in Caribbean Netherlands (art. 2 (2)).

27. **The Committee recommends that the State Party:**

(a) **Amend anti-discrimination legislation to explicitly include socioeconomic status and multiple/intersectional discrimination as prohibited grounds, and ensure the equal protection of all individuals from discrimination in both the public and private spheres;**

(b) **Strengthen enforcement of anti-discrimination laws, including by considering empowering National Human Rights Institutions to issue legally binding rulings, including in the Caribbean Netherlands;**

(c) **Intensify efforts to combat structural discrimination in employment, housing, social security, health and education, including through targeted programmes for migrants, refugees, asylum seekers, minorities and disadvantaged groups;**

(d) **Ensure effective implementation of the Public Sector Equality and Human Rights Duty, and oversight participatory mechanisms;**

(e) **Reconsider envisaged adoption legislation that would criminalize irregular migrants or otherwise restrict their access to economic, social and cultural rights;**

(f) **Ensure that Caribbean Netherlands enjoys the same protection as European Netherlands for enjoyment of the Covenant rights;**

(g) **Be guided by the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

### **Equality between men and women**

28. The Committee welcomes the adoption of a quota system for company boards, the increase of childcare allowances, the extension of parental leave to nine weeks of partially paid leave since 2022. It also notes positively the adoption of a draft bill to implement the European Union Pay Transparency Directive and the narrowing of the gender wage gap in the public sector. The Committee remains concerned, however, about the persistence of significant gender inequalities, including the overall gender pay gap, the overrepresentation of women in part-time and low-paid employment, and continued occupational segregation. It is also concerned about reports of discrimination against pregnant workers, the inadequacy of parental leave provisions to ensure the equal sharing of care responsibilities, and the underrepresentation of women in managerial and decision-making positions. The Committee further notes disparities in gender equality outcomes in the Caribbean Netherlands (art. 3).

29. **The Committee recommends that the State Party:**

(a) **Accelerate efforts to close the gender pay gap by fully implementing the EU Pay Transparency Directive, introducing mandatory transparency measures, and reviewing job classification and valuation systems;**

(b) Take targeted measures to address occupational and vertical segregation, including promoting women's participation in managerial and decision-making positions in both the public and private sectors;

(c) Strengthen protection against discrimination on the grounds of pregnancy and parenthood, including effective monitoring and sanctions for violations;

(d) Expand parental leave entitlements, improve their adequacy and accessibility, and adopt incentives to encourage men to take parental leave and share care responsibilities equally;

(e) Enhance the availability, accessibility and affordability of care services for children and the elderly as well as support system for persons with disabilities, including in the Caribbean Netherlands, to support women's equal participation in the labour market;

(f) Be guided by the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

#### **Right to work**

30. The Committee remains concerned about persistent inequalities in access to employment, including the overrepresentation of women in part-time and low-paid jobs, and structural discrimination against ethnic minorities, migrants, refugees and asylum seekers. It is also concerned about the limited progress made in recognizing foreign qualifications, which hinders access to adequate employment opportunities for migrants and refugees. The Committee notes the challenges faced by persons with disabilities in gaining access to the open labour market, as also highlighted by the Committee on the Rights of Persons with Disabilities<sup>6</sup> (art. 6).

#### **31. The Committee recommends that the State Party:**

(a) Review its employment policies to address the root causes of unemployment, focusing on women, ethnic minorities and persons with disabilities, and incorporate measures to overcome the structural and institutional barriers hindering their access to the labour market, and be guided by the Committee's

(b) Introduce binding quotas and strengthen reasonable accommodation measures to ensure the full participation of persons with disabilities in the labour market;

(c) Review social and tax policies to incentivize full-time work for women, while ensuring that flexible work arrangements remain available without reinforcing gender stereotypes;

(d) Accelerate procedures for the recognition of foreign qualifications and skills to facilitate access to adequate employment for migrants, asylum seekers and refugees;

(e) Be guided by the Committee's general comment No. 18 (2005) on the right to work, and its statement on the duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights (E/C.12/2017/1).

#### **Right to just and favourable conditions of work**

32. The Committee welcomes measures to strengthen occupational health and safety policies, and the State Party's commitment to achieving zero annual workplace deaths by 2040. The Committee remains concerned, however, about the high prevalence of precarious employment, with nearly 40 per cent of the workforce engaged in flexible or temporary contracts, including "false" self-employment and platform work, which limits access to

<sup>6</sup> CRPD/C/NLD/CO/1, para.59.

social protection. It is further concerned about persistent occupational health and safety risks, high rates of occupational illness, and insufficient resources allocated to enforcement and labour inspections (art. 7).

**33. The Committee recommends that the State Party:**

**(a) Take stronger measures to limit the excessive use of temporary and flexible contracts, and ensure that workers in non-standard forms of employment, including platform workers and self-employed persons, are guaranteed adequate social protection;**

**(b) Ensure that minimum wage levels continue to guarantee a decent standard of living for workers and their families, and monitor compliance across all sectors;**

**(c) Strengthen labour inspection systems and provide them with sufficient human and financial resources;**

**(d) Intensify efforts to prevent occupational accidents and illnesses, including by increasing access to occupational health services and expanding training for employers and workers.**

#### **Migrant workers, refugees and asylum seekers**

34. The Committee welcomes the funding of the Fair Work Organization to support workers in claiming unpaid wages, the opening of physical and mobile information points, and the development of legislation to strengthen the supervision of temporary employment agencies, and the lifting of restrictions on asylum seekers' access to the labour market. The Committee remains concerned, however, about persistent discrimination faced by migrants, refugees and asylum seekers in access to employment, housing, social security and education. It is also concerned about their continued vulnerability to exploitation, including through abusive recruitment practices and substandard housing conditions (arts. 2 (2), 6 and 7).

**35. The Committee recommends that the State Party:**

**(a) Ensure effective protection of the economic, social and cultural rights of all migrants, asylum seekers and refugees, regardless of status, in line with article 2 (2) of the Covenant;**

**(b) Strengthen labour inspections, separate them from migration control functions, and ensure effective monitoring and sanctions against abusive practices affecting migrant workers;**

**(c) Guarantee access to adequate housing, essential services, health care and legal remedies for all migrants, refugees and asylum seekers, including those in an irregular situation.**

#### **Trade union rights**

36. The Committee notes with appreciation the State Party's tradition of social dialogue and tripartite consultation, as well as ongoing discussions with trade unions to strengthen collective labour agreements. The Committee remains concerned, however, about reports of restrictions on the right to strike and collective bargaining, and about obstacles faced by trade unions in representing and protecting workers, particularly those in precarious or flexible employment arrangements (art. 8).

**37. The Committee recommends that the State Party:**

**(a) Ensure that all workers, including those in precarious and non-standard forms of employment, can fully exercise their rights to freedom of association, collective bargaining and strike action, without undue restrictions;**

**(b) Review and, where necessary, amend legislation and practices that unduly restrict trade union rights, in line with article 8 of the Covenant and relevant**

ILO conventions, particularly the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

(c) Strengthen protection against anti-union discrimination and ensure effective remedies and sanctions in cases of violations;

(d) Continue to promote meaningful social dialogue and collective bargaining across all sectors, including for vulnerable workers in the gig economy and temporary agency work.

(e) Be guided by the Committee's Statement on freedom of association, including the right to form and join trade unions.

#### **Right to social security**

38. The Committee welcomes the State Party's comprehensive social security system and commends the significant reforms introduced to make it more human-centred. The Committee remains concerned, however, about the complexity of the benefits system and its disproportionate impact on disadvantaged groups, including migrants and minorities. It is also concerned that social benefits are not always sufficient to guarantee an adequate standard of living, that racism in the institution and socio-economic discrimination in the administration of benefits, including through the automated risk-profiling systems used to detect fraud, have not been fully prevented or effectively addressed, and that disparities persist in the adequacy of benefits between the European and Caribbean Netherlands (arts. 2 (2) and 9).

39. **The Committee recommends that the State Party:**

(a) Simplify and streamline its social security system to ensure accessibility and prevent excessive administrative burdens on beneficiaries;

(b) Ensure that all social security benefits are adequate, accessible and non-discriminatory, and that they are regularly adjusted to the cost of living;

(c) Eliminate any discriminatory practices in the administration of benefits; take appropriate measures to ensure that algorithmic risk-profiling tools do not replicate or reinforce discrimination on the grounds of ethnicity, race or socio-economic status; and strengthen accountability and oversight mechanisms.

(d) Harmonize benefits in the Caribbean Netherlands to at least the level available in the European Netherlands, including unemployment, disability and child benefits, while accounting for the higher cost of living in the Caribbean region; and ensure equal protection of social security in all four countries of the Kingdom.

(e) Ensure that persons with disabilities have effective access to adequate income support and tailored measures that promote both social protection and labour market participation.

(f) Be guided by the Committee's general comment No. 19 (2007) on the right to social security and its statement entitled "Social protection floors: an essential element of the right to social security and of the Sustainable Development Goals".<sup>7</sup>

#### **Protection of the family and children**

40. The Committee welcomes the measures taken by the State Party to strengthen family protection, including the adoption of a national action plan on femicide. The Committee remains concerned, however, about the absence of a comprehensive national action plan on gender-based and domestic violence, the insufficient number of shelters and support services for victims, and gaps in addressing digital and economic violence. It is also concerned about the persistence of long waiting lists and regional disparities in access to affordable childcare and specialized youth care, as well as staff shortages in child protection services. The Committee further notes that parental leave reforms remain inadequate to ensure equal sharing of care responsibilities, and that gender stereotypes regarding family

<sup>7</sup> E/C.12/2015/1.

and care work persist. It also regrets lack of precise information in respect to all territories of the Kingdom (arts. 3 and 10).

**41. The Committee recommends that the State Party:**

(a) **Adopt a comprehensive national action plan on gender-based and domestic violence taking on board the existing actions and the new action plan “Stop Femicide”, ensuring that it addresses all forms of violence, including economic and digital violence, and provide adequate funding for shelters, support services and specialized assistance for children, across all regions and constituent countries of the Kingdom including in the Caribbean Netherlands;**

(b) **Strengthen child protection systems by increasing investment in specialized youth care, addressing staff shortages, and ensuring that services are accessible and of equal quality across all regions and constituent countries of the Kingdom;**

(c) **Improve the accessibility, affordability and availability of childcare, ensuring equal access across regions, including the Caribbean Netherlands, and reducing waiting lists;**

(d) **Revise parental leave schemes to make them more adequate and equitable, introduce incentives for men to take parental leave, and continue efforts to challenge gender stereotypes in family roles and promote the equal sharing of domestic and care responsibilities.**

**Right to an adequate standard of living**

42. The Committee welcomes the significant progress made by the State Party in reducing overall poverty, with the national poverty rate falling from 7 per cent in 2018 to 3 per cent in 2023, as well as the introduction of free school breakfast programmes. The Committee remains concerned, however, that poverty rates remain disproportionately high among children, single-parent households and migrant families, and that reliance on food banks has increased. It is also concerned about persistent poverty and much higher rates in the Caribbean Netherlands than in the European territories, where cost of living is higher, particularly utility and food prices (art. 11).

**43. The Committee recommends that the State Party:**

(a) **Develop a multidimensional poverty measurement tool, covering all constituent countries of the Kingdom, including the Caribbean Netherlands to better identify disadvantaged groups and guide targeted policy responses;**

(b) **Intensify efforts to address child poverty and poverty among single-parent and migrant households through adequate income support, social transfers and community-based services;**

(c) **Adopt a comprehensive national strategy on the right to adequate food, aimed at reducing food insecurity and malnutrition, reliance on food banks and ensure the sustainability and expansion of free school meal programmes;**

(d) **Take effective measures to reduce the cost of living in the Caribbean Netherlands, particularly by addressing high prices of food, electricity and water;**

(e) **Provide in its next periodic report disaggregated data on poverty and food insecurity across the European and Caribbean Netherlands, as well as Aruba, Curaçao and Sint Maarten;**

(f) **Be guided by the Committee’s general comment No. 15 (2002) on the right to water and general comment No. 12 (1999) on the right to adequate food.**

**Right to adequate housing**

44. The Committee welcomes the allocation of €5 billion until 2029 to support the construction of affordable homes, and the requirement that 30 per cent of new housing be devoted to social housing. The Committee remains concerned, however, about the severe

shortage of adequate and affordable housing, estimated at nearly 400,000 units, the sharp increases in rental costs, and the decline in social housing units. It is also concerned about the persistence of homelessness, affecting at least 33,000 people, and about the lack of a comprehensive, rights-based homelessness strategy.

45. **The Committee recommends that the State Party:**

(a) **Expand investment in social housing and ensure its long-term availability, including by regulating sales and conversions of social housing stock;**

(b) **Strengthen rent regulation, enhance tenant protections, and prevent excessive rent increases in both the public and private housing sectors;**

(c) **Adopt all necessary measures to repeal laws which directly or indirectly criminalize people living in homelessness and ensure the national implementation of the Housing First approach, including by providing municipalities with the powers and resources they require to house all people experiencing homelessness as quickly as possible;**

(d) **Ensure access to adequate housing for disadvantaged groups; in particular ensure that migrants and asylum seekers are afforded with timely and effective access to social homes in line with their recognised acute need as well as adequate, culturally appropriate accommodation and stopping sites for, Roma, Traveller, and other nomadic communities, including access to water, sanitation and electricity;**

(e) **Prevent speculative use of housing and require housing investors to uphold human rights standards and improve the efficacy of its housing-related climate renovation and adaptation policies so that they can achieve its net-zero ambitions;**

(f) **Provide detailed information in the next periodic report on housing conditions in the Caribbean Netherlands and the other constituent countries;**

(g) **Be guided by the Committee's general comment No. 4 (1991) on the right to adequate housing.**

#### **Right to health**

46. The Committee welcomes the State Party's universal healthcare system and its commitment to providing essential health services to all persons, regardless of migration status. The Committee remains concerned, however, about persistent inequalities in access to affordable healthcare, including for low-income households and persons in the Caribbean Netherlands, where the cost of care and limited availability of specialized services create significant barriers. It is also concerned about long waiting times and regional disparities in youth mental health services, and about the shortage of qualified health professionals across several sectors (art. 12).

47. **The Committee recommends that the State Party:**

(a) **Guarantee equal and affordable access to healthcare for all persons, including migrants, refugees and asylum seekers regardless of status, and ensure the availability of interpreter services where needed;**

(b) **Urgently address waiting times and regional disparities in youth mental health services, including by recruiting and retaining qualified professionals and ensuring adequate funding of community-based care;**

(c) **Strengthen healthcare infrastructure and services in the Caribbean Netherlands, including access to specialized care, preventive services, and medical evacuation facilities, while ensuring affordability;**

(d) **Continue to expand public health and prevention programmes, particularly on healthy nutrition, alcohol and tobacco reduction, and reproductive health, with targeted measures for disadvantaged groups;**

**(e) Provide disaggregated data on health outcomes and access to services, including by sex, age, disability, ethnicity, migration status and region, across all constituent countries of the Kingdom;**

**(f) Recalling the recommendation from 2017, review the practice of early surgery and medical interventions on intersex children, in order to make sure that they are mature enough to be consulted on their preferred treatments on the basis of their informed choices and consent;**

**(g) Be guided by the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health.**

### **Right to education**

48. The Committee commends the State Party for its performant educational system. It notes the Equal Opportunities Alliance and other initiatives aimed at reducing educational disparities. It also notes efforts to enhance teacher salaries and recruitment, and the provision of scholarships for students from the Caribbean Netherlands. However, the Committee remains concerned, about persistent inequalities in access to quality education affecting children having a different ethnic origin, a migration and/or a low-income family background, as well as children with disabilities. It is also concerned about the persistent socio-economic and residential segregation of students enrolled in primary and secondary education, especially in urban areas. It is further concerned about long waiting lists for childcare and pupil transport challenges, especially in the Caribbean Netherlands. The Committee further notes with concern the shortage of teachers and the high student-to-teacher ratios, and the limited participation of civil society in the design of the curriculum, including on citizenship education (arts. 2 (2) 13 and 14).

49. **The Committee recommends that the State Party:**

**(a) Take targeted measures to address educational disparities affecting children having disadvantaged socio-economic, minority and/or migration background, including by expanding support programmes in underperforming schools and disadvantaged regions;**

**(b) Evaluate the impact of socio-economic and residential segregation of children having a different ethnic origin, a migration and/or low-income family background, during primary and secondary education, on their educational performance and educational paths and take measures to reduce the inequality between them and their peers;**

**(c) Ensure inclusive education for children with disabilities by providing reasonable accommodation, investing in accessible infrastructure, and strengthening teacher training in inclusive pedagogy;**

**(d) Address teacher shortages through improved recruitment, retention and professional development policies, and ensure equitable distribution of qualified teachers across regions and schools;**

**(e) Guarantee equal access to affordable and quality childcare and pupil transport, including in the Caribbean Netherlands;**

**(f) Ensure meaningful participation of civil society organizations, teachers, students and parents in curriculum reform processes, and mainstream human rights, including economic, social and cultural rights, in curricula at all levels;**

**(g) Be guided by the Committee's general comment No. 13 (1999) on the right to education.**

### **Right to take part in cultural life**

50. The Committee welcomes measures to promote access to arts, sports and cultural activities for children from low-income households, and the preparation of a national plan for culture and arts education in Aruba that integrates local history and the Papiamentu language. The Committee remains concerned, however, about persistent cultural, socio-

economic and geographic barriers to cultural participation, especially for disadvantaged communities and persons living in rural areas and in the Caribbean Netherlands. It is also concerned about disparities in cultural funding and about the insufficient promotion and protection of local languages and cultural heritage in all constituent countries of the Kingdom (art. 15(1)).

**51. The Committee recommends that the State Party:**

**(a) Intensify measures to remove economic and geographic barriers to cultural participation, including by providing subsidies and community-based programmes targeted at disadvantaged households;**

**(b) Ensure equitable distribution of cultural funding across all regions with particular attention to the Caribbean Netherlands, Aruba, Curaçao and Sint Maarten;**

**(c) Promote and protect local languages and cultural heritage, including Papiamentu and other regional languages, and integrate them into educational and cultural programmes, involving local communities and educators, particularly in the Caribbean Netherlands.**

**(d) Guarantee the meaningful participation and consultation of native population in decisions that affect their cultural and social development, including environmental policies particularly in the Caribbean Netherlands;**

**(e) Develop cultural infrastructure and facilities in underserved areas, including libraries, museums and community arts centres, and ensure accessibility for persons with disabilities;**

**(f) Be guided by the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.**

**Right to enjoy the benefits of scientific progress and its applications**

52. The Committee welcomes the State Party's continued investment in research and innovation, as well as public initiatives to promote open science and digitalization in education and research. It notes positively the establishment of scholarship programmes for students from the Caribbean Netherlands and initiatives to foster scientific cooperation across the Kingdom. The Committee remains concerned, however, about the uneven distribution of research and innovation funding, the underrepresentation of women, migrants and minorities in science, technology, engineering and mathematics (STEM) fields, and the persistence of a digital divide, particularly in the Caribbean Netherlands. It is also concerned about the increasing use of algorithmic tools in public administration without sufficient safeguards to prevent discriminatory impacts and without adequate independent oversight of such systems (arts 2 (2), 3 and 15).

**53. The Committee recommends that the State Party:**

**(a) Adopt targeted measures, including affirmative action and incentives, to increase the participation of women, migrants, refugees, minorities and other underrepresented groups in STEM education, research careers and leadership positions;**

**(b) Address the digital divide, particularly in the Caribbean Netherlands, by ensuring universal, affordable access to high-speed internet, digital tools and training for students, researchers and communities;**

**(c) Ensure the equitable distribution of research and innovation funding across all regions within each constituent country of the Kingdom, including Aruba, Curaçao and Sint Maarten, and monitor its impact on disadvantaged groups;**

**(d) Strengthen policies on open access to publicly funded research;**

**(e) Undertake human rights impact assessments of algorithmic tools used in public administration and ensure transparency and effective independent oversight in their design and use.**

## D. Other recommendations

54. The Committee encourages the State Party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

55. The Committee recommends that the State Party consider ratifying the core human rights instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of the Child and the Optional protocol to the Convention on the Rights of Persons with Disabilities.

56. The Committee recommends that the State Party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State Party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State Party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State Party's attention to its statement on the pledge to leave no one behind.<sup>8</sup>

57. The Committee recommends that the State Party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights to facilitate the assessment of progress achieved by the State Party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State Party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights.<sup>9</sup>

58. The Committee requests that the State Party disseminate the present concluding observations widely at all levels of society, including at the country of the Netherlands and its Caribbean Islands, and the constituent countries of Aruba, Curaçao and Sint Maarten, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that Parliament plays in implementing the present concluding observations and encourages the State Party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State Party to continue engaging with the Netherlands Institute for Human Rights and with non-governmental organizations and other members of civil society in all parts of the Kingdom in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

59. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State Party is requested to provide, within 24 months of the adoption of the present concluding observations (30 September 2027), information on the implementation of the recommendations contained in paragraphs 19 (a) (business and human rights), 21 (d) (Climate change) and 27 (c) (non-discrimination) above.

60. The Committee requests the State Party to submit its eighth periodic report, to be prepared in accordance with article 16 of the Covenant by 30 September 2030, unless otherwise notified as a result of a change in the review cycle. In accordance

<sup>8</sup> E/C.12/2019/1.

<sup>9</sup> HRI/MC/2008/3.

with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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*Building trust  
by delivering support,  
protection and justice*

# Netherlands

First thematic  
evaluation report

## GREVIO

Group of Experts  
on Action against Violence  
against Women and  
Domestic Violence



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

GREVIO(2025)1

published on 21 October 2025



THE  
**ISTANBUL CONVENTION**  
SAVES LIVES

# **First thematic evaluation report**

**Building trust by delivering  
support, protection and justice**

**NETHERLANDS**

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

GREVIO(2025)1

Adopted by GREVIO on 3 July 2025

Published on 21 October 2025

Secretariat of the monitoring mechanism of the Council of Europe Convention  
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## Executive summary

This evaluation report addresses progress made in bringing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It offers an assessment made by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO's findings identify developments that have taken place since the publication of its baseline evaluation report on the Netherlands on 20 January 2020 and are based on the information obtained during its first thematic evaluation procedure as set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by the National Network of Women's Shelters, the Federation of Surviving Victims of Violence, the Children's Rights Collective, Amnesty International, the Dutch International Commission of Jurists (NJCM), the Netherlands Institute for Human Rights, Organisations defending victims of online sexual violence, the CEDAW Network and Filomena), as well as a 5-day evaluation visit to the Netherlands. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Dutch authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims – the theme chosen by GREVIO for its first thematic evaluation report. In identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on laudable efforts made for the implementation of this convention. Moreover, it provides in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims.

In this regard GREVIO welcomes the expansion of the policy framework in the Netherlands, with new national action plans adopted, some of which take a more gendered perspective and cover more forms of violence against women. Examples are the National Action Programme on Sexually Transgressive Behaviour and Sexual Violence which focuses on prevention and cultural change in these areas and includes measures on the digital dimension of these forms of violence, based on GREVIO's General Recommendation No. 1 on the digital dimension of violence against women, as well as the Stop Femicide! Action Plan, which puts a strong focus on tackling domestic violence and child abuse to prevent gender-related killings as well as the Action Plan on Harmful Practices (2020-2022), and the National Action Plan Women, Peace and Security (2021-2025) which aims to support women and girls in situations of armed conflict, including the prevention of conflict-related sexual and gender-based violence.

Another positive development is the comprehensive alignment of Dutch criminal legislation with the requirements of the Istanbul Convention, notably in the area of sexual violence. The 2024 Act on Sexual Offences introduced a definition of rape based on the absence of consent to the sexual act, as required under Article 36 of the convention, marking a notable departure from the previous force-based definition of this offence. Additionally, it criminalises sexual harassment in the public sphere, both online and offline, including "catcalling" as well as several forms of sexual harassment online, clearly demonstrating that online and offline offences of this nature are equally sanctioned under criminal law. This change in legislation was accompanied by widespread awareness-raising efforts and additional funds were provided to law enforcement and the judiciary to cover the expected additional costs of processing these cases.

More generally, preventive measures have been stepped up, with the range of awareness-raising activities and target groups expanded, and wider forms of violence against women addressed. Recent awareness-raising efforts address sexual violence, image-based abuse and forced marriage. Frequently, they firmly integrate the specific situation of women with disabilities and LGBTI women and give women victims a voice in campaigns.

In the area of the provision of support services for victims, the report reiterates the strong emphasis placed on multi-agency co-operation, already welcomed in GREVIO's baseline evaluation report. This has been slightly expanded in recent years, with multi-disciplinary approaches to risk assessment and risk management introduced, although the report points to the need to firmly root such multi-agency and multi-disciplinary approaches in an understanding of the gendered dynamics and underlying power imbalances in domestic violence cases. In addition, multi-agency approaches to supporting victims of sexual violence are being tested.

Beyond the progress made in the Netherlands to implement the convention, GREVIO has identified areas which require urgent action by the authorities to comply fully with the convention's provisions. One of these areas relates to the wide conceptualisation of domestic violence as "violence in a dependency relationship". The definitions in use and the measures taken in their implementation do not fully align with the requirements of the convention, as they offer an insufficient understanding of domestic violence as affecting women disproportionately and its underlying gendered dynamics. This is mirrored in interventions by central actors such as Safe Home Centres (Veilig Thuis), which result in women's victimisation at the hands of male perpetrators being overlooked or minimised – with detrimental effects on women's right to protection and support as victims of domestic violence. It is also mirrored in the continuous proposal of cases for mediation in parental separation proceedings without prior and pro-active screening for a history of domestic violence. Despite the concerns raised in GREVIO's baseline evaluation report, women victims of domestic violence accept out of fear of disadvantageous outcomes in child custody and visitation rights cases. Despite some progress made, violence within a relationship is often viewed as reciprocal or a conflict between two equals, without a thorough understanding of the gendered power dynamics in intimate partner violence, its long-term impact on women and their children, the need for primary aggressor analysis, and the frequent use of family law proceedings for post-separation abuse.

Linked to this is the need to step up the training, on the basis of standardised protocols, of all professionals dealing with women victims in relation to all forms of violence covered by the Istanbul Convention, including in their digital dimension.

At the same time, the system of restraining and emergency barring orders in the Netherlands is currently underused and in need of an overhaul, as the orders currently available do not include no-contact orders, require a threshold of serious risk which is higher than the threshold foreseen in the Istanbul Convention and do not automatically include children of women victims of intimate partner violence. Conversely, the report identifies the number and capacity of domestic violence shelters as a concern, as well as their ability to cater to the needs of women at risk of intersecting forms of discrimination, such as women without a residence permit, women with disabilities and young women and girls.

Last, the report reiterates the concern previously expressed by GREVIO in relation to the on-going practice of imposing on women wishing to report rape or sexual violence "reflection periods" that dissuade them from reporting. Instead, it calls for the diligent investigation into all reports of rape or sexual violence ex officio made to law enforcement authorities.

GREVIO has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- ensure that any policies and measures taken in relation to preventing and combating violence against women and domestic violence are co-ordinated and well-funded, including at and across municipal level, and that they cover all forms of violence against women covered by the Istanbul Convention, including economic violence and forced sterilisation;
- assign the role of co-ordinating body to fully institutionalised entities, equip these with clear mandates, competences and the necessary human and financial resources;

- 
- ensure appropriate and sustainable funding for women's rights organisations running specialist support services for women victims of all forms of violence, including smaller community-based NGOs, and expand specialist support services for women victims of rape and sexual violence;
  - adapt data categories for use by the justice sector and law-enforcement agencies to reflect the sex and age of the victim and perpetrator, their relationship and geographical location as well as the type of violence, and introduce in the healthcare sector harmonised data collection on the contact made by victims of violence against women;
  - in deciding on custody and visitation rights, incidents of violence against women are a mandatory criterion to be taken into account and that the negative impact that such violence has on children is reflected in legislation, training, guidelines and practice while at the same time reducing, in family law proceedings, the representation of women victims of abuse as alienating, hostile or un-cooperative;
  - ensure effective investigation, including the pro-active collection of evidence beyond the victim's statement, prosecution and swift sanctioning in relation to all forms of violence against women covered by the Istanbul Convention, and to encourage women victims of violence to report, including women who are at risk of or subject to intersectional discrimination, for example women with disabilities, LBTI women, women in prostitution and migrant women;
  - step up efforts to ensure gender-sensitive risk assessment in cases of domestic violence and other forms of violence against women as part of a multi-agency response and to analyse all gender-related killings or suspicious deaths of women as well as suicides that may be related to experiences of violence.

Additionally, GREVIO has identified further areas in which improvements are required in order to comply fully with the obligations of the convention under this round's theme. These relate, among others, to the need to incentivise schools to impart knowledge on all elements listed in Article 14 of the Istanbul Convention and within the framework of the mandatory curriculum, to ensure wider preventive measures for forms of violence against women currently unaddressed through primary prevention, in particular intimate partner violence, and to roll out programmes for perpetrators of domestic violence and perpetrators for sexual violence, based on common minimum standards.

Lastly, the report highlights several emerging trends. These include the increase in steps taken to address the digital dimension of violence against women, using GREVIO's General Recommendation No. 1 as guidance, but also the growing attention paid to the prevention of gender-related killings of women and girls as well as of sexual violence and harassment in the sports sector. The report also notes a trend towards a gendered understanding of sexual violence and gender-related killings of women, with many initiatives linking the perpetration of these forms of violence to women's inequality with men, thus identifying a nascent recognition of violence against women as a gendered phenomenon.

## Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210,) (hereafter “the Istanbul Convention”) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention. In line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on the Netherlands, offering a comprehensive assessment of the convention’s implementation in its entirety, was published on 20 January 2020, following the Netherlands’ ratification of the Istanbul Convention on 18 November 2015. In accordance with Article 77 of the convention, the Netherlands declared that they accepted the convention only for the European part of the Netherlands.

This report was drawn up under GREVIO’s first thematic evaluation round launched in 2023 focusing on the theme of building trust by delivering support, protection and justice. To address this overarching theme, it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. Section three sets out to present more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in respect of which the baseline evaluation procedures and the conclusions on the implementation of recommendations of the Committee of the Parties to the Istanbul Convention have revealed significant challenges and the need for further action.

In respect of the Netherlands, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO’s first thematic questionnaire on 12 January 2024. The Dutch authorities subsequently submitted their state report on 12 June 2024 – the deadline set by GREVIO. Following a preliminary examination of the Netherlands’ state report, GREVIO carried out an evaluation visit to the Netherlands, which took place from 30 September to 4 October 2024. The delegation was composed of:

- Pascale Franck, Member of GREVIO
- Olena Kharytonova, Member of GREVIO
- Sabrina Wittmann, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO wishes to highlight its constructive exchanges with the Dutch authorities. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Jitske Bosch, who was appointed as contact person. The state report and the written contributions submitted by civil society are available on the country monitoring website of the Istanbul Convention.<sup>1</sup>

The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings made reflect different levels of urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

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1. [www.coe.int/en/web/istanbul-convention/netherlands](http://www.coe.int/en/web/istanbul-convention/netherlands).

Resulting from a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement within the national context of the party under review, this report describes the situation as observed by GREVIO up until 27 March 2025. Where applicable, relevant developments up until 1 July 2025 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

## **I. Emerging trends in the areas of violence against women and domestic violence**

1. In the period following the adoption of GREVIO's baseline evaluation report, GREVIO identified several trends in the Netherlands in the area of preventing and combating violence against women. Some of these trends were related to legislative developments prompted by broader societal movements, while others pertained to shifts in attitudes and approaches to addressing violence against women.

### **Legislative changes to further align Dutch criminal law with the Istanbul Convention in the area of sexual violence**

2. Since the adoption of GREVIO's baseline evaluation report on the Netherlands, the country has taken important steps to further align its national legislation with the criminal law provisions of the Istanbul Convention. Most notably, on 1 July 2024, the Act on Sexual Offences entered into force, introducing a definition of rape based on the absence of consent to the sexual act, as required under Article 36 of the convention, marking a notable departure from the previous force-based definition of this offence. Additionally, the Act on Sexual Offences criminalises sexual harassment in the public sphere, both online and offline, including "catcalling". It also includes the offence of "sex-chatting", which covers the sending of sexually explicit messages by adults to children under the age of 16, as well as the act of sexually approaching, online or offline, a child below the age of 16, or a child aged between 16 and 17 deemed to be in a vulnerable position. This new offence does not require the proposal of an encounter for sexual purposes to be made and is to be seen in addition to online and offline grooming, which was already punishable. The new law clearly establishes the principle that sexual violence and sexual harassment offline and online are equally sanctioned under criminal law. The first details on reports of these offences to law-enforcement agencies, prosecutions and even convictions under these new provisions are emerging. The change in legislation was accompanied by widespread awareness-raising efforts and additional funds were provided to law enforcement and the judiciary to cover the expected additional costs of processing these cases. Moreover, this has been accompanied by a National Action Programme on Sexually Transgressive Behaviour and Sexual Violence and the setting up of an Independent Government Commissioner to monitor its implementation.

### **Steps taken to address the growing digital dimension of violence against women: GREVIO's General Recommendation No. 1 as a driver of change**

3. In the Netherlands, just as in other parties to the Istanbul Convention, a continuous rise in technology-facilitated violence against women can be observed, in particular online sexual harassment, the non-consensual sharing of intimate images and stalking through tracking apps and devices, with new forms continuously emerging.<sup>2</sup> A first step in ensuring increased response rates to this form of violence is the recognition afforded to the digital dimension of the many forms of violence in several of the action plans currently in force. This is notably the case for the National Action Programme against Sexually Transgressive Behaviour and Sexual Violence, which GREVIO welcomes. One of the actions it included was the commissioning of a research report on the digital dimension of violence against women, based on GREVIO's General Recommendation No. 1 on this topic.<sup>3</sup> Issued in 2023, the report recommended a number of measures to be taken in the Netherlands and concluded that the approach to the digital dimension of violence against women was "still in its infancy" and "very fragmented".<sup>4</sup> GREVIO therefore welcomes the use of the findings from the report to inform legal change, including the above-mentioned Act on Sexual Offences, which

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2. Korf W., Harthoorn H. and Witvliet M. (2023), "Digitale dimensie van geweld tegen vrouwen. Opvolging Algemene Aanbeveling nr. 1 GREVIO, Eindrapport", Regioplan. Available at: [www.tweedekamer.nl/kamerstukken/detail/detail?id=2023D38455&did=2023D38455](http://www.tweedekamer.nl/kamerstukken/detail/detail?id=2023D38455&did=2023D38455).

3. GREVIO General Recommendation No.1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe (2021), available at: [www.coe.int/en/web/istanbul-convention/general-recommendation](http://www.coe.int/en/web/istanbul-convention/general-recommendation).

4. Korf W., Harthoorn H. and Witvliet, M. (2023), "Digitale dimensie van geweld tegen vrouwen. Opvolging Algemene Aanbeveling nr. 1 GREVIO, Eindrapport", p. 32, Regioplan.

also addresses online forms of sexual violence, and to shape the implementation of current policies on violence against women.

### **Nascent recognition of violence against women as a gendered phenomenon**

4. As GREVIO had noted in its baseline evaluation report, until 2015 Dutch policy on domestic violence had been based on a firm understanding of the gendered dynamics of violence against women and domestic violence. A gender toolkit had ensured that the gendered nature of domestic violence was adequately taken into account and a range of instructions, guides and factsheets were made available to the authorities. From 2015 onwards, however, a gender-neutral approach was adopted by the authorities, which in GREVIO's view deflected attention away from the persisting challenges of ensuring the safety of women and children who suffer violence and abuse at the hands of a male perpetrator in the Netherlands.

5. The Dutch authorities have since demonstrated an increasing awareness of the need for a gendered understanding of sexual violence and gender-related killings of women, linking the perpetration of these forms of violence to women's inequality with men. For example, the new Stop Femicide! Action Plan and the Action Programme on Sexually Transgressive Behaviour and Sexual Violence take an approach to preventing and combating these forms of violence that is mindful of their very gendered aspects.<sup>5</sup> Training of professionals on the gendered aspect of killings of women and the increased risk women face of being killed by an intimate partner or a family member, including high-risk factors such as non-fatal strangulation and coercive control, are an integral part of the Stop Femicide! Action Plan. A new, mandatory online module on gender-based violence allows new law-enforcement officers to develop an understanding of violence against women as a gendered phenomenon. Other approaches and strategies, in particular in relation to domestic violence, and its conceptualisation as "violence in a dependency relationship", however, remain gender neutral.

### **Addressing gender-related killings of women by way of a comprehensive action plan**

6. A lively debate on gender-related killings of women, their causes and consequences has been ongoing in the Netherlands in recent years. In the period between 2014 and 2023, 412 women were murdered, 307 (75%) of whom were killed by a partner, ex-partner or family member. In 2023, 41 women were murdered.<sup>6</sup> These persistently high numbers led the Dutch authorities to develop the Stop Femicide! Action Plan, which is based on the premise that preventing such killings and murders requires an adequate response to domestic violence and child abuse, together with efforts to advance women's empowerment and anti-discrimination policies. The action plan rests on four pillars: primary prevention through advancing gender equality; recognising "red flags", conducting risk assessments and increasing the expertise of relevant professionals; appropriate intervention by law-enforcement agencies, the justice sector and mayors, improved protection and support for victims, and perpetrator programmes; and gaining more (scientific) insight into femicide and gender-based violence, integrating knowledge into prevention efforts and improving co-ordination between different professionals.

### **Focus on the prevention of sexual violence and harassment in sport**

7. In 2017, a commission studied the extent of sexually transgressive behaviour and abuse in sporting settings in the Netherlands and found that 12% of Dutch adults who had participated in sports as a child had experienced a form of sexual violence at least once.<sup>7</sup> Subsequent studies and surveys by different sports organisations confirmed the extent of the problem in the sports sector.<sup>8</sup> The Dutch authorities have since paid much attention to the prevention of sexual violence and harassment in the sports sector. An independent reporting centre has been instituted at the Dutch

5. See Chapter II, Comprehensive and co-ordinated policies (Article 7).

6. [www.cbs.nl/nl-nl/nieuws/2024/35/125-mensen-vermoord-in-2023](https://www.cbs.nl/nl-nl/nieuws/2024/35/125-mensen-vermoord-in-2023).

7. de Vries K., Ross-van Dorp C. and Myjer E., "Report of the commission of inquiry on sexual harassment and abuse in sport", 2017, available at: [www.centrumveiligesport.nl/media/1070/arko-20171536-rapport-commissie-de-vries-webversie-1-pdf.pdf](https://www.centrumveiligesport.nl/media/1070/arko-20171536-rapport-commissie-de-vries-webversie-1-pdf.pdf).

8. [www.centrumveiligesport.nl/actualiteit/onderzoek-en-wetenschap](https://www.centrumveiligesport.nl/actualiteit/onderzoek-en-wetenschap).

Centre for Safe Sports and legislation governing sports has been amended, for example by abolishing the statute of limitations for disciplinary sanctions for sexual misconduct and by introducing a reporting obligation.<sup>9</sup> Several hundred complaints are received each year by the Centre for Safe Sports, demonstrating the need for the reporting centre<sup>10</sup> and the success of the awareness-raising campaigns conducted by the authorities in the sports sector, encouraging victims to come forward. The focus on the prevention of sexual violence and sexual harassment in sports is being pursued through the new National Action Programme on Sexually Transgressive Behaviour and Sexual Violence, which contains specific actions aimed at raising awareness in the leisure sector of sexual misconduct, and on supporting associations in setting up clear reporting pathways for unwanted behaviour.<sup>11</sup>

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9. [www.centrumveiligesport.nl/grensoverschrijdend-gedrag/seksuele-intimidatie-en-misbruik](https://www.centrumveiligesport.nl/grensoverschrijdend-gedrag/seksuele-intimidatie-en-misbruik).

10. See the Yearbook of the Centre for Safe Sports, 2023, available at: [www.centrumveiligesport.nl/media/1379/cvsn-jaarverslag-2023-def.pdf](https://www.centrumveiligesport.nl/media/1379/cvsn-jaarverslag-2023-def.pdf).

11. [www.rijksoverheid.nl/onderwerpen/aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld/plannen-kabinet-in-5-actielijnen](https://www.rijksoverheid.nl/onderwerpen/aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld/plannen-kabinet-in-5-actielijnen).

## **II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence**

8. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground, and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies, sustained by the necessary institutional, financial and organisational structures.

### **A. Definitions (Article 3)**

9. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” provided in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

10. In its baseline evaluation report, GREVIO had noted that while Dutch policy on domestic violence had been based on a firm understanding of the gendered dynamic of domestic violence and violence against women, from 2015 onwards a strictly gender-neutral approach had been introduced, resulting in the removal of the focus on women victims of such violence. The action plan “Violence does not belong anywhere” had been found to lack acknowledgement of the gender dimension of domestic violence, including forced marriage and “honour”-related violence, which the definition of domestic violence in operation in the Netherlands covers. GREVIO had equally called into question the lack of consideration for women as a group predominantly at risk. It reiterated that law and practice had to be rooted in the definition of violence against women as gender-based violence that is directed against women because they are women or that affects women disproportionately.

11. The Dutch authorities have since demonstrated an increasing awareness of the need for a gendered understanding of domestic violence and violence against women. This is manifested in the approach of the new Stop Femicide! Action Plan and in the National Action Programme against Sexually Transgressive Behaviour and Sexual Violence, which link the perpetration of these forms of violence to women’s inequality with men.<sup>12</sup> Other programmes and strategies, most notably those that address domestic violence and child abuse, in particular the “Future scenario of Child and Family Protection” and its implementation plan, remain gender-neutral, which GREVIO regrets. While steps are being taken in the right direction, the gendered approach that the Istanbul Convention requires has not yet fully permeated all policy areas. GREVIO notes that this is despite the fact that the most recent Prevalence Monitor on Domestic Violence and Sexually Transgressive Behaviour confirms that domestic violence affects women disproportionately, that women and girls make up the vast majority of victims of sexual violence and that the overwhelming majority of the perpetrators of all

12. See Chapter II, Comprehensive and co-ordinated policies (Article 7).

forms of violence against women are male.<sup>13</sup> In view of such data, GREVIO points to the urgent need to ensure that all policy documents and programmes recognise and address the predominant exposure of women and girls to such violence, including domestic violence, and address the underlying root causes in line with the premise of the Istanbul Convention. Moreover, the specifically gendered experiences of women and girls of domestic violence must find expression in policy frameworks and implementation measures that offer a comprehensive understanding of the different forms of violence against women as a social mechanism that keeps women in a subordinate position compared to men, rooted in deep-seated gender stereotypes and bias.

12. In its baseline evaluation report, GREVIO had noted that “domestic violence” was referred to as “violence in a dependency relationship” in Dutch law and policy. Still in force, it is defined in paragraph 1.1.1 of the Social Support Act 2015 as “physical, mental or sexual violence or threats thereof by someone in the domestic circle”, and is the authoritative definition used by all state authorities. It also includes forced marriage, violence based on “honour”, female genital mutilation (FGM) and intergenerational violence. The “domestic circle” consists of a family member, a housemate, a spouse or former spouse, or an informal carer.

13. GREVIO draws attention to the following issues in relation to the above definition of “domestic violence”. First, it lacks the element of “economic violence”, as would be required under Article 3b of the Istanbul Convention. Second, the definition does not clearly state that domestic violence may also be perpetrated by an offender who does not or has never shared the same residence with the victim, although it is said to be explained in the Explanatory Report to the law. The Temporary Restraining Order Domestic Violence Act equally lacks the above elements in its definition of domestic violence. As a result, emergency barring orders are only available where victim and perpetrator co-habitate “more than incidentally”.

14. Last, the conceptualisation of domestic violence as “violence in a dependency relationship” groups together various forms of relationships, including intergenerational and intimate relationships, same-sex relationships and relationships with carers. In order to make such a wide definition operational in the context of women’s predominant victimisation in settings of intimate partner violence, and to allow protocols and interventions for intimate partner violence to respond to their specifically gendered nature and subsequently gendered power dynamics, interpretation tools and further guidance are necessary to ensure a gendered understanding of intimate partner violence among all those that form part of a comprehensive system of protection and support, including law-enforcement agencies, social services, Safe Home Centres, the judiciary, family law professionals and the health sector. There is little evidence that such guidance is being issued, resulting in interventions that overlook and minimise women’s victimisation at the hands of male perpetrators – with detrimental effects on women’s right to protection and support as victims of domestic violence. Indications received by GREVIO from women victims of domestic violence as well as research documents confirm that interventions do not sufficiently address the differences in power, dependency and gender roles in situations of domestic violence.<sup>14</sup>

**15. Recalling the findings issued in GREVIO’s baseline evaluation report, GREVIO urges the Dutch authorities to ensure that any definitions in use in policy documents and measures taken in their implementation reflect more clearly the fact that domestic violence affects women disproportionately and, in this respect, has a gendered dimension. Therefore, policy documents and measures must ensure a gendered understanding of such violence.**

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13. See the Central Bureau for Statistics Netherlands, Prevalence monitor for domestic violence and sexually transgressive behaviour 2024, published 25 November 2024, available at: [www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024](https://www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024).

14. Information obtained during the evaluation procedure and Lünemann M. K. M., Lünemann K. D. and Stekete, M.J. (2024) *The pattern of coercion and control is gender-specific*, Verwey-Jonker-Institute, Utrecht.

16. GREVIO urges the Dutch authorities to align and harmonise the definitions of “domestic violence” across Dutch legislation with the requirements of Article 3b of the Istanbul Convention, in particular to include economic violence as a form of domestic violence and to include acts of violence perpetrated by a member of the family or of the domestic unit, or by a former or current spouse, whether or not the perpetrator shares or has shared the same residence with the victim.

## **B. Comprehensive and co-ordinated policies (Article 7)**

17. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat all forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination,<sup>15</sup> in line with Article 4, paragraph 3, of the convention. Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element of building trust among all women and girls.

18. In its baseline evaluation report, GREVIO had commended the Dutch authorities for the comprehensive national action plan “Violence does not belong anywhere” (2018-2021), but had noted with concern that it did not set out a comprehensive approach, nor did it include all forms of violence against women. Since then, the policy framework has significantly expanded and new national action plans have been established, some of which take a more gendered perspective and cover more forms of violence against women, which GREVIO welcomes.

19. The “Violence does not belong anywhere” action plan has come to an end, and the follow-up programme called “Future scenario of Child and Family Protection” focuses on all domestic situations that are unsafe. It includes measures against harmful practices such as forced abortion, female genital mutilation (FGM) and forced marriage. The National Action Programme on Sexually Transgressive Behaviour and Sexual Violence focuses on prevention and cultural change in these areas and includes measures on the digital dimension of these forms of violence, based on GREVIO’s General Recommendation No. 1.<sup>16</sup> Its implementation is enhanced by an Independent Government Commissioner.

20. In 2023, an action plan on gender-based violence was issued and which was later followed by the Stop Femicide! Action Plan, which puts a strong focus on tackling domestic violence and child abuse to prevent gender-related killings.<sup>17</sup> While GREVIO welcomes the Dutch efforts to counter gender-related killings of women, it notes that many of the responsibilities for tackling domestic violence and child abuse continue to lie with the municipalities, without any over oversight or supervisory role assigned to the central government to ensure implementation – an issue that has persisted since the baseline evaluation report. Central government will thus have to rely on the municipalities to implement many of the actions. In addition, GREVIO points out that gender-based violence-related suicides do not receive any attention in the Stop Femicide! Action Plan and do not appear in official data. It considers that this topic warrants further research, as it is strongly linked to the broader context of gender-related killings.<sup>18</sup>

21. Further policy documents that are or have been in force since the baseline evaluation report include the Action Plan on Harmful Practices (2020-2022), which was part of the “Violence does not belong anywhere” national action plan and focused on combating forced marriage, FGM and “honour”-based violence. Moreover, a national Action Plan on Women, Peace and

15. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

16. [www.rijksoverheid.nl/onderwerpen/aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld/documenten/rapporten/2023/01/13/bijlage-1-nationaal-actieprogramma-aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld-januari-2023](https://www.rijksoverheid.nl/onderwerpen/aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld/documenten/rapporten/2023/01/13/bijlage-1-nationaal-actieprogramma-aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld-januari-2023).

17. See Chapter I, Emerging trends in the areas of violence against women and domestic violence.

18. See Chapter III, Risk assessment (Article 51).

Security (2021-2025) aims to support women and girls in situations of armed conflict, including the prevention of conflict-related sexual and gender-based violence.

22. GREVIO thus notes that a multitude of different action plans, strategies and other policy documents are in place in the Netherlands that address most of the forms of violence against women covered by the Istanbul Convention, with the notable exceptions of economic violence and forced sterilisation. However, in the absence of a national co-ordinating body as discussed below, it does not appear that there is much co-ordination in the implementation of these action plans, nor that the overlaps and links between them are explored. Together with the high level of decentralisations, this results in a fragmentation of policies on violence against women and domestic violence across numerous policy documents. GREVIO thus points to the need to establish, in a single national policy document, a comprehensive framework addressing all forms of violence against women covered by the Istanbul Convention, which would contribute to a less fragmented policy approach and would improve the co-ordination of the different measures. GREVIO reiterates that to comply with the Istanbul Convention any such strategy needs to apply a distinctly gendered perspective.

23. When it comes to the specific situation and needs of women victims exposed to intersectional discrimination, GREVIO welcomes the existence of a focus on abuse against migrants, LGBTI persons and the elderly in the Dutch strategies and action plans, albeit without any particular focus on women specifically, thus reinforcing the absence of gender-responsive policies. GREVIO points to the importance of duly addressing, in the national policy framework, the specific situations of asylum-seeking women, women with disabilities, women from rural areas, women in prostitution, elderly women, women with mental health problems and women with substance-abuse issues.

24. Moreover, comprehensive and co-ordinated policies require central co-ordination for their implementation, in particular with the municipalities in the Netherlands. Despite the stated intention to improve co-operation and co-ordination at the national and local level, little progress has been made in this respect. GREVIO notes that the co-operation with the municipalities has not been institutionalised, nor has the national co-ordinating body under Article 10 of the Istanbul Convention been institutionalised or vested with the required human and financial resources or the mandate to effectively co-ordinate all actions and measures taken in the Netherlands to implement the Istanbul Convention. The importance of bringing the national co-ordinating body in line with Article 10 had been reiterated by the conclusions on the implementation of the recommendations issued to the Netherlands by the Committee of the Parties in 2023, which recommended that the authorities assign the role of co-ordinating body to fully institutionalised entities and equip these with clear mandates, competences and the necessary human and financial resources, while ensuring that their functions apply to all forms of violence against women covered by the Istanbul Convention, that they are exercised in close consultation with relevant civil society organisations and that they are supported by adequate data.<sup>19</sup>

25. Last, GREVIO wishes to emphasise the important contribution civil society organisations involved in preventing and combating violence against women can offer to policy making and the evaluation of any existing policies as a result of their expertise and experience of working with women victims of gender-based violence. While GREVIO had noted in its baseline evaluation report that NGOs working in this area generally had a strong and collaborative relationship with the authorities, it notes that this perception is changing with the prevailing sentiment being one of being listened to but not always heard.<sup>20</sup>

26. **GREVIO strongly encourages the Dutch authorities to:**

- a. **ensure that any policies and measures taken in relation to preventing and combating violence against women and domestic violence are co-ordinated, including with the municipalities, and that the policies in place address all forms of violence against women covered by the Istanbul Convention, including economic violence and forced sterilisation;**

19. Available at: [www.rm.coe.int/conclusions-on-the-implementation-of-recommendations-in-respect-of-the/1680ab722d](https://www.rm.coe.int/conclusions-on-the-implementation-of-recommendations-in-respect-of-the/1680ab722d).

20. Information obtained during the evaluation visit.

- b. ensure that such policies take into consideration and integrate the perspective of women who are or might be exposed to intersectional discrimination;**
- c. assign the role of co-ordinating body to fully institutionalised entities, equip these with clear mandates, competences and the necessary human and financial resources, while ensuring that their functions apply to all forms of violence against women covered by the Istanbul Convention, that they are exercised in close consultation with relevant civil society organisations and that they are supported by adequate data;**
- d. evaluate, on a regular basis, such policies that aim to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data;**
- e. ensure the involvement, on a regular basis, of NGOs working with women victims of violence, in policy making as well as in the monitoring and evaluation of policies and measures with a view to meaningfully tapping into their expertise.**

### **C. Financial resources (Article 8)**

27. Article 8 of the Istanbul Convention aims to ensure the allocation of appropriate financial and human resources for activities carried out both by public authorities and by relevant non-governmental and civil society organisations.<sup>21</sup>

28. In its baseline evaluation report, GREVIO had observed that while some specific funds had been set aside, very few ministries, departments or municipalities had a clear budget earmarked for preventing and combating violence against women, thus not allowing conclusions to be drawn on whether funding for activities and services was adequate. Women's specialist services had been receiving public funding, but at the time this was not enough to meet the demand.

29. GREVIO regrets that no progress has been made since the baseline evaluation report. The funding for activities and services for women victims of violence remains inadequate. The lack of government overview of the funding situation coupled with responsibilities in the area of combating violence against women being divided between central government and the municipalities, and the fragmentation of the different strategies and action plans that also lack co-ordination, result in tangible regional differences in service provision. This is not only felt in relation to women's counselling and support services, including Safe Home, but also in an insufficient number of shelter spaces across many areas of the Netherlands.<sup>22</sup>

30. Funding for most of the specialist services for women victims of violence, including Safe Home and many women's rights NGOs, remains the prerogative of the 345 Dutch municipalities, which exercise a high degree of discretion in terms of its allocation. GREVIO is concerned that despite a legal obligation under the Social Support Act to develop their own programmes and services on domestic violence, funding for such services is not always prioritised. As a result, crucial services such as those run by the Safe Home Centres, which constitute the cornerstone of the country's domestic violence policy, are understaffed and underfunded. This affects their ability to respond to individual victims of domestic violence and leads to delays in safety assessments and waiting lists for counselling and support for women victims of violence and their children.<sup>23</sup>

31. When it comes to the funding means for specialist support services at national level, there are block grants available from the central government for certain organisations, including for the Sexual Assault Centres and some selected NGOs, which do not, however, appear sufficient to ensure quality interventions. GREVIO received indications from several women's rights organisations experiencing funding difficulties and disparities across regions, and expressed their

21. Explanatory Report to the Istanbul Convention, paragraph 66.

22. See Chapter III, Specialist support services (Article 22).

23. Ibid.

concern over further financial strain placed on them in the future.<sup>24</sup> Last, while a number of NGO alliances receive long-term funding contracts of five years, contracts for smaller, community-based women's rights NGOs are often short-term and project based, resulting in financial insecurity and sometimes in a loss of experienced staff members.

32. GREVIO recalls that the implementation of the provisions of the Istanbul Convention is an obligation of the central government of the Netherlands, which is required to find solutions to ensure an even geographical distribution of women's specialist services, including shelter spaces, across the country, including though ensuring sufficient funding. In this context, GREVIO notes with concern that the funding for municipalities is continually being reduced, which will certainly have consequences for the financing of general and specialist services for women victims of violence.

33. Moreover, GREVIO notes that according to indications received from women's rights NGOs, the public procurement system applied by the municipalities and central government alike tends to favour larger organisations over smaller, community-based NGOs that support women subjected to intersectional discrimination, including women with disabilities, LBTI women, women in rural areas, women working in prostitution and migrant/asylum-seeking women.<sup>25</sup> Public tenders favour lower bidders, obliging service providers to lower staff costs as well as the quality of the services proposed, although qualitative requirements are also included in a number of municipalities. This approach at times leads to favouring non-specialist organisations over organisations with in-depth knowledge and experience of working with women victims of violence, including those that are community-based. Harmonised criteria for public procurement in the non-profit sector involving organisations that work in the field of violence against women and that can provide specialist knowledge and gender-sensitive approaches in service provision would be desirable.

34. A welcome development was the allocation of €27.5 million annual since 2024 to enhance the authorities' response to sexual crimes and online child abuse. A large part of these funds is dedicated to increasing the capacity of the police and the judiciary to implement the new Sexual Offences Law, which came into force on 1 July 2024.<sup>26</sup>

35. However, GREVIO regrets that the amount of the overall expenditure on domestic violence and violence against women is not known to the authorities, partly because there are still no specific budget and funding lines for gender-sensitive government expenditure and measures relating to violence against women at the national level. Because of this lack of data, it is not possible to assess whether the funding choices reflect the prevalence of the different forms of violence covered by the convention. GREVIO notes positively that some municipalities – but not all – do have separate budget lines for measures to combat violence against women and domestic violence, usually covering the expenditure of Safe Home Centres, women's shelters and specialist services or projects carried out by women's rights NGOs.

36. GREVIO further notes a lack of gender perspective in the management of public finances in practice, and there is currently no system of gender budgeting implemented. GREVIO underlines the added value of adopting gender budgeting at all levels of public administration in order to plan and monitor public funding devoted to the prevention and eradication of violence against women.

**37. GREVIO strongly encourages the Dutch authorities to ensure appropriate and sustainable funding for women's rights NGOs that run specialist support services for women victims of all forms of violence, including smaller community-based NGOs, through funding opportunities that allow for continuous service provision, such as long-term grants. Procurement procedures for such services should include, as selection criteria, qualitative requirements such as the need to ensure a gender-sensitive approach to violence against women and domestic violence as well as expertise in the provision of such services.**

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24. Information obtained during the evaluation visit.

25. Information obtained during the evaluation visit.

26. See Emerging trends in the areas of violence against women and domestic violence.

38. **GREVIO strongly encourages the Dutch authorities to:**

- a. **allocate appropriate, sufficient and sustainable funding for policies, programmes and measures on all forms of violence against women and domestic violence, both at central and at municipal levels;**
- b. **introduce, in all relevant line ministries, departments and other state entities, separate budget and funding lines for policies and measures on violence against women and domestic violence based on the principle of gender budgeting.**

**D. Data collection (Article 11)**

39. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

40. In its baseline evaluation report, GREVIO had welcomed the clear tendency towards evidence-based policy making in the area of preventing and combating violence against women, but had noted at the same time that the overall gender-neutral approach to data collection created difficulties in understanding the gendered nature of domestic violence and violence against women.

**1. Law-enforcement agencies and the justice sector**

41. GREVIO's baseline evaluation had also raised concerns about incomplete data collection by the police and the prosecution services, including a lack of disaggregation of data by sex and/or age of the victim and the perpetrator, or their relationship. GREVIO had underlined the importance of ensuring, through better data collection, that patterns of victimisation and the underlying gender dynamics emerge.

42. Since the baseline evaluation report, there have been some changes in data collection by the police and the prosecution services. The police continue to register the type of offence, but now also record the sex of the victim and the perpetrator, as well as their relationship (intimate partner/intimate ex-partner/father or mother to child/child to parent) and the geographical location. The publication of this information, however, was discontinued in 2016. In addition, female victimisation of all violent crimes is being recorded since January 2024. Moreover, law-enforcement agencies and prosecution services started to use a flagging system that allows the ticking of a "domestic violence" box in their recording systems if there is a suspicion thereof. Data on killings of women are also publicly available and disaggregated by type of relationship of the perpetrator to the victim. However, it appears that the data collected by the prosecution authorities and provided to GREVIO are not disaggregated by any relevant factors.

43. In another new development since the baseline evaluation, data are being collected by the municipalities on the number of emergency barring orders and the number of violations, broken down by geographical location. However, GREVIO notes with regret that neither the victim's or perpetrators sex, nor their relationship, are recorded. This does not allow any conclusions to be drawn as to whether this tool is being used to protect women from domestic violence at the hands of their male partners, and to what extent. Moreover, the data do not record the number and types of sanctions for any violations.

44. In terms of data from the courts, GREVIO regrets that no progress has been made in the type of data, categories or manner of collection since the baseline evaluation report. According to the authorities, the recording systems of the judicial bodies are primarily set up to support their working processes and are therefore not designed for reporting or research purposes. The Prevalence Monitor on Domestic Violence and Sexually Transgressive Behaviour,<sup>27</sup> however,

27. Available at: [www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024](https://www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024).

comprises data on victimisation are disaggregated by a multitude of factors, including characteristics of victims such as sex, gender identity, age, sexual orientation, origin and the place of residence, and the perpetrators' sex, age group and their relationship to the victim. While GREVIO welcomes the detailed and comprehensive prevalence data available, it notes that the collection of robust administrative data remains important. The lack of comprehensive and disaggregated data from the courts and the prosecution services, as required under Article 11 of the convention, was already highlighted in the baseline evaluation report as well as in the conclusions on the implementation of the recommendations in respect of the Netherlands by the Committee of the Parties, by which the authorities were encouraged to develop standardised data categories for mandatory use by law-enforcement agencies, the judiciary and all other relevant bodies, on the sex and age of the victim and perpetrator, their relationship, type of violence and the geographical location. GREVIO regrets that this recommendation has still not been implemented.

45. GREVIO concludes that current administrative data-collection efforts in the Netherlands, notably the difference in data sets used by law-enforcement agencies on the one hand, and the prosecution services and courts on the other hand, still do not allow a comprehensive view of criminal justice responses to the different forms of violence against women to emerge. The situation since the baseline evaluation report has thus not changed. There is still no case-management system in place that would enable the tracking of cases of violence against women, from reporting to indictment and beyond, and in relation to all criminal offences required by the convention. The aims of such harmonised data collection would be, *inter alia*, to allow an assessment of conviction, attrition and recidivism rates, and to identify shortcomings in the different stages of the criminal justice chain. Currently available data do not allow for a reliable analysis of possible systemic gaps in the institutional and judicial response to the forms of violence against women addressed in the Istanbul Convention.

46. While the authorities commission many studies and research upon which to base their policy making, it is less based on administrative data collection, meaning that there is no sound basis for evidence-based policy making. GREVIO considers that harmonising data collection across the different sectors should therefore be made a priority by the authorities in the Netherlands.

## **2. Healthcare sector**

47. The public health sector in the Netherlands does not collect data on the number of women and girls who seek help from or contact the health sector as a result of their experiences of violence against women, including domestic violence. The Prevalence Monitor on Domestic Violence and Sexually Transgressive Behaviour gives an indication thereof, but the data on those seeking help are not disaggregated by sex. About one third of victims of psychological violence, around 25% of victims of physical violence, approximately 30% of stalking victims and around 10% of victims of sexual violence reported having sought support from their general practitioner, a psychologist or similar medical services.<sup>28</sup> GREVIO points to the urgent need to introduce systematic data collection within the healthcare sector concerning the number of women and girls seeking assistance from public and private health services as a result of their experiences of any kind of violence against women, including domestic violence, and to ensure the recording of essential data categories such as the sex and age of the victim and perpetrator, their relationship to each other, the type of violence and geographical location.

## **3. Social services**

48. In its baseline evaluation report, GREVIO had noted that the Safe Home Centres were required to record the location and type of crime, the age and the sex of the person seeking support.<sup>29</sup> However, they were not required to record data in terms of victimisation and perpetration in a context of domestic violence, including intimate partner violence, but rather consider help-seekers as "clients". GREVIO had expressed its concern that this had a knock-on effect throughout the entire

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28. Ibid.

29. The Safe Home Information Protocol is laid down in the 2015 Implementation Regulation for the Social Support Act and describes what data are submitted by Safe Home to Statistics Netherlands and in what way.

system where intimate partner violence and domestic violence was seen as “a problem of two halves” rather than a form of violence against women. It thus considered it important to ensure, through better data collection by Safe Home, that patterns of victimisation and the underlying gender dynamics emerge. Moreover, the data collected have been acknowledged by both the Central Bureau of Statistics and Safe Home to be unreliable, not sufficiently disaggregated and not collected in the same way in each municipality, partly caused by the use of different software systems. At the time of the baseline evaluation procedure, efforts were underway to harmonise these data systems.

49. GREVIO regrets that since the baseline evaluation report no progress has been made in relation to data collected by the Safe Home Centres. The issues raised previously persist, notably the recording of data on the basis of “client status”, rather than on the basis of victimisation status and status as perpetrator, the sex of each, the type of violence and their relationship to each other, as well as any children. GREVIO notes with concern that this is indicative of a conceptualisation of domestic violence as a conflict, rather than it representing a context of power and control in which one seeks to dominate, manipulate and control the other, often perpetrated by men against women because they are women.<sup>30</sup> This represents a further missed opportunity to obtain a nuanced picture of domestic violence and the extent of its perpetration by men against women.

50. One important change, however, has been made to the Data Protection Act in 2024, which now makes it possible for Safe Home Centres to share the citizen service number with the Central Bureau of Statistics. According to the authorities, this allows for better insights into the approach taken by social services to domestic violence.

**51. Recalling the findings issued in GREVIO’s baseline evaluation report, GREVIO strongly encourages the Dutch authorities to:**

- a. adapt their data categories for use by the justice sector and law-enforcement agencies to reflect the sex and age of the victim and perpetrator, their relationship and geographical location as well as the type of violence, and ensure the use of these data categories across the various sectors, with the aim of tracking cases of violence against women across the different stages of the criminal justice system;**
- b. collect data on the number of women and girls and any accompanying children who contact the Safe Home Centres seeking help in relation to their experiences of violence against women, including domestic violence, disaggregated by the type of violence, the victim’s sex, age and relationship with the alleged perpetrator;**
- c. introduce the harmonised collection of data across the healthcare sector to ensure that data collected by public and private healthcare providers encompass instances of contact made by victims of violence against women covered by the Istanbul Convention with all other healthcare providers;**
- d. ensure that the collection, storing and processing of data complies with the standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.**

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30. See Chapter III, Specialist support services (Article 22).

### **III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution**

#### **A. Prevention**

52. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses the progress made since the baseline evaluation monitoring procedure, towards the implementation of early preventive measures. It also covers progress made towards the implementation of the more specific preventive measures provided under this chapter in the areas of education, training of all relevant professionals and perpetrator programmes. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering such violence unacceptable and reducing levels of perpetration.<sup>31</sup> In turn, effective prevention empowers women and girls to speak out about their experiences and seek support and protection.

#### **1. General obligations (Article 12)**

53. Article 12 sets out a number of general preventive measures that represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocates for equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination, unequal power relations and, ultimately, reduce women's vulnerability to violence and achieve greater gender equality.

54. In its baseline evaluation report, GREVIO had welcomed the numerous awareness-raising activities by the Dutch authorities, engaging also men and boys, and covering topics as broad as preventing unacceptable sexual behaviour, forced marriage, physical violence and cyberviolence, and targeting the root causes of violence, including against LGBTI persons. GREVIO had also commended the authorities for measuring the impact of the campaigns and the use of the results to guide policy development. However, it had stressed that the gendered dimension of violence against women had not been sufficiently emphasised in the campaigns, that sexual violence had not been sufficiently covered and that more attention should be paid to women with disabilities, women with addiction issues, women in prostitution and women in hard-to-reach communities.

55. In response, the range of awareness-raising activities and target groups has been expanded, as have the forms of violence addressed, which GREVIO welcomes. Notably, recent awareness-raising efforts address sexual violence, image-based abuse and forced marriage. Frequently, they firmly integrate the specific situation of women with disabilities and LGBTI women and give women victims a voice in campaigns. According to a research report on the digital dimension of violence against women in the Netherlands, this form of violence was often addressed in prevention efforts but that increased efforts were necessary.<sup>32</sup> Additionally, groups of people that campaigns are aimed at should be more involved in their conceptualisation and development, such as migrant women and women with disabilities.

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31. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in Dublin, Ireland, on 30 September 2022, by 38 member states of the Council of Europe.

32. Korf W., Harthoorn H. and Witvliet M. (2023), "Digitale dimensie van geweld tegen vrouwen. Opvolging Algemene Aanbeveling nr. 1 GREVIO, Eindrapport", pp. 13-14, Regioplan.

56. When it comes to awareness raising on sexual violence in particular, the new National Action Programme on Sexually Transgressive Behaviour and Sexual Violence includes a strong preventive angle, which GREVIO welcomes. Moreover, the Independent Government Commissioner on Sexually Transgressive Behaviour has been given the responsibility for driving the public debate in that respect. The plan aims to achieve cultural change in this area, inciting a conversation in society on sexuality, boundaries and consent as well as stimulating bystander intervention and countering sexism, gender stereotypes, prejudices and discrimination.<sup>33</sup> This aligns well with the aim of Article 12 of the Istanbul Convention, which is to promote changes in the social and cultural patterns of behaviour of women and men. GREVIO commends the Dutch authorities for this forward-looking approach and for the recognition afforded to the gender stereotypes, underlying misogyny and oversexualisation of women and girls that play into this issue of sexual violence, therefore requiring an approach to combating sexual violence that is mindful of its very gendered aspects. A first progress report on the implementation of the action plan in March 2024 showed some positive results but underlined that culture change does not happen overnight. GREVIO thus encourages the Dutch authorities to continue to invest in long-term prevention efforts, including through sufficient funding for related activities. It underlines that for campaigns to have a tangible effect they need to be designed for the long term and should be evaluated on their impact and reach.

57. At university level, misogynist practices such as rating women's attractiveness and their sexual performance, accompanied by the publishing of their telephone numbers, have come to light in recent years. Data show that one in 10 female university students are victims of rape during their college years. The authorities financially support an organisation called Gelijkspel, founded by women university students, which runs workshops on promoting equality, consent and boundaries in sexual relations for student groups. GREVIO welcomes these efforts and encourages the authorities to continue awareness-raising efforts on gender-based violence at tertiary education institutions.

58. When it comes to seeking help, more awareness raising and information on general and specialist services for women victims of violence are needed, as indicated by the low number of victims of sexual violence seeking help at the Sexual Assault Centres and the low number of women victims of domestic violence turning to Safe Home for support.<sup>34</sup> More generally, GREVIO notes with concern the absence of dedicated awareness-raising campaigns that address forms of violence such as intimate partner violence, women's predominant exposure to this form of violence, the root causes of men engaging in abusive behaviour, including stalking and post-separation violence, and the importance of professionals and society at large calling out such abuse.

**59. Welcoming the variety of awareness-raising measures and campaigns and their strong focus on promoting gender equality, GREVIO encourages the Dutch authorities to ensure wider preventive measures for forms of violence against women currently unaddressed through primary prevention, in particular intimate partner violence, and to address it as a pervasive phenomenon affecting all pockets of society in order to challenge societal attitudes, cultural norms and gender stereotypes rooted in the perceived inferiority of women. The impact of awareness-raising campaigns should be assessed regularly.**

## **2. Education (Article 14)**

60. The drafters of the convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and that informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal

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33. [www.rijksoverheid.nl/onderwerpen/aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld/plannen-kabinet-in-5-actielijnen](https://www.rijksoverheid.nl/onderwerpen/aanpak-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld/plannen-kabinet-in-5-actielijnen).

34. See Chapter III, Support for victims of sexual violence (Article 25), and [www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/7-fysiek-seksueel-geweld](https://www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/7-fysiek-seksueel-geweld).

educational facilities as well as any sports, cultural and leisure facilities. In this context, GREVIO underlines the importance of informing parents about the content and objectives of related courses, the qualifications of the persons providing the courses and to whom any questions can be directed.

61. In its baseline evaluation report, GREVIO had noted the mandatory provision of the topics of sexuality education and gender equality in schools until the age of 15, and that teachers were trained to teach these topics. However, it had pointed to considerable differences in terms of the approach and quality of such teaching, both among schools and individual teachers, and had suggested a standardised implementation of the topics listed in Article 14, including teaching on the different forms of violence against women.

62. Since the baseline evaluation report, not much progress has been made and the considerable differences in approach and quality in the teaching of these topics in practice persist. The authorities continue to provide a mandatory curriculum to schools that includes the above-mentioned topics, as well as digital literacy, and that covers digital forms of violence, diversity and respectful behaviour, and consent in sexual relations. However, the high degree of discretion accorded to educational institutions in the Netherlands under the constitution means that variations in their application and use exist. According to the authorities, the extent of this variation, across public schools but also in private and religion-based schools, is currently being assessed. In view of the growing contestations around sexuality education, the Independent Government Commissioner on Sexually Transgressive Behaviour has called for more mandatory sexuality education, recalling the importance of children's ability to form consent-based sexual relationships.

63. This is particularly important in view of the increasing exposure of children to sexual violence and sexual harassment, including through technology, and the worrying decrease in the age of sexual violence perpetrators.<sup>35</sup> Schools play an important role not only in identifying such violence but also in questioning gender stereotypes and harmful concepts of masculinity and sexual relations. The increasing consumption of (violent) pornography by children and young adults is being linked to the growing rates of sexual violence against girls and young women. Children and young adults watching and sharing pornography without the ability to contextualise or comprehend what they see is a phenomenon that GREVIO has been observing in several parties to the convention. Research confirms that pornography can have devastating effects on children's minds and studies have made the link to the harmful sexual behaviour of children.<sup>36</sup> The Council of Europe Steering Committee on the Rights of the Child has recently issued a guidance note on safeguarding children from the risks of accessing online pornography, which contains tools and recommendations for tackling this issue.<sup>37</sup> GREVIO therefore sees the need for increased efforts by the Dutch authorities to teach children, in an age-appropriate manner, on the notion of freely given consent in sexual relations and to raise their awareness of the harmful effects of violent pornography and the implications of sharing of intimate images of oneself and others. Concerning the latter, GREVIO welcomes the campaigns and educational videos that raise awareness among young people of the consequences of forwarding sexually explicit material.<sup>38</sup> Moreover, GREVIO notes the importance of promoting the empowerment of girls, including girls that are at risk of intersectional discrimination, in order to enable them to recognise and reject discrimination, violence, unequal power relations and abuse, including digital forms of violence such as forced sexting, sexual extortion and grooming.

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35. According to official data, 38% of suspects of sexual offences against children are younger than 21 years; see [www.nationaalrapporteur.nl/publicaties/rapporten/2024/02/28/brede-blik-op-daderschap](http://www.nationaalrapporteur.nl/publicaties/rapporten/2024/02/28/brede-blik-op-daderschap).

36. GREVIO's first thematic evaluation report on Austria, paragraphs 5 and 6, and GREVIO's baseline evaluation report on the United Kingdom, paragraph 123.

37. Council of Europe Steering Committee on the Rights of the Child, Thematic guidance note on safeguarding children from the risks of accessing online pornographic content, available at: <https://rm.coe.int/cdenf-2024-20-final-guidance-note-on-safeguarding-children-from-the-ri/1680b4bc32>. See also the Committee of Experts on the Prevention of Violence, "Study on sexual violence and harmful sexual behaviour displayed by children: nature, causes, consequences and responses", p. 33, available at: <https://rm.coe.int/enf-vae-2024-05-e-harmful-sexual-behaviour-1680b219c7>.

38. See the song and campaign by the Dutch artist MEAU "A piece of me", available at: [www.youtube.com/watch?v=k356d-HPKu0](https://www.youtube.com/watch?v=k356d-HPKu0), and the short movie NUDES, which is distributed in schools together with an educational package, available at: [www.ingesprekoverdekortefilm.nl/](http://www.ingesprekoverdekortefilm.nl/).

64. Concerns about compliance by educational institutions with the Reporting Code have repeatedly been brought to GREVIO's attention by different sources.<sup>39</sup> It appears that there are structural reasons behind the reluctance of schools to notify Safe Home of suspicions of violence against a child, including reputational risks and compromising a trusting teacher–student relationship. Other reasons may relate to the lack of knowledge of the relevant procedures and the inability to identify pupils at risk. GREVIO points to the urgent need to ensure that all professionals working in educational institutions comply with their obligations under the Reporting Code, in order to protect their students and detect children exposed to domestic violence and other forms of violence covered by the Istanbul Convention.

65. As GREVIO had noted in its baseline evaluation report, gender studies programmes are offered at universities in the Netherlands. However, planned funding cuts for higher educational institutions are putting these and other programmes at risk of being limited or discontinued. According to the authorities, universities are encouraged to mitigate the risk of discontinuation of all gender studies by ensuring that across the various institutions they remain on offer. GREVIO points to the importance of maintaining a sufficient level of gender studies in relation to violence against women and domestic violence in order to enable scientific knowledge and study with a view to ensuring compliance with Article 14 of the Istanbul Convention.

**66. GREVIO strongly encourages the Dutch authorities to incentivise or otherwise take measures to ensure that schools impart knowledge on all elements listed in Article 14 of the Istanbul Convention and within the framework of the mandatory curriculum, and to assess whether and to what extent relevant teaching material is being used by teachers.**

**67. GREVIO strongly encourages the Dutch authorities to ensure that teachers are aware of and meet their obligation to report suspicions of violence against a child under the Reporting Code.**

**68. GREVIO encourages the Dutch authorities to increase their efforts to teach children, in an age-appropriate manner, about the notion of freely given consent in sexual relations, and to raise their awareness of the harmful effects of violent pornography and the implications of sharing of intimate images of oneself and others, while also providing a comprehensive overview of the concept of violence against women by articulating the underpinning principles that all forms of violence against women share.**

### **3. Training of professionals (Article 15)**

69. Building society's trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims, and the prevention of secondary victimisation.

70. In its baseline evaluation report, GREVIO had observed that owing to the Reporting Code, professionals working in healthcare, education, child and youth care, social support and the justice sector received training on identifying and reporting domestic violence and child abuse. It had also welcomed the systematic and multi-agency approach to training on identifying victims, risk assessment and response. Trainee police officers and prosecutors received initial training on domestic violence, so-called honour-related violence and related protocols, but that beyond that, systematic and mandatory training was found to be lacking for all professionals in the criminal justice system. Moreover, GREVIO had noted that their training rarely offered a gender perspective.

71. Since the baseline evaluation report, the importance of training for professionals has been emphasised in several of the recent action plans, in line with the Istanbul Convention. Research into the current state of training of relevant professionals on violence against women and domestic

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39. See Chapter III, Training of professionals (Article 15).

violence has been announced by the government, which is anticipated to identify gaps to be addressed.

72. Some changes to the training of the police have already been made in a bid to increase their knowledge and expertise on domestic violence. This is firmly anchored in the initial training for police officers, in addition to modules on “honour”-based violence and stalking. In addition, a mandatory online module on gender-based violence allows new law-enforcement officers to develop an understanding of violence against women as a gendered phenomenon. Those wanting to specialise in cases of sexual violence by joining the sexual violence unit are required to follow separate training on this form of violence. There is a choice of voluntary in-house training on several different forms of violence against women and multi-agency co-operation, often devised in collaboration with Safe Home, the prosecution service or external experts.

73. Despite the above efforts, gaps persist in the mandatory training given to law-enforcement officers, in particular in relation to forms of violence such as psychological violence and coercive control, which experts in the field consider to be lacking.<sup>40</sup> As regards the police’s ability to respond to the digital dimension of violence against women, there is a good amount of knowledge and training on investigating these types of crimes, and a pilot programme is underway in four regions to improve case-building and evidence gathering regarding psychological violence and coercive control, involving the police, Safe Home and criminal justice organisations. In order to continuously develop the police’s capacities and abilities in this ever-evolving field, guidance may be taken from GREVIO’s General Recommendation No. 1 on the digital dimension of violence against women.<sup>41</sup>

74. When it comes to public prosecutors and judges, no progress in terms of mandatory training has been made. Women’s rights defenders have brought to GREVIO’s attention a dire need for more training on domestic and gender-based violence, including for judges and public prosecutors, but also for lawyers who support victims in court proceedings, in order to increase their understanding of the nature and dynamics of domestic violence.<sup>42</sup> While expertise is promoted through lectures and other material, public prosecutors receive only half a day’s mandatory training on domestic violence during their basic training, meaning that other forms of violence against women, including in their digital dimension, are not included in their education at all. While judges have the possibility to follow training courses on various topics related to the Istanbul Convention via an independent training institute, training remains voluntary, with very few external experts invited to provide training from a practical perspective. In this context, GREVIO underlines the importance of integrating the expertise of women’s rights NGOs in training initiatives, including for judges, public prosecutors and the police.

75. While GREVIO underscores its full respect for the principle of the independence and autonomy of the judiciary, as well as for judicial autonomy in the organisation of training, it notes at the same time the unique and essential role the judiciary plays in applying the Istanbul Convention and its principles that have been incorporated into national legislation. By virtue of this essential role, their decisions may directly engage states’ responsibility under human rights treaties.<sup>43</sup> When it comes to the training of judges, the growing corpus of baseline and thematic evaluation reports has consistently pointed to persistent shortcomings at the level of the courts, including in the Netherlands, largely a result of insufficient knowledge of the nature and dynamics of violence against women among many judges and, as a result, low conviction rates for all forms of violence against women across many parties to the convention. It is therefore of paramount importance that, when adjudicating cases in criminal and civil law pertaining to violence against women, such decisions are informed and based on appropriate, specialist knowledge that addresses, *inter alia*, gender stereotyping. Indeed, this requires expertise on very complex phenomena such as trauma-induced victim behaviour, the “freeze, flop and befriend” reactions of victims of rape and the long-term harm

40. Information obtained during the evaluation visit.

41. Available at: [www.edoc.coe.int/fr/violence-l-gard-des-femmes/10643-grevio-general-recommendation-no-1-on-the-digital-dimension-of-violence-against-women.html](http://www.edoc.coe.int/fr/violence-l-gard-des-femmes/10643-grevio-general-recommendation-no-1-on-the-digital-dimension-of-violence-against-women.html).

42. Information obtained during the evaluation visit.

43. The following are examples among many cases in the area of violence against women where the decisions of judge(s) engaged states’ responsibility under the European Convention on Human Rights and led to a violation: *Vuckovic v. Croatia* (Application No. 15798/20, 12 December 2023); *J.L. v. Italy* (Application No. 5671/16, 27 May 2021); and *Carvalho Pinto de Sousa Morais v. Portugal* (Application No. 17484/15, 25 July 2017).

and consequences of witnessing domestic violence on children, as well as in-depth knowledge on the standards of the Istanbul Convention. Such training needs cannot be sufficiently addressed by ad hoc, optional courses, but require mandatory and in-depth training of judges on relevant issues. It is encouraging that this is increasingly being recognised and that judicial training academies are moving towards mandatory training on violence against women to address the complex nature of these offences. This is supported by the information collected by the Council of Europe European Commission for the Efficiency of Justice (CEPEJ) in 2020 showing that 24 member states of the Council of Europe require some form of compulsory in-service training for judges, and the complex nature of violence against women would merit inclusion of these topics.<sup>44</sup> Ways must be found, therefore, to ensure that members of the judiciary are equipped with the necessary knowledge to respond to women victims of violence and their children in a manner that instils their trust in the judiciary and provides an adequate sense of justice.

76. This is of acute relevance not only in the context of criminal proceedings, but also in relation to family law cases, where judicial decisions on custody and visitation often do not offer sufficient consideration for the safety concerns and needs of women and children leaving abusive relationships, frequently ignoring allegations of domestic violence and/or accepting agreements despite a history of domestic violence. In the light of its findings on the shortcomings in the implementation of Article 31 of the Istanbul Convention in the Netherlands in this report,<sup>45</sup> GREVIO considers it necessary to reinforce the training of family law judges and court-appointed experts in family law cases on the unequal power dynamics of domestic violence, on the impact that witnessing violence has on children and on their obligation to ensure the safety of women victims of violence and their children in any decisions related to custody and visitation rights. It welcomes the increase in training provided by the Child Protection Board, which has an advisory role in family law proceedings, to its staff on violence against women.

77. As regards social services staff, GREVIO notes that they receive training on the Reporting Code, which includes the detection of signs of violence and advice on what action to take in case of a suspicion. Moreover, they have access to e-learning courses. However, it appears that no mandatory or regular training on all the forms of violence against women covered by the Istanbul Convention is offered to this group of professionals.

78. GREVIO in its baseline evaluation report considered it necessary that systematic, mandatory and gender-specific training for Safe Home staff be introduced, because of shortcomings and inconsistencies in service provision and a gender-blind attitude by the Safe Home Centres across the Netherlands. Since then, improvements have been made, and the National Network Safe Home now provides a range of topics for the basic and in-house training of Safe Home staff, including on stalking, coercive control, gender-related killings, harmful practices and “honour”-related violence. However, each Safe Home can choose the elements of the training, meaning that there is still no systematic and mandatory training on all the forms of violence covered by the convention for all staff, nor does the training consistently offer a gender perspective on violence against women. GREVIO thus reiterates its call for comprehensive, mandatory and gender-specific training for all staff working in the Safe Home Centres.

79. As regards the healthcare sector, GREVIO had welcomed in its baseline report the training efforts undertaken in the area of preventing and detecting FGM for midwives and youth healthcare professionals but had noted that such training had not been made mandatory for other healthcare sector workers. While healthcare personnel have access to elective e-learning courses and the training on the Reporting Code, which includes the detection of violence and standard referral pathways, it appears that there is still no mandatory training for all healthcare professionals on all forms of violence against women. In addition to the training on FGM, some healthcare staff have been trained on harmful traditional practices such as “honour”-based violence and forced marriage via a short and non-mandatory e-learning course.

44. Council of Europe European Commission for the Efficiency of Justice (CEPEJ), Qualitative Data on European Judicial Systems, 2020, available at: [www.public.tableau.com/app/profile/cepej/viz/QualitativeDataEN/QualitativeData](http://www.public.tableau.com/app/profile/cepej/viz/QualitativeDataEN/QualitativeData).

45. See Chapter III, Custody, visitation rights and safety (Article 31).

80. In relation to specialist psychological support, GREVIO welcomes the “Drakentemmers” initiative, which is a national training network for psychologists who treat victims of violence. They offer a knowledge platform, information, research and e-learning about treating trauma in children and adults resulting from domestic violence, in which 265 organisations participate, including many of the Safe Home Centres.

81. In its baseline evaluation report, GREVIO had noted that immigration and asylum staff at the Immigration and Naturalisation Service (IND) received very little training on gender-related matters in immigration and asylum. The IND has since introduced training modules on trauma-sensitive interviewing. The authorities are considering offering the European Union Agency for Asylum’s training module on gender-based violence, but this is not yet the case. At each asylum reception facility, staff are appointed to serve as focal points for the topic of domestic violence and child abuse, trained in a five-day programme to recognise and respond to such violence, which GREVIO welcomes.

**82. Recalling the findings issued in its baseline evaluation report, and in view of persisting gaps in the field of training of professionals, whose contribution to a trust-based system of support, protection and justice is vital, GREVIO urges the Dutch authorities to step up the training of all professionals dealing with victims of violence against women on all the forms of violence covered by the Istanbul Convention, including in their digital dimension. Such training must be accompanied by standardised protocols aimed at identifying, providing support to and further referring victims to other general and specialist services, and should be regularly evaluated. It should focus on the victims’ human rights, safety, individual needs and empowerment, as well as the prevention of secondary victimisation through a victim-centred and trauma-informed approach, and should be provided to all those in the justice, law-enforcement, social welfare, healthcare and education sectors. The impact of such training efforts should be maximised by drawing on the expertise of women’s rights organisations and providers of specialist services.**

#### **4. Preventive intervention and treatment programmes (Article 16)**

83. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the Istanbul Convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from reoffending and support them in adopting non-violent behavioural strategies.<sup>46</sup> Making the safety of, the support for and the human rights of victims a primary concern, these programmes are key elements in ensuring women’s safety from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

##### **a. Programmes for perpetrators of domestic violence**

84. In its baseline evaluation report, GREVIO had observed that there were no specific programmes for domestic violence offenders in prison, but that the probation service offered other relevant programmes. In addition, voluntary or walk-in perpetrator programmes were available across the Netherlands, including for offenders under forensic care because of mental health issues, and significant work was done by Safe Home and the local neighbourhood teams, in particular in low- and moderate-risk cases. However, GREVIO had pointed with concern to the conceptualisation of domestic violence as a gender-neutral phenomenon and the resulting lack of adequate primary aggressor analysis and attribution of responsibility – a fundamental requirement for successful work with perpetrators of domestic violence.

85. Since the baseline evaluation report, awareness of the importance of work with perpetrators of domestic violence has grown among authorities and more efforts are made to support them with

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46. See also Council of Europe, Guidance for safe and effective perpetrator programmes: Article 16 of the Istanbul Convention (2024), available at: [www.rm.coe.int/guidance-for-safe-and-effective-perpetrator-programmes-article-16-of-t/1680b00524](http://www.rm.coe.int/guidance-for-safe-and-effective-perpetrator-programmes-article-16-of-t/1680b00524).

treatment programmes. For example, this is visible in the emphasis placed on perpetrator programmes in the Stop Femicide! Action Plan. However, with the responsibility for these programmes and the funding obligations lying with the municipalities, the regional discrepancies in terms of their availability persist, requiring further action to increase their geographical reach. GREVIO therefore welcomes the issuing of guidance to municipalities – termed “Focus on the perpetrator” – in a bid to raise awareness of the importance of perpetrator programmes and to improve their availability and the general level of knowledge of their existence among society.

86. Beyond the shortage in the number of perpetrator programmes, GREVIO notes with concern that voluntary attendance of such programmes must be paid for by the perpetrator via his health insurance, which can be dissuasive. Moreover, attendance on such programmes requires a referral from the perpetrator’s general practitioner, adding another possible layer of dissuasion. GREVIO thus points to the need to lower the threshold for voluntary attendance. The momentum created and the framework offered by the Stop Femicide! Action Plan should be used to significantly reinforce the work with perpetrators in the country, both in terms of their quantity and easing the path to attendance. It would equally be important to collect data on the number of attendees of such programmes, to regularly evaluate the programmes and to assess whether they reduce recidivism, which currently appears not to be done.

87. In prison settings, domestic violence offenders are now provided with the BORG (Ending relational violence) behavioural training, which is available for suspects in domestic violence cases before conviction, and which may also be part of a suspended prison sentence. An extension of the programme to domestic violence perpetrators outside the criminal justice system is currently being examined and could be ensured via referral by Safe Home. GREVIO welcomes an evaluation of the BORG programme by an independent research centre, and work is underway to further improve it.

88. In terms of the approaches taken by perpetrator programmes, GREVIO welcomes the fact that most are focused on achieving behavioural change, are victim-centred and collaborate with women’s specialist support organisations. National standards do not, however, exist, nor do national accreditation systems. Moreover, it is unclear to what extent the programmes are rooted in a gendered understanding of domestic violence with recognition for women’s inequality with men as one of the root causes of such violence. GREVIO therefore points to the newly developed European standards for perpetrator programmes, which align fully with the requirements of the Istanbul Convention and should serve as a basis for any renewed efforts to expand and develop such programmes in the Netherlands.<sup>47</sup>

89. When it comes to referral pathways, GREVIO welcomes the ability of judges to oblige perpetrators of domestic violence in the course of a criminal procedure to attend a preventive intervention and treatment programme, or as part of the criminal sanction. The special court in Rotterdam, which focuses on domestic violence cases, works closely with the NGO De Waag, which provides perpetrator programmes and forms part of the multi-agency co-operation in that court district.<sup>48</sup> In family law proceedings, it is equally possible to mandate a person to follow a treatment programme, for example as a condition for child visitation rights.

90. **GREVIO encourages the Dutch authorities to:**

- a. **expand the number and increase the geographical availability of perpetrator programmes for domestic violence and ensure they are widely attended, including by reducing barriers to voluntary attendance;**
- b. **develop common minimum standards for perpetrator programmes, in line with the principles of the Istanbul Convention, taking account of the need for a gender-sensitive approach and for perpetrators to examine and identify the patriarchal and misogynist nature of their values and attitudes, to take full responsibility for their actions and to modify their behaviour;**

47. [www.work-with-perpetrators.eu/european-standards-for-perpetrator-programmes](http://www.work-with-perpetrators.eu/european-standards-for-perpetrator-programmes).

48. See Chapter III, General obligations (Article 49), and Immediate response, prevention and protection (Article 50).

- c. **collect data on the attendance of perpetrator programmes and ensure an external evaluation of the programmes, in line with recognised best practices and principles, in order to assess whether the programmes serve their intended preventive aims.**

**b. Programmes for perpetrators of sexual violence**

91. In the baseline evaluation report, GREVIO had noted that perpetrators of sexual violence, while in prison, were placed in units that provided specific structure and support and assessed the risk of reoffending. Mental health interventions on healthy sexual relationships and intimacy were provided, and cognitive behaviour therapy was offered, in addition to the Circles of Support and Accountability (COSA) programme, which has proven to be extremely efficient in reducing recidivism. Moreover, special programmes existed for men who commit sexual offences against children, including for young and adolescent offenders. GREVIO welcomes the continuation of work since the baseline evaluation report to improve the available programmes, to explore how they could be offered outside prison settings and how to make these programmes more generally accessible.

92. **GREVIO encourages the Dutch authorities to expand the intervention and treatment programmes for perpetrators of sexual violence to voluntary settings, in line with the requirements of Article 16, paragraph 2, of the Istanbul Convention.**

**B. Protection and support**

93. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance to overcome the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

**1. General obligations (Article 18)**

94. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*: the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women's rights NGOs and specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women and to focus on women's safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim at the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim's willingness to press charges or testify against the perpetrator.

95. In the baseline evaluation report, GREVIO had welcomed the strong emphasis in policy documents on multi-agency co-operation, and the existence of many additional protocols and guidelines designed to support the legislative framework, covering many of the forms of violence contained in the Istanbul Convention. Gaps had been identified in relation to Safe Home and some of these policies, protocols and guidelines, which were linked to their approach to domestic violence

that did not offer a gendered understanding of the phenomenon and the ensuing lack of focus on women victims.

96. The strong emphasis on multi-agency co-operation continues to be a cornerstone of many support services in the Netherlands that are available for the different forms of violence against women, which GREVIO notes with satisfaction. The most important example is the well-established “Veiligheid Voorop” (Safety First) co-operation programme between the police, prosecution services, Safe Home, the probation services and the Child Protection Board in cases of domestic violence and child abuse, which also includes a good multidisciplinary approach to risk assessment and risk management.<sup>49</sup> In addition, the Safe Home Centres operate on a multi-agency approach when responding to domestic violence and child abuse.<sup>50</sup> Similarly, a multi-agency approach to cases of sexual violence is being tested.

97. The required understanding among key multi-agency structures such as Safe Home and Safety First of domestic violence that shows recognition for women’s victimisation at the hands of male perpetrators, rooted in patriarchal and misogynist attitudes, has yet to be developed in practice. With the Stop Femicide! Action Plan, a foundation for such an understanding has been laid, and training on this basis will help to produce the necessary change in professional practice over time. Without due recognition of the gendered dynamics in domestic violence settings and the importance of identifying the primary aggressor and acting upon such an analysis of the situation, any interventions, including those firmly rooted in multi-agency co-operation, will not be in line with the requirements set out in Article 18 of the Istanbul Convention. Moreover, the level of co-operation ensured between the different entities varies significantly, indicating the need for clear guidelines in order to ensure a more uniform approach.<sup>51</sup> While the healthcare sector is included in some of the multi-agency co-operation mechanisms that are in place, GREVIO emphasises the need to systematically integrate it in all such mechanisms, in order to guarantee the safety of victims regardless of where they enter the support system.

98. In terms of information sharing among multi-agency co-operation stakeholders, GREVIO received indications that data-protection laws significantly hinder the different agencies from pooling their information on a particular domestic violence case. However, the Data Processing Omnibus Act entered into force on 1 January 2025 and is expected to improve the situation, in particular the level of information Safe Home may access on an individual family. This act allows for the collection of data on service use based on the citizen service number (known as the BSN) and intends to support early intervention through increased multi-agency signalling in a bid to prevent the escalation of violence. Reports to Safe Home and/or to the police are traceable in an anonymised way, as are the services provided and referrals made. GREVIO regrets, however, that the data to be made available in this manner are not disaggregated by sex, which could have contributed to making visible the number of women seeking help for domestic violence from general services and Safe Home, and the type of services they received in response.

99. To name a few good examples of multi-agency co-operation, the Multidisciplinary Approach to Domestic Violence and Child Abuse (MDA++) consists of a partnership at regional level with all relevant stakeholders working on domestic violence, including Safe Home, the police, prosecution services and healthcare services. The target groups are families/households where there is a risk of serious violence and where prior interventions have not provided the desired results. Each family/household under this programme is assigned a case manager as a point of contact, who provides a coherent and targeted approach in collaboration with the above stakeholders. In the regions of Gelderland and Limburg, the “Samen Op in Acut” programme – which is part of the “Safety First” programme – seeks to provide support for a crisis situation, including domestic violence.<sup>52</sup> The programme allows all relevant actors to react quickly and from a multidisciplinary approach. GREVIO notes that these programmes, while promising in their approach, would benefit

49. For more information, see State report, para. 15.

50. See Chapter III, Specialist support services (Article 22).

51. See Lünemann, K.D. & Ter Woerds (2021). Meer dan een ruzie. Politie in de netwerkaanpak huiselijk geweld. (More than a quarrel. Police in the network approach to domestic violence) Politie & Wetenschap; Verwey-Jonker instituut, and information obtained during the evaluation visit.

52. [www.vng.nl/sites/default/files/2022-07/toolkit\\_samenopinacut.pdf](http://www.vng.nl/sites/default/files/2022-07/toolkit_samenopinacut.pdf).

from a stronger gendered perspective on domestic violence and from the involvement of women's rights NGOs providing specialist support services for women victims of domestic violence.

100. As regards multi-agency co-operation around sexual violence, GREVIO notes that the Sexual Assault Centres are well embedded in a multi-agency approach, based on the single-point-of-contact approach, on the basis of which the police, hospitals, mental healthcare providers, Safe Home, Victim Support Netherlands, victim advocates and municipal health services collaborate in providing multidisciplinary care to victims.<sup>53</sup> GREVIO equally welcomes the one-stop-shop services offered by Filomena in Rotterdam and Groningen, which combines forensic services, police, general and specialist services under one roof. While it is currently the only such one-stop-shop service available for adult victims of domestic and sexual violence, other regions in the Netherlands are examining whether to follow suit. GREVIO considers that the expansion of one-stop-shop services for women and children victims of violence should indeed be explored.

**101. Recalling the findings issued in GREVIO's baseline evaluation report as regards the need for multi-agency structures responding to the different forms of violence to operate on the basis of an understanding of violence against women as a form of gender-based violence, GREVIO strongly encourages the Dutch authorities to ensure, on the basis of guidelines and protocols, that multi-agency co-operation mechanisms on domestic violence and other forms of violence covered by the Istanbul Convention take a distinctly gendered approach, operate on the basis of the safety of victims and respect for their human rights as required by Article 18, paragraph 2, of the Istanbul Convention.**

**102. GREVIO strongly encourages the Dutch authorities to include more systematically the health sector and women's rights organisations providing specialist support services in multi-agency co-operation structures.**

**103. GREVIO further encourages the Dutch authorities to increase the number of "one-stop shops" providing a range of protection and support services to cater for victims of sexual violence.**

## **2. General support services (Article 20)**

104. General support services such as social services, health services and housing or employment services must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the Istanbul Convention requires states parties to ensure that these services are adequately resourced and that staff are adequately trained on the different forms of violence against women and are able to respond to victims in a supportive manner, in particular those that women and girls turn to first (health and social services).<sup>54</sup> Their interventions are often decisive for victims' onward journey towards a life free from violence and thus form a core element of a trust-based system of protection and support.

### **a. Social services**

105. In its baseline evaluation report, GREVIO had urged the Dutch authorities to ensure that social services were able to recognise violence against women as gender-based violence and offer support and protective services. In the area of housing, GREVIO had encouraged the Dutch authorities to ensure that women victims of violence can benefit in practice from the priority status for social housing, as foreseen by law.

106. Since the baseline report, the Dutch Municipality Association has issued a guide for civil servants working on the topic of women's shelters, women's financial position and debt relief, employment and income, focusing also on women victims of violence, which GREVIO considers a promising initiative. Social housing, financial aid, education and job training are available from the authorities, but there are no programmes or initiatives to specifically address the needs of women

53. Global report evaluation Sexual Assault Centre, 2024, available at: [www.centrumseksueelgeweld.nl](http://www.centrumseksueelgeweld.nl).

54. Explanatory Report to the Istanbul Convention, paragraph 127.

victims of violence among their service users. GREVIO notes with interest, however, that the Department of Housing is developing a new law on housing for specific target groups, which is said to include, as a priority group, women victims of violence after a shelter stay. While it is important to draw attention to the housing needs of this group of victims, GREVIO notes that they are listed as one of many other priority groups. The acute lack of affordable housing in the Netherlands places significant limits on the ability of women victims of domestic violence to find accommodation after a shelter stay, making such legislation absolutely vital.

107. When it comes to raising awareness of social services staff to recognise victims of domestic violence and other forms of violence covered by the convention, it appears that little additional effort has been made since the baseline evaluation report, apart from training on the Reporting Code. More effort is necessary, including regular training initiatives for social services staff working in the area of social housing, financial aid, education and job training to detect and adequately respond to the needs of women victims of violence.<sup>55</sup>

108. In relation to social services for asylum-seeking women, all public officials, including staff at asylum reception centres, are obliged to follow the Reporting Code, which provides step-by-step guidance on the signs to look out for and what to do in case of a suspected or confirmed case of domestic violence or child abuse. The regular asylum reception facilities also co-operate with external organisations, to where (potential) victims of abuse can be referred, such as Safe Home, the police, women's shelters and other specialist services. However, according to indications received from civil society, the effectiveness of these referral pathways depends very much on the local context and the local availability of these services.<sup>56</sup> Moreover, because of the shortage of places in regular accommodation centres, emergency centres have been opened, where focal point officers for domestic violence and child abuse are not always available, which further reduces the chance of effective screening, referral and protection of women and children who are victims of violence.

109. GREVIO regrets that there is currently no national policy, programme or training initiative for improving the capacity of support services to provide adequate support tailored to the cultural specificities of women belonging to minority groups or asylum-seeking or migrant women who are victims of violence, despite this having been raised in the past by NGOs working with these groups of women.<sup>57</sup>

**110. GREVIO strongly encourages the Dutch authorities to continue their efforts to ensure the recovery and economic independence of women victims of violence throughout the country through general social services, including measures involving financial assistance, education/training and assistance in finding employment and affordable, permanent housing, through schemes that prioritise them. More measures need to be taken to raise awareness of social services staff about the needs of women victims of all the forms of violence against women covered by the Istanbul Convention.**

## **b. Healthcare services**

111. In the area of healthcare services, GREVIO had observed in its baseline evaluation report that the Dutch healthcare system provided many important services for women victims of violence, including through trauma screening for children and domestic violence victims, and through specific health provision for victims of FGM.

112. As the Reporting Code also applies to the healthcare sector, all staff have been trained on detecting the signs of domestic violence and child abuse, and on their obligations to report, under certain circumstances, suspicions thereof to Safe Home. The Reporting Code provides for a standardised reporting and referral pathway. It does not, however, include referrals to specialist support services run by women's rights NGOs. Additionally, the Dutch inspectorate of healthcare

55. See Chapter III, Training of professionals (Article 16).

56. Information obtained during the evaluation visit.

57. Information obtained during the evaluation visit.

and youth provides independent reporting centres, online, where people with disabilities, elderly people, people with psychological issues or their families can notify the authorities of emotional, physical or sexual violence or a general complaint.<sup>58</sup> GREVIO welcomes the involvement of the healthcare sector in such multi-agency co-operation mechanisms<sup>59</sup> and the fact that action protocols are in force for several professionals, including those working in Safe Home and for Centres for Sexual Violence, specifically regarding the taking of forensic evidence. Medical doctors and nurses are guided by an assessment framework, which instructs them to document and describe signs of violence they may have detected.

113. However, it has been brought to GREVIO's attention that elderly women in particular are often not recognised as victims of violence when seeking medical care.<sup>60</sup> Women's rights NGOs have also pointed out that there are various obstacles to accessing healthcare services for other women victims of violence, in particular victims of sexual violence, who are subject to or at risk of intersectional discrimination, such as migrant and asylum-seeking women, LGBTI women, women in prostitution and women with a history of substance abuse, pointing to the need to specifically include these groups of women in the assessment framework.

114. In recognition of the fact that women with disabilities are more likely to become victims of domestic and sexual violence, and that long-term care organisations for people with disabilities play a pivotal role in the prevention and identification of cases of abuse against their clients and/or staff, an obligation was introduced in 2023 for such facilities to develop an approach for the prevention of physical and emotional violence and to offer adequate responses.<sup>61</sup> The Association for Disability Care Netherlands has produced guidance for organisations on how to prevent, identify and act on cases of emotional, physical or sexual violence,<sup>62</sup> and the Dutch inspectorate of healthcare and youth (IGJ) has published factsheets on how to prevent and identify abuse against clients and patients.<sup>63</sup> While GREVIO welcomes these initiatives as an important step towards the prevention of and protection from violence for women with disabilities, it regrets that they do not seem to be reflective of the gendered differences in experiences of domestic and sexual violence among people with disabilities. In this context, GREVIO notes with concern that not enough is done to ensure the robust implementation of existing legal provisions requiring informed consent of women who may be subject to forced sterilisation, in particular women with intellectual disabilities. No information has been provided to GREVIO on whether these women are offered alternative, less invasive options than forced or non-consensual sterilisations.

115. When it comes to mental healthcare in the Netherlands, GREVIO notes that there are waiting lists for treatment and therapy, which evidently also affects the ability of women victims of violence to receive psychological support after having been exposed to domestic or gender-based violence.

**116. GREVIO strongly encourages the Dutch authorities to ensure, across the healthcare sector, the identification of victims of all forms of violence against women covered by the Istanbul Convention, their diagnosis, treatment, documentation of the type of violence and the violence suffered and referral to appropriate specialist support services in a gender-sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting their injuries.**

**117. GREVIO strongly encourages the Dutch authorities to ensure that women with intellectual disabilities who undergo sterilisation are supported in making their decision on the basis of having sufficient information on the procedure designed in a disability-accessible manner, which is presented to them by professionals who are trained on gender and disability issues and which allows them to give their informed consent to such**

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58. [www.igj.nl/onderwerpen/klacht-of-vraag-over-zorg-of-jeugdhulpverlening](https://www.igj.nl/onderwerpen/klacht-of-vraag-over-zorg-of-jeugdhulpverlening).

59. See Chapter III, General obligations (Article 18).

60. Information obtained during the evaluation visit.

61. [www.vgn.nl/cao/cao-gehandicaptenzorg-2021-2024/bijlagen/5-protocol-grensoverschrijdend-gedrag](https://www.vgn.nl/cao/cao-gehandicaptenzorg-2021-2024/bijlagen/5-protocol-grensoverschrijdend-gedrag).

62. [www.zorginzicht.nl/kwaliteitsinstrumenten/gehandicaptenzorg-handreiking-seksualiteit-en-seksueel-misbruik](https://www.zorginzicht.nl/kwaliteitsinstrumenten/gehandicaptenzorg-handreiking-seksualiteit-en-seksueel-misbruik).

63. [www.igj.nl/onderwerpen/seksueel-grensoverschrijdend-gedrag/documenten/publicaties/2023/02/27/factsheet-het-mag-niet-het-mag-nooit](https://www.igj.nl/onderwerpen/seksueel-grensoverschrijdend-gedrag/documenten/publicaties/2023/02/27/factsheet-het-mag-niet-het-mag-nooit).

**a procedure. In any procedure authorising the sterilisation of legally incapacitated women, less invasive birth control options should be considered with due regard to the best interests and self-determination of the women concerned.**

### **3. Specialist support services (Article 22)**

118. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

119. In its baseline evaluation report, GREVIO had noted the establishment of multi-agency co-operation in the form of Safe Home Centres. These centres are part of a network of counselling and support centres for victims of domestic violence set up across the country and funded by the municipalities. One of the central aims pursued by the introduction of Safe Home Centres was to enable increased co-operation among the police, the prosecution services and social workers. However, GREVIO had noted a number of shortcomings in the Safe Home Centres' approach to domestic violence. First of all, the quality and range of services varied in each of the centres depending, for example, on whether the service is run by a women's rights organisation or another organisation, such as a healthcare provider or social services, and also depended on the budget provided to it by the competent municipality. Second, GREVIO had voiced concerns about the merger of the child protection and domestic violence services, which in its view had an impact on the protection of women from domestic violence. These concerns were related to the lack of a gendered understanding of domestic violence by the Safe Home Centres and the overall conceptualisation of domestic violence as a conflict rather than a context of power and control in which one seeks to dominate, manipulate and control the other, often perpetrated by men against women because they are women.<sup>64</sup> GREVIO had further recommended in its baseline evaluation report that the authorities investigate the reasons for the low number of women who contact Safe Home out of their own motion.

120. Since the baseline evaluation report, it appears that little progress has been made in respect of the efficiency of the interventions offered and approaches taken by the 25 Safe Home Centres across the country. GREVIO regrets that despite their role as first point of entry for domestic violence victims, Safe Home Centres continue to fail to recognise that women are affected disproportionately by this form of violence. This is demonstrated by the persistent refusal of the centres to categorise their clients into "victims" and "perpetrators", thereby continuing to see domestic violence as reciprocal and disregarding the power imbalances that are often characteristic for domestic violence situations and are rooted in women's historical inequality with men. GREVIO sees the link to the lack of a definition in the Netherlands of violence against women as gender-based violence that affects them disproportionately. Professionals working in the different Safe Home Centres still do not receive training on the gendered nature of domestic violence. GREVIO recalls that Article 18 of the convention requires its parties to take measures for the empowerment of victims, based on an integrated approach that takes into account the relationship between victims, perpetrators, children and their wider social environment, and to address the specific needs of vulnerable persons, including child victims. While the Safe Home Centres' focus on child victims of violence and abuse is laudable, the Istanbul Convention requires women victims of domestic violence to be supported in an empowering manner, on the basis of a gendered understanding of such violence, by offering interventions that address the underlying reasons for the abuse and help attribute responsibility. Women's persistent hesitation to approach Safe Home for their experiences of domestic violence at the hands of their partners and spouses is demonstrated by the 2024 domestic violence prevalence survey. This indicates that only 2% of all victims of physical and/or psychological violence stated that

64. See Chapter III, Specialist support services (Article 22).

they contacted Safe Home, compared to about 4% who turned to the police.<sup>65</sup> GREVIO considers this indicative of professional approaches and interventions in individual cases that do not correspond to the needs of women victims of violence. The respective concerns GREVIO had voiced in its baseline evaluation report thus persist.

121. Moreover, GREVIO notes that despite the quality framework and guidelines in place for the Safe Home Centres, in practice some set different priorities than others. As already flagged by GREVIO in its baseline evaluation report, the interpretation of relevant legal provisions informing professional practice differs significantly across the various centres, resulting in varying levels of service provision, with varying outcomes.<sup>66</sup> Indeed, a 2023 study showed that in two thirds of the families and relationships where domestic violence was reported to Safe Home, continuous and serious intimate partner violence or child abuse was reported a year on after assistance had been provided.<sup>67</sup> A 2024 inspection report commissioned by the government found that Safe Home organisations were still barely able to perform the tasks for which they had been mandated to act within a deadline enshrined in law.<sup>68</sup> Waiting lists exist at the different Safe Home locations and many are not in a position to conduct a safety assessment within the five-day time limit stipulated by law because of underfunding and understaffing.<sup>69</sup> GREVIO notes with grave concern that the outcome of such risk assessments determines women's access to domestic violence shelters, with serious consequences where this is not carried out timely or adequately.

122. While GREVIO notes with interest that some of the above-mentioned issues have been acknowledged in the Stop Femicide! Action Plan, it stresses the need to address these with urgency. Decisive action is needed to align professional approaches, protocols and the conceptualisation of domestic violence with the requirements of the Istanbul Convention.

123. In terms of other specialist services for victims of violence against women, GREVIO notes with satisfaction that the Netherlands continues to be home to many active and outspoken women's rights NGOs, providing many of the specialist services as required under the Istanbul Convention and operating on a gendered understanding of domestic violence and violence against women. GREVIO welcomes the existence of specialist NGOs catering for migrant communities and those that focus on victims of forced marriage, FGM and "honour"-based violence.

124. However, as GREVIO had already noted in its baseline evaluation report, there are significant regional differences in terms of the availability of and funding levels for general services, such as social services, and for specialist services, in particular women's rights NGOs that provide counselling and support to women victims of violence. The delegation of funding responsibilities to the municipalities in 2015 for such services has deepened the regional differences. GREVIO therefore points to the importance of mapping the existing services in order to identify and eventually close gaps in service provision and of identifying promising practices that can be rolled out across the country.

125. In addition, a government-commissioned study found that victims of domestic violence find it difficult to navigate the support system for the violence they have experienced because of the multitude of websites and phone numbers available and the shortcomings in multi-agency co-ordination.<sup>70</sup> GREVIO notes with regret that there is still no nationwide helpline that covers all forms of violence against women as a first, central point of contact for victims. The helpline run by Safe Home is underused and professionals are not trained to respond to women victims in a manner that is reflective of gendered power dynamics in a domestic violence setting. Moreover, referrals to

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65. [www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/3-fysiek-geweld-in-huiselijke-kring](https://www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/3-fysiek-geweld-in-huiselijke-kring).

66. Information obtained during the evaluation visit.

67. Domestic violence: a complex and persistent problem. Third cohort study: results of the approach to partner violence and child abuse, Verwey-Jonker Institute 2023.

68. [www.igj.nl/publicaties/rapporten/2024/10/03/aanhoudende-onveiligheid-tijdens-het-wachten-op-veilig-thuis#:~:text=Het%20lukt%20de%20Veilig%20Thuis-organisaties](https://www.igj.nl/publicaties/rapporten/2024/10/03/aanhoudende-onveiligheid-tijdens-het-wachten-op-veilig-thuis#:~:text=Het%20lukt%20de%20Veilig%20Thuis-organisaties).

69. GREVIO points out that safety assessments by Safe Home and risk assessments conducted by the police and other authorities differ in scope and purpose.

70. Roos de Wildt et al., "Easily accessible support for victims and perpetrators of violence in dependency relations", Verwey-Jonker Instituut, 2023.

appropriate services for further counselling and support often result in victims being placed on waiting lists – for Safe Home and specialist support services alike. According to indications received from civil society, victims with physical disabilities or who do not speak Dutch face additional communication barriers.<sup>71</sup>

126. In relation to women's shelters, GREVIO had noted in its baseline evaluation report that there was a known lack of data on access to and use of shelters at national level, which prevented the authorities from identifying the reasons for the lack of shelter availability. Despite the intention of the authorities to work with the municipalities and the women's shelters to address this gap, and the commissioning of a mapping study, no progress has been made. As a result, women continue to be turned away in an acute crisis.<sup>72</sup> According to the authorities, the monitoring of available shelter has begun across the different municipalities, which the NGOs running such shelters feed into.

127. The insufficient level of shelter provision is compounded by the lack of affordable and appropriate housing and the low number of emergency barring orders issued by the police, thus forcing women victims of domestic violence to leave a residence rather than expelling the perpetrator.<sup>73</sup> Moreover, GREVIO notes with concern that women victims are often referred to non-residential counselling and support if they cannot be accommodated in a shelter, meaning that in many cases they have to continue living with their abuser, with an increased risk of reprisals if the perpetrator finds out that the victim is supported by a counselling centre. Where non-residential services are offered by shelters, indications from civil society suggest that their capacities do not always meet the demand.<sup>74</sup>

128. Another issue concerns the accessibility of shelters across municipalities. While GREVIO notes with interest that an agreement has been reached among municipalities to grant women access to a shelter that is not located within her own municipality, it appears that the practical implementation of this agreement is difficult, with few women benefiting from it. Additionally, the financial contribution that women must pay to stay at a shelter varies from municipality to municipality. Moreover, not all shelters are disability-accessible, creating an additional barrier for women with disabilities

129. Since the baseline evaluation report, GREVIO welcomes the passing of an addendum to the Social Support Act that requires that women without a residence permit be given equal access to women's shelters, although it appears that in practice this is not always done because of the overall shortage.<sup>75</sup> While certain municipalities have dedicated shelters for this group of women, GREVIO notes with concern that the national government has cut funding, meaning that some of these shelters may have to close their doors. GREVIO points to the obligation under Article 4, paragraph 3, of the Istanbul Convention to ensure the implementation of the convention's provisions in respect of all women, irrespective of any of the characteristics listed therein. On a positive note, the existing shelters in the Netherlands are usually very well equipped and women often have their own apartments or studios, with their children. However, women's rights NGOs have pointed to the need for effective trauma care in view of the long waiting lists for psychological counselling and trauma support.<sup>76</sup>

130. For young women and girls, the government-supported NGOs Fier and Sterk Huis provide specialist support services and shelter, including for victims of "loverboys" and for girls at risk of "honour"-based violence, which GREVIO welcomes.

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71. Information obtained during the evaluation visit.

72. Information obtained during the evaluation visit.

73. See Chapter III, Emergency barring orders (Article 51).

74. NGO submission by the Netherlands Institute for Human Rights, pp. 13-14.

75. Information obtained during the evaluation visit.

76. Information obtained during the evaluation visit.

**131. GREVIO urges the Dutch authorities to:**

- a. take more decisive action to align the conceptualisation of domestic violence that underpins professional practice and interventions on domestic violence offered by Safe Home Centres with the principles of the Istanbul Convention and to ensure relevant staffing levels and more harmonised service provision;**
- b. increase the number and capacity of women's shelters providing safe accommodation to victims of all forms of violence against women, in line with the standards set by the Istanbul Convention and in an adequate geographical distribution, with the aim of achieving the standard set out in the Explanatory Report to the Istanbul Convention of one family place per 10 000 head of population;**
- c. ensure that shelters and other specialist services can accommodate and cater for the needs of women subject to intersectional discrimination and their children, including women without a residence permit, women with disabilities and young women and girls.**

**4. Support for victims of sexual violence (Article 25)**

132. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short- and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number through the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.<sup>77</sup>

133. In its baseline evaluation report, GREVIO had noted that 16 Centres for Sexual Violence across the country ensured forensic evidence for acute rape victims, but also provided treatment and support for all victims of sexual violence. While the forensic services and the psychosocial counselling were free of charge, some medical services were not and victims were required to pay a contribution under the Health Insurance Act, which had the effect of deterring victims from seeking support. GREVIO had noted that less than 1% of rape victims sought assistance from a centre within one week of the assault, and that for women with disabilities, barriers existed to accessing these centres. Finally, funding constraints were identified as affecting the quality of the Sexual Assault Centres and their ability to raise awareness among the population of their existence.

134. This situation remains unchanged, which GREVIO regrets. Victims of sexual violence aged 18 and over may still be required to pay for a contribution to certain medical services as out-of-pocket expenses not covered by the Health Insurance Act, beyond a certain threshold. This severely impacts on the victims' willingness to seek the services of these centres. A pilot project waiving these fees was conducted in the country, but it has not been extended or rolled out. Additionally, a research study was conducted aimed at identifying avenues to reimburse the mandatory share for those who sought help from Sexual Assault Centres. Women without health insurance need to pay for the services in their entirety, unless their medical needs are acute. GREVIO stresses that the services of any sexual violence referral centres must be available to all women victims of violence without any barriers such as a high financial threshold.

135. Moreover, awareness of the existence of the Sexual Assault Centres remains low among victims of rape and sexual violence in the Netherlands, with limited specific awareness-raising activities conducted to improve this. No specific activities have been carried out to increase access to these services or information about them for women with disabilities. Linked to this is the issue of the continuous underfunding of the Sexual Assault Centres and the overall level of provision.<sup>78</sup> In view of a total population of 18 million, the existence of 16 Centres for Sexual Violence is not enough

77. Explanatory Report to the Istanbul Convention, paragraph 142.

78. Global report evaluation Sexual Assault Centre, 2024, available at: [www.centrumseksueelgeweld.nl](http://www.centrumseksueelgeweld.nl).

to meet the target of one such centre per 200 000 inhabitants as set out in the Explanatory Report to the Istanbul Convention.<sup>79</sup> Already, some of the 16 county-wide centres are unable to open 24 hours, which limits access to forensic evidence taking, acute medical care and psychological support for some victims in the immediate aftermath of a rape or sexual assault. The services that are provided by these centres, however, are of high quality and largely in line with the standards of the Istanbul Convention, which GREVIO welcomes. They are based on common national quality criteria for the provision of forensic medical examinations and short-term healthcare, including immediate trauma care, for victims of sexual violence. Moreover, services are also provided for victims who present themselves months or even years after the assault or rape. Well-trained forensic doctors and nurses provide quality examinations and the storage of evidence irrespective of the victims' willingness to report the offence, and the centres are firmly anchored in multi-agency co-operation.

136. The need for the holistic services provided by the Sexual Assault Centres is underlined by the latest prevalence data on sexual violence from 2024, which shows that 5.3% of women in the Netherlands reported having experienced physical sexual violence in the past 12 months, ranging from unwanted touching to rape. Young women are the most affected by this form of gender-based violence. In 2024, 9% of 16 to 18-year-old women, and 18% of 18 to 24-year-old women had been subjected to sexual violence. In 93% of the cases, the perpetrators are male, clearly showing the gendered nature of sexual violence against women. Only 1.3% of victims reported to the police, and only 0.3% of victims contacted a Sexual Assault Centre, clearly showing the need for increased awareness raising of the existence of the centres.<sup>80</sup>

137. Despite the low overall percentage of victims seeking help from the Sexual Assault Centres, a recent mapping study on reports to these, but also other organisations providing services for victims of sexual violence, concluded that they all have seen an increase in reports, partly because of an increase in media attention and campaigns on sexual violence, and the passing of new laws. Specialist services such as these are expected to receive almost 90% more reports by 2025, compared to 2020. In addition, there are long waiting lists for follow-up psychological treatment in the general healthcare system.

138. In view of the above, GREVIO points to the urgent need to expand the overall level of service provision of the Sexual Assault Centres and to enhance their capacity to engage in outreach and awareness-raising activities. The momentum created by the adoption of the Act on Sexual Offences and the resulting heightened awareness of sexual violence among the public provides a window of opportunity that must be made use of. Enhancing access to high-quality and immediately available support services for experiences of sexual violence and rape for all women and girls in the Netherlands is an important requisite for an effective response to such violence, including a criminal justice response. It is a key element in ensuring victims' trust in the system of support and protection, which in turn is a fundamental requirement to overcome the adverse effects of rape and sexual violence.

139. **Recalling the findings from the baseline evaluation report, and with a view to expanding the response to sexual violence and rape, GREVIO strongly encourages the Dutch authorities to:**

- a. **increase the number of sexual violence referral centres such as the Sexual Assault Centres with a view to reaching the target of one such centre per 200 000 inhabitants and ensuring an even geographical distribution;**
- b. **ensure the provision of comprehensive support, including immediate, medium- and long-term psychosocial support for all victims of rape and sexual violence through adequate funding and staffing levels;**

79. Explanatory Report to the Istanbul Convention, paragraph 142.

80. [www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/7-fysiek-seksueel-geweld](https://www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/7-fysiek-seksueel-geweld).

- c. **remove any barriers, including financial and those linked to health insurance status or physical access, to women's access to the full range of services provided;**
- d. **step up outreach and awareness-raising activities about the availability of these support services.**

## C. Substantive law

140. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent women and girls' further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on progress made with respect to selected provisions of the convention in the area of substantive law, notably Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

### 1. Custody, visitation rights and safety (Article 31)

141. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children. This provision contributes directly towards their trust in the authorities because it offers essential protection from post-separation abuse.<sup>81</sup>

142. In light of the many findings made during its baseline evaluation cycle, GREVIO considers that it is essential, in order to ensure a more effective implementation of Article 31 of the convention, to explicitly include in legislation, as criteria to be taken into account when determining custody and visitation rights, incidents of violence against women, including those witnessed by children.<sup>82</sup> Judges should specifically lay out the reasons in their decisions to maintain custody and visitation rights in the presence of such incidents. GREVIO recalls that a child's exposure to physical, sexual or psychological violence and abuse between parents or other family members breeds fear, causes trauma and adversely affects children's development.<sup>83</sup> GREVIO also recalls that joint parenting in these circumstances allows perpetrators to maintain their control and dominance over the mother and children, and leaves them unprotected from continuing violence by the perpetrator. Additionally, GREVIO stresses the importance of having mechanisms in place for safe supervised visits as well as adequate support from social services. In this context, it is essential to ensure appropriate training of all professionals involved, including judges, court-appointed experts and staff working for social and child-protection services, on violence against women and domestic violence.<sup>84</sup>

143. In its baseline evaluation report, GREVIO had noted the various possibilities enshrined in law to ensure the safety of women and children after separation from the abuser by temporarily or permanently suspending contact with the perpetrator or his parental authority, or ordering supervised contact. However, GREVIO had been concerned that the conceptualisation of domestic violence as perpetrated by men and women alike and the inadequate consideration for women's overexposure to this form of violence as a result of structural inequalities and attitudes that propagate women's

81. It is noteworthy that in the case of *Bîzdîga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be weighed in the assessment of domestic authorities when deciding on contact rights (§ 62). In the case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

82. Explanatory Report to the Istanbul Convention, paragraph 144.

83. Explanatory Report to the Istanbul Convention, paragraph 143.

84. See Chapter III, Training of professionals (Article 15).

inferiority stood in the way of use being made of these legal possibilities. Moreover, GREVIO had noted with concern that domestic violence was not always seen as a counterindication for joint custody, and that women who opposed contact with the father sometimes lost their custody rights. GREVIO had pointed to the widespread but erroneous assumption among family law professionals that domestic violence ended with the separation from the abuser, which resulted in a lack of understanding of the continuous risks that joint custody and/or unsupervised visitation rights presented for women and children and hence in an expectation placed on women victims of domestic violence to “co-operate” with their abuser.

144. Since the baseline evaluation report, while some progress has been made, the Dutch authorities continue to largely disregard the gendered nature of intimate partner violence in child custody and visitation rights cases and see violence within a relationship as reciprocal or a conflict between two equals. This is illustrated for example by the programme “Divorce without damage”, which ran from 2018 to 2021 and aimed to prevent harm to children as a result of complex divorces but did not at all address situations of domestic violence. According to recent prevalence data, 33.45% of women in the Netherlands have experienced physical, sexual or psychological violence in a relationship.<sup>85</sup> GREVIO emphasises that their experiences of abuse, the subsequent imbalance in the power dynamics between the two separating partners, including in financial terms, and the continuous trauma and fear experienced by women victims and their children are all factors that must be considered in family law proceedings, and that any guidance on divorce procedures must refer to the cohort of women seeking divorce as a result of the abuse experienced by their husband. As GREVIO had the opportunity to note, screening mechanisms must be available to identify a history of abuse, which Article 31 requires consideration of in any decisions made on custody and visitation rights.

145. Such screening does not seem to be available in the Netherlands, although Safe Home Centres can be turned to for the information they compile under their “radar function” on the overall situation of an individual family. Instead, the persistent conceptualisation of domestic violence as perpetrated by men and women alike and the inadequate consideration for women’s overexposure to this form of violence and its gendered power dynamics result in a climate that does not allow a history of abuse to surface. GREVIO notes with grave concern that according to indications from women’s rights NGOs, women are frequently advised by their lawyers not to bring up allegations of violence, as this may be interpreted to their detriment. Until the nascent recognition of domestic violence as a form of violence that seeks to dominate and control, and that has a distinctly gendered underpinning, takes root in the approach of Safe Home Centres, focussing on primary aggressor identification and assessment of the level of risk to individual women and their children resulting from the abuse, family courts will need to ensure adequate steps are taken to identify and adequately take into consideration a history of abuse in family law proceedings.

146. While safeguards can be applied if there are safety concerns, for example by ordering supervised visitation, GREVIO points to the need to enable – through adequate primary aggressor analysis by Safe Home and effective information sharing between criminal and civil jurisdictions – family courts to discharge their obligation enshrined in Article 31 of the Istanbul Convention. In this context, GREVIO points to the delays in reports issued by the Child Protection Board, which has the statutory task of advising judges about the child’s situation, including the child’s safety. Recent research found that there is a waiting list of around six months for such a report to be issued, prompting judges to go ahead without, if time is pressing. The same issue of delays in receiving information has been reported to GREVIO by practitioners concerning information requested by civil courts from the police. Moreover, GREVIO’s attention has been drawn to concerns about the level of knowledge of domestic violence among professionals at the Child Protection Board.<sup>86</sup> Moreover, GREVIO notes the long waiting lists for supervised visitation, which further reduces its effectiveness where ordered.<sup>87</sup>

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85. FRA, EIGE, Eurostat (2024), EU gender-based violence survey – Key results. Experiences of women in the EU-27, Publications Office of the European Union, Luxembourg, Table 2, p. 21.

86. Information obtained during the evaluation visit.

87. Information obtained during the evaluation visit.

147. Of equal concern is the lack of information sharing between criminal and family courts in relation to any convictions for domestic violence. While family courts may be able to obtain the information from the parties if a request has been made by one of those parties, family courts are not themselves authorised to request information on criminal justice outcomes. In recognition of the limits placed on family courts, GREVIO welcomes the introduction in the Rotterdam court of a new working method that allows judges to hold combined hearings of all pending criminal and family law cases that concern the same family in the context of domestic violence.<sup>88</sup> The court works in close contact with the police, Safe Home and other relevant authorities that may hold important information on a given family, thus ensuring active information sharing. GREVIO points to the need to evaluate this innovative working method and to consider its roll out to other courts in the Netherlands.<sup>89</sup>

148. In 2024, a new advisory report by the Council for the Administration of Criminal Justice and Protection of Juveniles was issued, which explored the issue of child safety risks in complex (ex-)partner relationships. It concluded that while organisations dealing with such cases pay increased attention to the safety of children, it also identified several issues, including a lack of knowledge of professionals about the mandatory reporting manual “Domestic violence and child abuse”, a lack of information available to family law judges on the family situation, and a lack of timely and appropriate support for children and parents experiencing domestic violence and intimate partner abuse. Moreover, some professionals interviewed for the report lacked awareness of the legal provision that children witnessing domestic violence constitutes a form of child abuse. GREVIO welcomes the attention this report pays to child safety and to the unequal power dynamics in intimate partner violence cases and is hopeful that its findings will be implemented in practice.

149. In a promising development, GREVIO notes a certain shift away from the representation of women victims of violence as alienating their children through attestations of what is termed “parental alienation syndrome” to a more nuanced assessment of the situation in the family, including what is causing the abuse. This momentum should be used to clarify, through guidelines or other appropriate measures, that “parental alienation syndrome” lacks a sound scientific basis and has been disproven as a psychological condition. Concepts of protective mothers as alienating or hostile divert attention away from the abuse they have experienced and should not be used by courts or other relevant practitioners.

150. In this context, GREVIO welcomes the newly developed assessment framework for father-child contact, created by independent researchers.<sup>90</sup> It helps women’s shelters assess when to initiate father-child contact for children in shelter situations, with safety as the primary consideration. GREVIO notes that applying such frameworks guided by safety can lead to safety-oriented assessments, which the Istanbul Convention promotes.

**151. GREVIO strongly encourages the Dutch authorities to take the following priority action in the area of custody and visitation rights to ensure the safety of victims and their children:**

- a. **systematically screen all pending cases on custody and visitation for instances of domestic violence, consult with all relevant bodies, including on whether criminal proceedings are pending against the perpetrator or have been brought in the past, and request the disclosure of the perpetrator’s criminal record, any reports against him for violence or risk assessments and safety plans drawn up by the police and social services (and other relevant bodies);**
- b. **ensure that the negative impact that violence against women has on children is reflected in legislation, training, guidelines and practice and that incidents of violence against women are a mandatory criterion to be taken into account when deciding on custody and visitation rights;**

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88. [www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Rotterdam/Regels-en-procedures/Paginas/huiselijk-geweld.aspxv](https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Rotterdam/Regels-en-procedures/Paginas/huiselijk-geweld.aspxv).

89. See also Chapter III, General obligations (Article 49) and Immediate response, prevention and protection (Article 50).

90. See Lünemann M. K. M., Lünemann K. D. and Compagner M. (2024), *Vadercontact in de opvang* (Father contact in the shelter), Verwey-Jonker Instituut, Utrecht.

- c. **take all appropriate measures to ensure that all relevant professionals, including social workers, members of the judiciary, court experts and child psychologists, are aware of the lack of a scientific basis for “parental alienation syndrome” and refrain from using concepts that position women victims of abuse as alienating, hostile or un-co-operative;**
- d. **provide a sufficient number of safe premises for supervised visits.**

## **2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

152. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the recurrence of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal and civil law provisions.

153. In its baseline evaluation report, GREVIO had seen the need for the introduction of guidance on alternative dispute resolution in all criminal cases of violence against women and domestic violence. GREVIO had strongly encouraged the Dutch authorities to introduce clear protocols and guidance in all areas of law where mediation was used, to ensure all offers of mediation were accepted entirely voluntarily and that no pressure was placed on women victims to accept any form of mediation or alternative dispute resolution. It had suggested carrying out research into the impact of diverting cases away from the criminal justice system through alternative dispute resolution mechanisms, including out-of-court settlements, on both recidivism rates and deterrence. In relation to family law proceedings for custody and visitation rights, GREVIO had noted, as it has done in relation to many other parties to the convention, that judges often referred domestic violence victims to mediation as a prerequisite for a decision in divorce proceedings without any consideration for the victim's inability to enter such a process on an equal footing with the perpetrator, nor for the perpetrators' frequent continuation of the abuse post-separation. GREVIO had considered that this amounted to quasi-mandatory mediation.

154. GREVIO now welcomes the application by mediators and Safe Home Centres of a screening tool to detect intimate partner violence and abuse in all mediation settings, in the context of both criminal and civil law procedures, which is called Mediators' Assessment of Safety Issues and Concerns (MASIC). It was developed by a group of family law mediators who considered it important to screen all mediation cases for intimate partner violence.<sup>91</sup> However, it appears that so far this screening tool is not being systematically used in the Netherlands.

155. GREVIO regrets, however, that in the area of alternative dispute resolution not much else has changed since the baseline evaluation report. It appears that no research into alternative dispute resolution processes has been commissioned and no special measures have been put in place to ensure that mediation, though in principle a voluntary measure, is not imposed on victims of the different forms of violence against women covered by the Istanbul Convention.

156. Moreover, GREVIO notes that protocols and guidance for mediation in cases of domestic violence are still missing. While an informal manual on mediation in criminal law in cases of intimate partner violence has existed since 2019,<sup>92</sup> there are no special criteria systematically used or required to establish the victim's informed consent to mediation, and whether it presents any safety risks or concerns. According to the authorities, both the public prosecution services and the mediation agency assess the suitability of cases for mediation before a proposal is made to

91. [www.researchgate.net/publication/227667044\\_The\\_Mediator's\\_Assessment\\_of\\_Safety\\_Issues\\_and\\_Concerns\\_MASIC\\_A\\_Screening\\_Interview\\_for\\_Intimate\\_Partner\\_Violence\\_and\\_Abuse\\_Available\\_in\\_the\\_Public\\_Domain](https://www.researchgate.net/publication/227667044_The_Mediator's_Assessment_of_Safety_Issues_and_Concerns_MASIC_A_Screening_Interview_for_Intimate_Partner_Violence_and_Abuse_Available_in_the_Public_Domain).

92. Lünemann K. D. and Wolhuis A. (2019), *Handleiding Mediation in Strafrecht bij partnergeweld* (Manual mediation in criminal law in partner violence), Verwey-Jonker Instituut, Utrecht.

the victim, and as a result, very few cases are considered eligible. In 2021, only 1 % of all criminal cases were considered eligible for mediation. GREVIO notes in this context, however, that very little training for relevant professionals exists specifically for mediation in cases of domestic violence that includes learning about the power dynamics in intimate partner violence and their impact on mediation processes.<sup>93</sup>

157. As regards mediation in divorce proceedings and child custody proceedings, mediation and similar mechanisms continue to be widely imposed, despite the concerns expressed by GREVIO in its baseline evaluation report. Experts and lawyers in the field of violence against women indicated to GREVIO that women victims accept mediation out of fear of disadvantageous outcomes, such as a punitive switch in the child's residence to the abusive parent who has shown himself willing to co-operate in mediation.<sup>94</sup> GREVIO is concerned at the positioning of women victims of domestic violence as un-co-operative in such processes and considers this a direct result of the conceptualisation of domestic violence as a quarrel between equals without any understanding of the gendered power dynamics in intimate partner violence, its long-term impact on women and their children, and the need for primary aggressor analysis as a starting point for any family law or criminal justice interventions.

158. With no mechanisms in place to ensure the systematic detection of domestic violence by family judges through proactive screening or risk assessment, judges thus refer women victims of domestic violence to mediation or to mediation-like trajectories. One of these trajectories is the Uniform Assistance Offer programme where parents are asked to agree on the visitation schedule, with no consideration for any history of domestic violence.<sup>95</sup> In this context, GREVIO points to the risk of women victims perceiving this as difficult to refuse for fear of negative outcomes in the custody and visitation proceedings.

159. **GREVIO urges the Dutch authorities to move away from practices that amount to mandatory mediation in parental separation proceedings initiated without prior and pro-active screening for a history of domestic violence and towards a thorough understanding of the power imbalances created by domestic violence and the frequent use of family law proceedings for post-separation abuse.**

#### **D. Investigation, prosecution, procedural law and protective measures**

160. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions in a manner that validates women's and girls' experiences of violence, that avoids their secondary victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls at risk of or who have experienced gender-based violence.

##### **1. General obligations (Article 49) and immediate response, prevention and protection (Article 50)**

161. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Law enforcement or judicial actors often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the

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93. Avontuur I., *Themanummer Herstelbemiddeling en Intrafamiliaal Geweld, Tijdschrift voor Herstelrecht* (Journal of Restorative Justice, Special issue restorative mediation and domestic violence), 2024, no. 3; NGO submission by Netherlands Institute for Human Rights, p. 18.

94. NGO submissions by the Dutch CEDAW Network, pp. 33-34; and by the Netherlands Institute for Human Rights, p. 17.

95. Avontuur I., *Themanummer Herstelbemiddeling en Intrafamiliaal Geweld, Tijdschrift voor Herstelrecht* (Journal of Restorative Justice, Special issue restorative mediation and domestic violence), 2024, no. 3.

misconception that this type of violence is “acceptable” in society.<sup>96</sup> A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the Istanbul Convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages of the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims’ sense of support, protection and justice.

#### **a. Reporting to, immediate response and investigations by law-enforcement agencies**

162. In its baseline evaluation report, GREVIO had noted that after a restructuring of the police, specialist knowledge on domestic violence had been lost, and the focus had shifted away from criminal justice responses towards social interventions in cases of domestic violence in conjunction with Safe Home. A need for a change in the authorities’ understanding had been identified, away from seeing domestic violence as a conflict situation involving two equals, where both were regarded as perpetrators, towards a manifestation of unequal power relations between women and men and with full consideration for the context and history of the violence. GREVIO had also identified shortcomings in the police’s response to sexual violence, including police officers discouraging victims from reporting. Concerns had also been raised in relation to migrant women victims of violence without residence permits, who are reluctant to report to the police for fear of their data being shared with immigration authorities.

163. Since the baseline report, efforts have been made to strengthen the police’s expertise on domestic violence and other forms of violence against women, including from a more gendered perspective, as has been described earlier in this report.<sup>97</sup> The police take a more systemic and perpetrator-focused approach to investigating domestic violence. However, at the same time GREVIO notes that this approach is not systematically applied across the country. It regrets, moreover, that there is a lack of prioritisation of domestic violence cases, resulting in sometimes long processing times, which, seen in the context of the under-use of emergency barring orders, put victims at risk of further violence. A recent report by the Inspectorate of Justice and Security identified overall improvements in police responses to cases of stalking but revealed specific instances of shortcomings, such as this form of violence going unrecognised and victims not feeling that they are believed.<sup>98</sup>

164. GREVIO regrets that victims of sexual violence continue to face active discouragement by law-enforcement officers when filing a complaint, despite specially trained officers assigned to such cases. GREVIO notes with concern that practices such as alerting victims to the potential difficulties in sexual violence cases and/or the possible negative consequences of filing a report, and the imposition of a one-week “reflection period” before a report is taken, continue, albeit on a lesser scale.<sup>99</sup> GREVIO thus considers that urgent measures need to be taken to ensure that every report of rape is promptly and diligently recorded and investigated. Once the law enforcement authorities have knowledge of a possible criminal offence, any practice of discouraging victims from reporting their case amounts to a breach of the authorities’ due diligence obligation as laid out in Article 5 of the Istanbul Convention.

165. Recent prevalence data from the EU-wide 2024 gender-based violence survey shows that 12.6% of women in the Netherlands have experienced physical violence and/or threats, 28.6% have been victims of sexual violence and 41% of women have experienced sexual harassment at

96. Explanatory Report to the Istanbul Convention, paragraph 255.

97. See Chapter III, Training of professionals (Article 16).

98. Inspectorate of Justice and Security, *Stalked. Seen. Heard? Follow-up investigation into “The approach to the stalking by Bekir E. (2019)”*, 2024.

99. NGO submission by the Netherlands Institute for Human Rights, p. 19.

work in their lifetime.<sup>100</sup> The 2024 Dutch Prevalence Monitor on Domestic Violence and Sexually Transgressive Behaviour indicates that 10% of the approximately nine million women in the Netherlands had been victims of domestic violence in the 12 months preceding the survey, but only 3.6% of female victims of psychological violence, 3.6% of female victims of physical violence and 8.6% of female victims of ex-partner stalking stated that they had contacted the police for these forms of violence.<sup>101</sup> According to the authorities, in 2023, 5 840 police reports made by women victims of sexual offences were recorded; 10 320 reports by women victims of threat; and 17 040 reports by women victims of physical violence. The discrepancy between prevalence and reported violence shows that measures to build the trust of women in law-enforcement authorities in order to increase reporting rates are much needed – an issue that GREVIO had already identified in its baseline evaluation report. According to information received by women's rights NGOs, the willingness to report violence among certain groups of women who are subject to intersectional discrimination, including women with disabilities, LBTI women, women in prostitution and migrant women, is even lower.<sup>102</sup> Despite these groups of women facing a higher prevalence of victimisation, they are less likely to report because of fears of being stigmatised or not being believed or because they do not have a valid residence permit.

166. Despite laudable efforts by the police to ensure reporting by victims from all pockets of society, in particular the police operating instructions “Safe reporting for victims of crime with irregular migration status”,<sup>103</sup> migrant women continue to fear deportation and separation from their children if they report the violence – an issue already identified by GREVIO in its baseline evaluation report. While some police stations or officers implement the above-mentioned instructions, others do not, leaving migrant women in a state of insecurity. GREVIO further received indications from NGOs working in the field that women in prostitution are not always taken seriously by the police, in particular when they report stalking.<sup>104</sup> GREVIO considers that greater efforts are needed to build trust in law-enforcement agencies among the above-mentioned groups of women, notably through greater outreach and trust-building initiatives and increased training on intersecting forms of discrimination and their impact on women's ability to report.

**167. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Dutch authorities to diligently pursue *ex officio* every case of rape or sexual violence that is brought to their attention, and to end any practices that dissuade women victims from reporting, such as imposing “reflection periods”.**

**168. GREVIO strongly encourages the Dutch authorities to take measures to increase trust in law-enforcement agencies and encourage women victims of violence to report, including women who are at risk of or subject to intersectional discrimination, for example women with disabilities, LBTI women, women in prostitution and migrant women.**

## **b. Effective investigation and prosecution**

169. In its baseline evaluation report, GREVIO had welcomed the “ZSM” working method of the public prosecution services, which aims to fast-track frequently occurring cases, with the aim of deciding within six hours about how to proceed with the case. Prosecution guidelines were in place concerning all offences contained in the Dutch Criminal Code, and instructions were available for domestic violence, sexual violence and child abuse cases.

170. Since the baseline evaluation report, the authorities have provided GREVIO with data on the number of cases of domestic violence reaching the public prosecutor's office. This includes the number of suspects subpoenaed and the number of sanctions imposed by the prosecution

100. FRA, EIGE, Eurostat (2024), EU gender-based violence survey – Key results. Experiences of women in the EU-27, Publications Office of the European Union, Luxembourg, available at: [www.fra.europa.eu/en/publication/2024/eu-gender-violence-survey-key-results](http://www.fra.europa.eu/en/publication/2024/eu-gender-violence-survey-key-results).

101. [www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/9-totaalbeeld-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag](http://www.cbs.nl/nl-nl/longread/rapportages/2024/prevalentiemonitor-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag-2024/9-totaalbeeld-huiselijk-geweld-en-seksueel-grensoverschrijdend-gedrag).

102. NGO submission by the Dutch CEDAW Network, pp. 17-21.

103. [www.safereporting.eu/](http://www.safereporting.eu/).

104. Information obtained during the evaluation visit.

service, which is a possibility under Dutch criminal law in the form of a “penalty order” (Strafbeschikking).<sup>105</sup> However, in the past, the data were not disaggregated by any factors, making it impossible to discern the number of women victims. GREVIO welcomes the fact that in 2024 the public prosecutor’s office started to record the number of women victims in criminal proceedings, which will, at a later stage, make it possible to identify the number of criminal cases where women have become victims of violent crimes. However, at the time of the adoption of the present report, no such data were available in relation to the different forms of violence covered by the Istanbul Convention.

171. The public prosecutor’s office continues to practice its fast-tracking working method called “ZSM”, which GREVIO welcomes. New guidelines for prosecutors relating to criminal proceedings in domestic violence cases, including stalking, have been issued. Another recent introduction is that subpoenaing suspects in domestic violence and child abuse cases by the prosecution authorities has now become the rule. All 10 court districts across the Netherlands now have public prosecutors specialised in domestic violence, child abuse and sexual offences. They handle such cases themselves, and also support non-specialised public prosecutors in such cases. Sexual offences may only be handled by public prosecutors specialised in this area.

172. In January 2022, the Rotterdam court introduced a new working method with regard to domestic violence cases. It holds one combined hearing every week in which multiple pending cases – civil and criminal – concerning one family are heard by the same judge.<sup>106</sup> The joint approach for cases of domestic violence ensure swift action by the prosecution services, with one public prosecutor appointed full-time to domestic violence and stalking cases. A multi-agency approach is applied between prosecution services, law-enforcement agencies, Safe Home, the probation board, NGOs providing perpetrator programmes and other relevant stakeholders from the moment the suspect is brought into police custody. Cases are discussed immediately among these organisations after they are received and information on the history of the family as well as past measures is pooled. The quick sharing of information allows all involved parties to take informed and swift decisions, including the ordering of protective measures such as the imposition of contact bans and electronic bracelets for the perpetrator or the mandatory attendance on a perpetrator programme. Another benefit of the combined hearings is that they are usually scheduled within three months.

173. As regards psychological violence, GREVIO had noted in its baseline evaluation that although it may come within the remit of existing criminal law provisions such as coercion (section 284 of the Criminal Code) and threat (section 285), this was rarely prosecuted as such in practice. GREVIO regrets that this situation persists, with very few cases of psychological violence reaching the courts, according to indications made by experts in the field.<sup>107</sup> Indeed, the relevant offences in the Criminal Code do not encompass a course of conduct that might consist of several incidents of a lower intensity but that often form part of the pattern of psychological abuse in domestic violence situations, which is what Article 33 of the Istanbul Convention seeks to capture. GREVIO thus notes with interest that a draft bill on criminalising psychological violence has recently been presented to the Dutch Parliament. A specific criminal provision would likely lead to greater legal clarity and coherence, as it would allow law enforcement and the courts to effectively investigate, prosecute and sanction psychological violence, including coercive control, and would contribute to the understanding among professionals and victims of this form of violence. Any change in the criminal law would need to be accompanied by awareness-raising campaigns and a public debate on psychological violence, including coercive control, as had been done with the new Act on Sexual Violence.

174. In relation to sexual violence, an increase in reports of sexual crimes can already be observed following the entry into force of the Sexual Offences Act on 1 July 2024. GREVIO commends the authorities for their anticipation of this increase by providing additional resources for prosecution and law-enforcement authorities, including more victim support measures. However, it appears that

105. See the state report, paragraph 56, and [www.om.nl/onderwerpen/strafbeschikking](http://www.om.nl/onderwerpen/strafbeschikking).

106. See Chapter III, Custody, visitation rights and safety (Article 31).

107. Information obtained during the evaluation visit.

the increase in resources has not yet resulted in a significant decrease in the backlog of cases of sexual violence, although the number of cases dating back longer have been reduced despite a steady inflow of newer cases.

**175. GREVIO strongly encourages the Dutch authorities to take all necessary measures to ensure that investigations into all forms of violence against women covered by the Istanbul Convention are conducted without undue delay, and that investigating authorities proactively collect evidence beyond the victim's statement in order to ensure an effective prosecution, including in the context of the newly introduced consent-based definition of rape and sexual violence.**

**176. Welcoming the working method for domestic violence cases applied by the court in Rotterdam, where all pending family law and criminal cases concerning one family are dealt with in a combined hearing by the same judge, GREVIO invites the Dutch authorities to consider the rollout of this working method to other courts across the country.**

### **c. Conviction rates**

177. In its baseline evaluation report, GREVIO had expressed concern at the low level of prosecution, the high levels of dismissals and the low conviction rates in the light of the high number of incidents of domestic violence. It had not been able to assess these issues in depth or in relation to other forms of violence against women, as disaggregated data were lacking.

178. GREVIO regrets that this situation persists. The lack of disaggregation of data by important categories such as the sex of the victim, sex of the accused and their relationship continues to make it difficult for GREVIO to assess the prosecution and conviction rates for domestic violence, or to discern whether the respective sentences or sanctions imposed are proportionate and dissuasive. GREVIO regrets that there are still no data available on the number of yearly prosecutions or attrition rates for other forms of violence against women, disaggregated by sex, age and location of the victim and the perpetrator, and their relationship. As pointed out earlier in this report, data collected by the justice sector currently do not allow for attrition rates on the forms of violence covered by the Istanbul Convention to be assessed.<sup>108</sup>

179. What can be said from the data currently publicly available from the authorities is that only a few of the 85 000 yearly cases of domestic violence reported by all victims, irrespective of sex and age, reach the prosecution services, and the number has declined in recent years, from 10 420 cases dealt with by the public prosecutor's office in 2019, to 8 905 cases in 2022. It is, however, with interest that GREVIO notes the practice of criminal courts and public prosecution services in the Netherlands issuing an explanation to victims should their case not lead to a conviction because of a lack of evidence. Victims are notified of the credibility of their testimony but pointed to the high evidentiary threshold required in criminal proceedings, thus offering recognition for their suffering. GREVIO points to the importance of such practices as they contribute significantly to building trust in the criminal justice system despite the discontinuation of a case or an accused's acquittal.

**180. GREVIO strongly encourages the Dutch authorities to:**

- a. ensure that all acts of violence against women and domestic violence covered by the Istanbul Convention are sanctioned swiftly, in particular by taking sustained measures to reinforce the capacity of courts that hear cases of sexual violence so as to reduce delays;**
- b. ensure that sentences and measures imposed for the offences covered by the Istanbul Convention are effective, proportionate and dissuasive;**
- c. identify the root causes of attrition in the criminal justice sector by introducing data collection and case tracking across the sector and address the problem of attrition by taking adequate measures.**

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108. See Chapter II, Data collection (Article 11).

## 2. Risk assessment and risk management (Article 51)

181. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension to such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.<sup>109</sup>

182. In its baseline evaluation report, GREVIO had noted with satisfaction that several risk-assessment tools were used by the police, social services and Safe Home, depending on the type and severity of violence, such as the Screening Assessment for Stalking and Harassment tool (SASH) and RiHG for intimate partner violence in connection with temporary emergency barring orders, called temporary restraining orders in the Netherlands. However, GREVIO had noted that risk assessments were not part of the standard response to domestic violence cases outside of cases where such orders were being considered, and that the process was lengthy.

183. Although since 2016 safety and risk assessments have become important tools for prioritising the actions of the Public Prosecution Service and the police, according to experts in the field they continue to be underused in practice. They are only carried out in situations of grave domestic violence, rather than in all cases reported to the authorities.<sup>110</sup> Moreover, an inadequate assessment of the risks of serious violence, stalking or gender-related killings has been observed in practice.<sup>111</sup> Research and the experience of women's rights NGOs show that threats to life and limb are not always taken seriously by law-enforcement agencies, resulting in inadequate protective measures ordered.<sup>112</sup> GREVIO recalls the need to ensure that standardised and systematic risk assessment is carried out in all cases on the basis of clearly established warning signs and red flags, including any threats made to children in the household. Greater levels of training and greater consistency in approaches to risk assessment would lead to fewer incidents of domestic violence being overlooked. In this context, GREVIO wishes to emphasise the crucial need to assess risks to women victims of domestic violence that are linked to the gendered nature of this form of violence, notably any red flags linked to a perceived transgression of social norms, the announcement of a pregnancy or separation.<sup>113</sup>

109. In addition, GREVIO points out that conducting risk assessments in domestic violence situations is not only an obligation under the Istanbul Convention but also under Articles 2 and 3 of the European Convention on Human Rights, pursuant to the 2021 judgment in the case of *Kurt v. Austria* [GC], Application No. 62903/15, paragraphs 167-176, 15 June 2021. Notably, the European Court of Human Rights held that authorities needed to respond immediately to allegations of domestic violence and establish whether there exists a real and immediate risk to the life of one or more identified victims by carrying out an autonomous, proactive and comprehensive risk assessment. The reality and immediacy of the risk must be assessed taking due account of the particular context of domestic violence cases. If the outcome of the risk assessment is that there is a real and immediate risk to life, the authorities' obligation to take preventive operational measures is triggered. Such measures must be adequate and proportionate to the level of the risk assessed. The Court found that once a risk has been established, rapid sharing of information and co-ordination among relevant stakeholders is part of a comprehensive response to domestic violence, including information from child-protection agencies, schools and other childcare facilities, should children be involved.

110. Lünemann K. D and Ter Woerds S. (2021), *Meer dan een ruzie. Politie in de netwerk aanpak huiselijk geweld* (More than a quarrel. Police in the network approach to domestic violence), Politie & Wetenschap, Verwey-Jonker instituut.

111. NGO submission by the Dutch CEDAW network, pp. 34-35; and Lünemann K. D., Compagner M., Steketee M. and de Wildt R. (2023), *Op zoek naar beschermingsarrangementen. Een onderzoek naar samenwerking huiselijk geweld in Zaanstreek-Waterland* (Looking for protection arrangements. A study into co-operation in domestic violence in Zaanstreek-Waterland) Verwey-Jonker Instituut.

112. NGO submissions by the Dutch CEDAW network, pp. 34-35, and by the Dutch section of the International Commission on Jurists (NJCM), p. 11; Lünemann K. D and Ter Woerds S. (2021), *Meer dan een ruzie. Politie in de netwerk aanpak huiselijk geweld* (More than a quarrel. Police in the network approach to domestic violence) Politie & Wetenschap, Verwey-Jonker instituut; and Rapport Een kwetsbaar recht. Inspectie Justitie en Veiligheid (Report a vulnerable right. Inspectorate of Justice and Security), 27 September 2021.

113. Information obtained during the evaluation visit.

184. It therefore notes with interest, in this context, that exploratory studies have been commissioned to assess how risk assessments could be improved, including in the context of preventing femicides. Moreover, in a bid to increase the use of risk assessments, the umbrella organisation of women's shelters in the Netherlands, Valente, in co-operation with the national police and the Association of Dutch Municipalities, has developed a toolbox of different risk-assessment instruments that help professionals to choose the right instrument for a given case.

185. Where a risk is identified, the safety measures available to the police can range from arresting the perpetrator to taking a woman to a shelter or equipping her with an alarm button, in co-operation with Valente, a women's shelter NGO. This alarm button, if pressed, automatically files a report with the police, who immediately see the case history on their screens. The police then locate the person at risk via GPS and dispatch two police cars to the location. In the first weeks after issuance, the police are alerted to the situation during briefings.

186. GREVIO welcomes the information that multi-agency risk-assessment conferences including relevant stakeholders such as Safe Home and the prosecution services are convened by the police in high-risk cases, after which a decision on preventive operational measures in relation to the perpetrator is taken, such as the issuance of an emergency barring order or his arrest. Once a risk assessment has been carried out, it is for Safe Home to devise a safety plan for the victim and her children and assess what measures to take to ensure their safety, for example by taking them to a women's shelter. The prosecution services, once notified of a case, are in theory also responsible for drafting a safety plan, though according to indications received from civil society, it is not a common practice.<sup>114</sup> GREVIO welcomes the wide recognition among the authorities of the importance of regularly updating risk assessments, which is usually done by Safe Home. GREVIO is concerned, however, that the conceptualisation of domestic violence as a conflict between two equals without sufficient consideration for the gendered power dynamics at play may result in the subtleties of dynamic risk being overlooked. Moreover, as noted earlier in this report, significant differences in professional practice exist across the various Safe Home Centres.<sup>115</sup> Shortcomings have also been identified in relation to the risk-assessment procedure by Safe Home outside of high-risk cases. Despite being legally required to carry out a risk assessment in all cases referred to them within five days, the Safe Home Centres meet this target only in 50-60% of the cases. Last, it is unclear whether and to what extent digital forms of violence against women are taken into account in risk assessments.

187. In this connection, attention must be placed on non-fatal strangulation, which currently does not seem to be a separate risk factor in the risk assessments used by all entities in the Netherlands, although it seems to be covered by select training initiatives for the police.<sup>116</sup> GREVIO welcomes that the authorities are ensuring research into the current forensic practices to identify victims of non-fatal strangulation with a view to improving medical research, early recognition and multi-disciplinary collaboration in cases where strangulation is suspected to have occurred. Similar work is underway to improve the level of risk assessment in the healthcare sector by introducing "red flags" and other ways for medical staff to recognise signs of non-fatal strangulation with a view to avoiding lethal consequences for victims. Victims of prior strangulation are seven times more likely to later become victims of murder,<sup>117</sup> and if non-fatal, it is likely to cause serious permanent injuries, such as brain damage.<sup>118</sup>

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114. Information obtained during the evaluation visit.

115. See Chapter III, Specialist support services (Article 22).

116. Strangulation – the obstruction of blood vessels and/or airflow by external (often manual) pressure to the neck – causes decreased oxygen supply to the brain and can lead to unconsciousness and the loss of bladder control within seven to 15 seconds. These time spans are commonly accepted in the medico-legal field, and were first examined in a study from 1943: Kabat H. and Anderson J. P., "Acute arrest of cerebral circulation in man: Lieutenant Ralph Rossen (MC), U.S.N.R.", *Arch Neuropsych.* 1943; 50(5): 510-528, available at: [www.jamanetwork.com/journals/archneurpsyc/article-abstract/649750](http://www.jamanetwork.com/journals/archneurpsyc/article-abstract/649750).

117. Glass N. et al., "Non-fatal strangulation is an important risk factor for homicide of women", *The Journal of Emergency Medicine*, Volume 35, Issue 3, 2008, pp. 329-335, available at: [www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/).

118. White C. et al., "I thought he was going to kill me': analysis of 204 case files of adults reporting non-fatal strangulation as part of a sexual assault over a 3-year period", *Journal of Forensic and Legal Medicine*, Volume 79, 2021, available at: [www.sciencedirect.com/science/article/abs/pii/S1752928X21000135](http://www.sciencedirect.com/science/article/abs/pii/S1752928X21000135).

188. Concerning the topic of homicide review mechanisms, GREVIO notes that while gender-related killings are sometimes analysed retrospectively by the relevant authorities, not all cases are systematically reviewed. However, the possibility of introducing a Dutch homicide review mechanism was being explored at the time of the evaluation procedure, and research into killings in the domestic environment has been commissioned. In view of the authorities' current efforts to curb gender-related killings of women, GREVIO points to the need to identify, through systematic homicide review mechanisms, the existence of a context of domestic violence or another form of violence against women before the murder of a woman, and possible systemic gaps in the institutional response of the authorities where the victim was previously known to them. A related topic is that of gender-based violence-related suicides and other suspicious deaths of women, which appear to be under-researched in the Netherlands and merits further attention, for example by including suicides and suspicious deaths in homicide review mechanisms.<sup>119</sup>

189. **GREVIO strongly encourages the Dutch authorities to ensure that:**

- a. **gender-sensitive risk assessments are systematically and mandatorily carried out in situations of domestic violence and other forms of violence covered by the Istanbul Convention, and not limited to situations of serious violence;**
- b. **risk assessment, risk management and preventive measures are carried out and applied in a harmonised manner across the country, for example through training, guidelines and awareness-raising measures;**
- c. **an effective multi-agency approach is taken to risk assessment in order to ensure the human rights and safety of the individual victim while giving due consideration to the rights and safety needs of child witnesses of intimate partner violence;**
- d. **systematically review and analyse all cases of killings, suicides and suspicious deaths of women to determine whether the perpetrator's motive was gender-related or whether the woman had previously been subjected to domestic violence or another form of violence covered by the Istanbul Convention, and to identify any possible systemic gaps in the institutional response of the authorities.**

### **3. Emergency barring orders (Article 52)**

190. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities are granted the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. Emergency barring orders are tools intended to prevent a crime and to put safety first.<sup>120</sup> They should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application by the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

191. In its baseline evaluation report, GREVIO had expressed concerns over the limitations of the Temporary Restraining Order Domestic Violence Act, including the scope of application of the act, and the fact that it only applies to the victim's home and does not include a prohibition on approaching the victim. Moreover, GREVIO had noted that the risk assessment that is required before an emergency barring order can be issued was a lengthy process, discouraging the police to seek such an order.

119. To give an example, in the UK, official data have shown that the number of domestic violence-related suicides has surpassed the number of intimate partner homicides. The UK includes such suicides in its domestic homicide review mechanism; see [www.homicide-review.homeoffice.gov.uk/](http://www.homicide-review.homeoffice.gov.uk/) and GREVIO baseline evaluation report on the UK, paragraphs 36 and 88.

120. See GREVIO's baseline evaluation report on Denmark, paragraph 207, and on Malta, paragraph 218.

192. GREVIO regrets that no changes to the Temporary Restraining Order Domestic Violence Act have been made since the baseline evaluation report. Several major issues with the current regime of emergency barring orders persist, both in law and in practice. First, the fact that they can only be applied where perpetrator and victim co-habit “more than incidentally”. This excludes victims of domestic violence from the scope of protection if they do not share a residence with the perpetrator, which is all the more worrisome knowing that separating from the perpetrator is a high-risk factor for further violence. Second, the fact that these orders are linked to a residence – a location and not a person – leaves victims unprotected as soon as they leave their home. Third, the threshold for issuing such an order is very high, limited to “cases of serious and imminent danger”, whereas Article 52 of the Istanbul Convention requires only immediate danger to the victim and does not require the risk to be “serious”. GREVIO reiterates that the rationale behind emergency barring orders is that the drafters of the convention considered it important to ensure the removal of the perpetrator to allow the victim to remain in the home, rather than placing the burden of hurriedly seeking safety in a shelter or elsewhere on the victim – which has serious consequences for the social life and mental health of the victim and her children (who may have to change school, for example). Therefore, this provision establishes the obligation to equip the competent authorities with the power to order a perpetrator of domestic violence to leave the residence of the victim and to bar him or her from returning or contacting the victim. The immediate danger must be assessed by the relevant authorities and thus requires a thorough risk assessment (see Article 51 of the convention).<sup>121</sup> Fourth, in the Netherlands only the mayor or, where delegated, a senior police officers can impose a 10-day emergency barring order on a perpetrator of domestic violence, meaning that intervening police officers at a scene of domestic violence do not having the power to immediately issue an order without consulting a police prosecutor or a senior police officer first. While this may be done within two hours, the procedure may also take up to 24 hours, which does not comply with the requirement of “immediate issuance”, unless the perpetrator is remanded in custody until issuance, thereby guaranteeing the victim’s safety. Mayors may extend such orders to 28 days, though in some municipalities the mayor has delegated this power to the police or the prosecution services. Last, as will be described in more detail under Article 53, court protection orders do not link in with the emergency measure, and there is no possibility to extend the duration of the emergency measure until a longer-term protection order has been issued, leaving a gap in protection for the victim.

193. It is therefore important that the definition of “domestic violence” in the Temporary Restraining Order Domestic Violence Act be amended to include more specifically victims who do not co-habit with the perpetrator, in line with the requirement under Article 3 of the Istanbul Convention. Moreover, GREVIO highlights the need to include in emergency barring orders the possibility to order a prohibition on approaching or contacting the victim, and that they are issued immediately where there is imminent danger, without the high threshold of a “serious” risk, in order to ensure full compliance with Article 52 of the Istanbul Convention.

194. Adding to the insufficient legal basis for emergency barring orders in the Netherlands, GREVIO has identified several issues in their practical implementation. First, practitioners consider the procedure of carrying out a risk assessment cumbersome and police perceive it as discouraging. Second, emergency barring orders are not linked in with the safety plans devised by Safe Home, whereas linking them would clearly be to the benefit of the victim. Third, these orders are very much underused. Fewer than 2 000 orders are issued per year in the entire country, and in some regions, it appears that no such orders have been issued at all, although it is unclear whether this is due to their lack of registration.<sup>122</sup> In addition, there are significant local differences in the number of orders issued – some regions issue many such orders, some regions much fewer. While they can in principle also be issued for psychological violence, this is very rarely made use of in practice. Last, it is not clear whether children are automatically included in the scope of protection of emergency barring orders, and issues persist with the communication of an extension of the order and the prosecution of violations of such orders.

195. In the light of the above shortcomings, GREVIO considers that urgent measures are needed to overhaul the system of emergency barring or temporary restraining orders in the Netherlands to

121. Explanatory Report to the Istanbul Convention, paragraph 264.

122. State report, Part IV, paragraph 57.

ensure compliance with Article 52 of the convention. A recent report commissioned by the Ministry of Justice and Security found that there are various bottlenecks, both procedural and substantive, such as a lack of emphasis on the protection of victims and a lack of continued protection after an order has expired.<sup>123</sup> GREVIO notes with interest that a project is ongoing at the Ministry of Justice and Security to strengthen the application of such orders and to review the need for legal adjustments.

**196. In order to ensure full compliance with Article 52 of the Istanbul Convention, GREVIO urges the Dutch authorities to take legislative and other measures to:**

- a. amend the Temporary Restraining Order Domestic Violence Act with a view to including, in its definition of domestic violence, victims who do not co-habit with the perpetrator, and to include the possibility of ordering a prohibition on approaching and contacting victims and their children;**
- b. ensure that the relevant authorities are vested with the power to issue such orders immediately where there is imminent danger, without the high threshold of a “serious” risk;**
- c. promote the use of emergency barring orders among law-enforcement officials in co-operation with Safe Home Centres;**
- d. ensure the diligent enforcement of such orders, and in particular that perpetrators are duly informed of any extension.**

#### **4. Restraining or protection orders (Article 53)**

197. Restraining and protection orders are conceived to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by the latter. Under Article 53 of the Istanbul Convention, victims of all forms of violence against women should be able to obtain a protection order available for immediate protection, without undue financial or administrative burden placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

198. In its baseline evaluation report, GREVIO had noted that beyond an immediate situation of danger, a contact ban may be applied for under civil law in the context of domestic violence, but it was unclear to what extent use was made of this possibility. Moreover, no links seemed to exist with the 28-day temporary restraining orders, leaving victims without uninterrupted protection.

199. GREVIO regrets that no measures have been taken to address this. It recalls that under Article 53 of the convention, protection orders should be available to victims under civil/administrative law, regardless of whether they decide to set in motion criminal proceedings or any other legal proceedings. Many victims may in fact not be ready to press criminal charges. Moreover, Article 53 of the convention clarifies that protection orders should be issued *ex parte* and have immediate effect. However, Dutch law does not clarify the time span within which a court must issue such orders. GREVIO is concerned that this may result in gaps in victims’ protection, for instance where an emergency barring order is issued for a 28-day period and then lapses.<sup>124</sup> Efforts should therefore be made to ensure that continuity and complementarity of protection is ensured between the two types of orders. When it comes to the practical implementation of protection orders, both the statistics and the information provided by civil society indicate a very low use, pointing to the need to promote, monitor and reinforce the use of protection orders.

200. Last, GREVIO underlines the importance of ensuring that children who are victims of the violence and/or have been exposed to it can be included in protection orders.

123. Kleinjan-Van Zwet M. (2024), The temporary restraining order from a new perspective (Het tijdelijk huisverbod vanuit een nieuw perspectief), available at: [www.rijksoverheid.nl/documenten/rapporten/2024/03/27/het-tijdelijk-huisverbod-vanuit-een-nieuw-perspectief](http://www.rijksoverheid.nl/documenten/rapporten/2024/03/27/het-tijdelijk-huisverbod-vanuit-een-nieuw-perspectief).

124. See Chapter III, Emergency barring orders (Article 52).

201. GREVIO strongly encourages the Dutch authorities to take legislative or other measures to ensure that:

- a. no gap in the protection of the victim arises because of the expiry of any emergency barring order and/or restraining order, by making available successive protection measures that can be applied for and issued immediately afterwards, including for victims' children;
- b. efforts are made to promote, monitor and enforce restraining orders.

## 5. Measures of protection (Article 56)

202. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

203. Once a victim of a crime has been identified, the police refer them to support organisations such as Victim Support Netherlands, Safe Home, Victim Advocacy or Sexual Violence Centres, each of which offer different types of services. GREVIO has received indications that the choice of service is made by the police, not the victims, resulting in various contacts being made and in women victims of violence repeating their story, or gaps in support when referrals are not sufficiently done.<sup>125</sup> A more harmonised and co-ordinated approach between all authorities involved would be desirable, for example through common protocols or guidelines that set out each stakeholder's specific tasks and responsibilities, as would the establishment of clear referral pathways.

204. GREVIO welcomes the existence of a variety of measures in Dutch criminal law and procedure that aim to prevent secondary and repeat victimisation. In the past decade, the position of the victim in criminal proceedings has been strengthened. Given the status of formal participant in criminal proceedings in 2012, victims of domestic violence and sexual violence have the right to express their opinion on the facts, the question of guilt and the sanction or measure to be imposed. They also have the right to have information added to the criminal file upon their own initiative (Article 51b of the Dutch Code of Criminal Procedure).<sup>126</sup> In addition, the Code of Criminal Procedure enshrines the right to proper treatment of victims (Article 51aa); the right to receive information throughout the whole criminal procedure (Article 51ab), including a conversation with the public prosecutor and information about (conditional) release or escape from prison; and the right of access to procedural documents insofar as they are relevant to the victim (Article 51b). To protect victims against renewed violations of their physical or sexual integrity or personal freedoms, the relevant authorities have the possibility of imposing restraining or protection orders. Moreover, measures are in place to avoid contact between victims and perpetrators at court and within law-enforcement agencies. Moreover, victims may choose not to disclose their address when reporting a crime and the examining magistrate may order the identity of a witness to be concealed, together with other measures judged reasonable and necessary to conceal the identity of the threatened witness.

205. Furthermore, there are specific arrangements for victims of domestic and sexual violence, human trafficking and child victims. Important in this context is the "individual assessment", which is a tool to assess the vulnerability and risk of repeat victimisation (Article 51aa of the Code of Criminal

125. Black Book. 25 years of victim rights (Zwartboek. 25 jaar slachtofferrechten), 2020, LANGSZ [www.langzs.nl/wp-content/uploads/2020/12/Jubileumeditie-Zwartboek-LANGSZ-2020.pdf](http://www.langzs.nl/wp-content/uploads/2020/12/Jubileumeditie-Zwartboek-LANGSZ-2020.pdf).

126. Bosma and Groenhuijsen (2023), Slachtofferrechten en -participatie in het strafproces, and Muller E. R. (2023), Slachtofferbeleid: inhoud en organisaties, in: *Slachtoffers. Onderzoek, beleid en praktijk*. Wolters Kluwers pp. 453-468 and 469-491; Lünemann K. D. and Mein A. G. (2014) Maatregelen ter voorkoming van secundair en herhaald slachtofferschap (Measures to prevent secondary and repeat victimisation), Verwey-Jonker Instituut, Utrecht.

Procedure). It defines victims of domestic violence and sexual violence as particularly vulnerable, triggering additional measures of protection. Although victims must appear in court if they are summoned to do so, victims usually do not have to testify in court. However, any request to testify in court must be granted by the judge, although this may be done during a hearing before the examining magistrate with only the suspect's lawyer present. Specialised police investigators for sexual offences or the instructing judge conduct the interviews with victims of this form of violence without the perpetrator being present. Victims of the forms of violence covered by the convention can benefit from free legal aid under the circumstances provided by law; victims of sexual or violent crimes are always entitled to free legal aid, regardless of their financial means (Article 44, paragraphs 3 and 4, of the Legal Aid Act). In 2021 a pilot victim advocacy project started in which every victim of sexual violence is referred to victim advocacy and Victim Support Netherlands by the police.

206. GREVIO welcomes the requirement that in specific cases police interviews with a victim of a crime must be audio-recorded for later use in court, which allows prosecution to continue even in cases where the victim later withdraws her statement. In a bid to reduce secondary victimisation, interviews with vulnerable victims, which include minors, must be video-recorded in the presence of the suspect's lawyer. All these measures lead to victims often not having to testify again in court, which GREVIO considers an important victim-friendly measure.

207. Despite the numerous rights granted to victims of crime throughout the criminal justice process, a number of shortcomings in their practical implementation have been observed, notably for women victims of violence. First, it appears that private data of the victim are often included in the case files with potentially negative consequences for the victim's safety, despite a request not to disclose her address. GREVIO notes that a draft law to strengthen the privacy and protection of data of the victim within the criminal procedure is being considered, a timely step to enhance victim protection.<sup>127</sup>

208. When it comes to the right of information, a new instruction for prosecutors concerning victims in criminal proceedings has weakened victims' access to their case files. Victim support organisations describe facing difficulties in obtaining court documents from the public prosecutor's office. Moreover, concerns have been voiced by victim support organisations that the position of victims in the preparatory stage of the criminal procedure may weaken, as according to a new instruction for public prosecutors, victims can no longer be represented by a lawyer or other representative.<sup>128</sup> Last, victims' right to information on the perpetrator's release or escape is ensured mainly in relation to those represented by a lawyer, despite the fact that a request that can be made by all victims, irrespective of their legal representation.<sup>129</sup>

209. In sum, GREVIO points to the need to ensure greater practical implementation of the numerous measures of protection for victims of crime in existence in the Netherlands. Research into the existing barriers to their full implementation, including from a victim's perspective, would help to identify possible gaps in application. Moreover, GREVIO points to the link between victim protection measures and the need for effective safety and risk-assessment procedures.<sup>130</sup> In addition, it considers that more attention should be paid to women victims of violence who face intersectional discrimination and may need specific measures of protection and support in criminal proceedings, in particular women and girls with disabilities. For women who do not speak Dutch, trained and qualified interpreters who do not have any personal connection to the victim or the perpetrator, if possible of the same sex, are of crucial importance.

127. Concept of decision making on the protection of victim data in procedural documents (Concept Besluitvorming bescherming slachtoffergegevens in processtukken).

128. Submission by the Netherlands Institute for Human Rights, pp. 24-25, and Open brief by the NGO Langzs, available at: [www.langzs.nl/wp-content/uploads/2024/02/20240221-Open-brief-FSH-LANGZS-SHN-n.a.v.-vernieuwde-Aanwijzing-slachtoffers-in-het-straftproces.pdf](http://www.langzs.nl/wp-content/uploads/2024/02/20240221-Open-brief-FSH-LANGZS-SHN-n.a.v.-vernieuwde-Aanwijzing-slachtoffers-in-het-straftproces.pdf).

129. Information obtained during the evaluation visit.

130. See Chapter III, Risk assessment and risk management (Article 51).

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210. **GREVIO strongly encourages the Dutch authorities to identify and address the barriers that exist to the practical implementation of all measures covered by Article 56 of the Istanbul Convention, including from a victim's perspective, in order to close possible gaps in their application.**

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## **Appendix I**

### **List of proposals and suggestions by GREVIO**

#### **II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence**

##### **A. Definitions (Article 3)**

1. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Dutch authorities to ensure that any definitions in use in policy documents and measures taken in their implementation reflect more clearly the fact that domestic violence affects women disproportionately and, in this respect, has a gendered dimension. Therefore, policy documents and measures must ensure a gendered understanding of such violence. (paragraph 15).
2. GREVIO urges the Dutch authorities to align and harmonise the definitions of "domestic violence" across Dutch legislation with the requirements of Article 3b of the Istanbul Convention, in particular to include economic violence as a form of domestic violence and to include acts of violence perpetrated by a member of the family or of the domestic unit, or by a former or current spouse, whether or not the perpetrator shares or has shared the same residence with the victim. (paragraph 16)

##### **B. Comprehensive and co-ordinated policies (Article 7)**

3. GREVIO strongly encourages the Dutch authorities to:
  - a. ensure that any policies and measures taken in relation to preventing and combating violence against women and domestic violence are co-ordinated, including with the municipalities, and that the policies in place address all forms of violence against women covered by the Istanbul Convention, including economic violence and forced sterilisation;
  - b. ensure that such policies take into consideration and integrate the perspective of women who are or might be exposed to intersectional discrimination;
  - c. assign the role of co-ordinating body to fully institutionalised entities, equip these with clear mandates, competences and the necessary human and financial resources, while ensuring that their functions apply to all forms of violence against women covered by the Istanbul Convention, that they are exercised in close consultation with relevant civil society organisations and that they are supported by adequate data;
  - d. evaluate, on a regular basis, such policies that aim to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data;
  - e. ensure the involvement, on a regular basis, of NGOs working with women victims of violence, in policy making as well as in the monitoring and evaluation of policies and measures with a view to meaningfully tapping into their expertise. (paragraph 26)

##### **C. Financial resources (Article 8)**

4. GREVIO strongly encourages the Dutch authorities to ensure appropriate and sustainable funding for women's rights NGOs that run specialist support services for women victims of all forms of violence, including smaller community-based NGOs, through funding opportunities that allow for continuous service provision, such as long-term grants. Procurement procedures for such services should include, as selection criteria, qualitative requirements such as the need to ensure a gender-sensitive approach to violence against women and domestic violence as well as expertise in the provision of such services. (paragraph 37)

5. GREVIO strongly encourages the Dutch authorities to:
- a. allocate appropriate, sufficient and sustainable funding for policies, programmes and measures on all forms of violence against women and domestic violence, both at central and at municipal levels;
  - b. introduce, in all relevant line ministries, departments and other state entities, separate budget and funding lines for policies and measures on violence against women and domestic violence based on the principle of gender budgeting. (paragraph 38)

**D. Data collection (Article 11)**

**3. Social services**

6. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Dutch authorities to:
- a. adapt their data categories for use by the justice sector and law-enforcement agencies to reflect the sex and age of the victim and perpetrator, their relationship and geographical location as well as the type of violence, and ensure the use of these data categories across the various sectors, with the aim of tracking cases of violence against women across the different stages of the criminal justice system;
  - b. collect data on the number of women and girls and any accompanying children who contact the Safe Home Centres seeking help in relation to their experiences of violence against women, including domestic violence, disaggregated by the type of violence, the victim's sex, age and relationship with the alleged perpetrator;
  - c. introduce the harmonised collection of data across the healthcare sector to ensure that data collected by public and private healthcare providers encompass instances of contact made by victims of violence against women covered by the Istanbul Convention with all other healthcare providers;
  - d. ensure that the collection, storing and processing of data complies with the standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved. (paragraph 51)

**III. Analysis on the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution**

**A. Prevention**

**1. General obligations (Article 12)**

7. Welcoming the variety of awareness-raising measures and campaigns and their strong focus on promoting gender equality, GREVIO encourages the Dutch authorities to ensure wider preventive measures for forms of violence against women currently unaddressed through primary prevention, in particular intimate partner violence, and to address it as a pervasive phenomenon affecting all pockets of society in order to challenge societal attitudes, cultural norms and gender stereotypes rooted in the perceived inferiority of women. The impact of awareness-raising campaigns should be assessed regularly. (paragraph 59)

**2. Education (Article 14)**

8. GREVIO strongly encourages the Dutch authorities to incentivise or otherwise take measures to ensure that schools impart knowledge on all elements listed in Article 14 of the Istanbul Convention

and within the framework of the mandatory curriculum, and to assess whether and to what extent relevant teaching material is being used by teachers. (paragraph 66)

9. GREVIO strongly encourages the Dutch authorities to ensure that teachers are aware of and meet their obligation to report suspicions of violence against a child under the Reporting Code. (paragraph 67)

10. GREVIO encourages the Dutch authorities to increase their efforts to teach children, in an age-appropriate manner, about the notion of freely given consent in sexual relations, and to raise their awareness of the harmful effects of violent pornography and the implications of sharing of intimate images of oneself and others, while also providing a comprehensive overview of the concept of violence against women by articulating the underpinning principles that all forms of violence against women share. (paragraph 68)

### **3. Training of professionals (Article 15)**

11. Recalling the findings issued in its baseline evaluation report, and in view of persisting gaps in the field of training of professionals, whose contribution to a trust-based system of support, protection and justice is vital, GREVIO urges the Dutch authorities to step up the training of all professionals dealing with victims of violence against women on all the forms of violence covered by the Istanbul Convention, including in their digital dimension. Such training must be accompanied by standardised protocols aimed at identifying, providing support to and further referring victims to other general and specialist services, and should be regularly evaluated. It should focus on the victims' human rights, safety, individual needs and empowerment, as well as the prevention of secondary victimisation through a victim centred and trauma-informed approach, and should be provided to all those in the justice, law enforcement, social welfare, healthcare and education sectors. The impact of such training efforts should be maximised by drawing on the expertise of women's rights organisations and providers of specialist services. (paragraph 82)

### **4. Preventive intervention and treatment programmes (Article 16)**

#### **a. Programmes for perpetrators of domestic violence**

12. GREVIO encourages the Dutch authorities to:

- a. expand the number and increase the geographical availability of perpetrator programmes for domestic violence and ensure they are widely attended, including by reducing barriers to voluntary attendance;
- b. develop common minimum standards for perpetrator programmes, in line with the principles of the Istanbul Convention, taking account of the need for a gender-sensitive approach and for perpetrators to examine and identify the patriarchal and misogynist nature of their values and attitudes, to take full responsibility for their actions and to modify their behaviour;
- c. collect data on the attendance of perpetrator programmes and ensure an external evaluation of the programmes, in line with recognised best practices and principles, in order to assess whether the programmes serve their intended preventive aims. (paragraph 90)

#### **b. Programmes for perpetrators of sexual violence**

13. GREVIO encourages the Dutch authorities to expand the intervention and treatment programmes for perpetrators of sexual violence to voluntary settings, in line with the requirements of Article 16, paragraph 2, of the Istanbul Convention. (paragraph 92)

## **B. Protection and support**

### **1. General obligations (Article 18)**

14. Recalling the findings issued in GREVIO's baseline evaluation report as regards the need for multi-agency structures responding to the different forms of violence to operate on the basis of an understanding of violence against women as a form of gender-based violence, GREVIO strongly encourages the Dutch authorities to ensure, on the basis of guidelines and protocols, that multi-agency co-operation mechanisms on domestic violence and other forms of violence covered by the Istanbul Convention take a distinctly gendered approach, operate on the basis of the safety of victims and respect for their human rights as required by Article 18, paragraph 2, of the Istanbul Convention. (paragraph 101)

15. GREVIO strongly encourages the Dutch authorities to include more systematically the health sector and women's rights organisations providing specialist support services in multi-agency co-operation structures. (paragraph 102)

16. GREVIO further encourages the Dutch authorities to increase the number of "one stop shops" providing a range of protection and support services to cater for victims of sexual violence. (paragraph 103)

### **2. General support services (Article 20)**

#### **a. Social services**

17. GREVIO strongly encourages the Dutch authorities to continue their efforts to ensure the recovery and economic independence of women victims of violence throughout the country through general social services, including measures involving financial assistance, education/training and assistance in finding employment and affordable, permanent housing, through schemes that prioritise them. More measures need to be taken to raise awareness of social services staff about the needs of women victims of all the forms of violence against women covered by the Istanbul Convention. (paragraph 110)

#### **b. Healthcare services**

18. GREVIO strongly encourages the Dutch authorities to ensure, across the healthcare sector, the identification of victims of all forms of violence against women covered by the Istanbul Convention, their diagnosis, treatment, documentation of the type of violence and the violence suffered and referral to appropriate specialist support services in a gender sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting their injuries. (paragraph 116)

19. GREVIO strongly encourages the Dutch authorities to ensure that women with intellectual disabilities who undergo sterilisation are supported in making their decision on the basis of having sufficient information on the procedure designed in a disability accessible manner, which is presented to them by professionals who are trained on gender and disability issues and which allows them to give their informed consent to such a procedure. In any procedure authorising the sterilisation of legally incapacitated women, less invasive birth control options should be considered with due regard to the best interests and self-determination of the women concerned. (paragraph 117)

### **3. Specialist support services (Article 22)**

20. GREVIO urges the Dutch authorities to:

- a. take more decisive action to align the conceptualisation of domestic violence that underpins professional practice and interventions on domestic violence offered by Safe

Home Centres with the principles of the Istanbul Convention and to ensure relevant staffing levels and more harmonised service provision;

- b. increase the number and capacity of women's shelters providing safe accommodation to victims of all forms of violence against women, in line with the standards set by the Istanbul Convention and in an adequate geographical distribution, with the aim of achieving the standard set out in the Explanatory Report to the Istanbul Convention of one family place per 10 000 head of population;
- c. ensure that shelters and other specialist services can accommodate and cater for the needs of women subject to intersectional discrimination and their children, including women without a residence permit, women with disabilities and young women and girls. (paragraph 131)

#### **4. Support for victims of sexual violence (Article 25)**

21. Recalling the findings from the baseline evaluation report, and with a view to expanding the response to sexual violence and rape, GREVIO strongly encourages the Dutch authorities to:

- a. increase the number of sexual violence referral centres such as the Sexual Assault Centres with a view to reaching the target of one such centre per 200 000 inhabitants and ensuring an even geographical distribution;
- b. ensure the provision of comprehensive support, including immediate, medium- and long-term psychosocial support for all victims of rape and sexual violence through adequate funding and staffing levels;
- c. remove any barriers, including financial and those linked to health insurance status or physical access, to women's access to the full range of services provided;
- d. step up outreach and awareness-raising activities about the availability of these support services. (paragraph 139)

### **C. Substantive law**

#### **1. Custody, visitation rights and safety (Article 31)**

22. GREVIO strongly encourages the Dutch authorities to take the following priority action in the area of custody and visitation rights to ensure the safety of victims and their children:

- a. systematically screen all pending cases on custody and visitation for instances of domestic violence, consult with all relevant bodies, including on whether criminal proceedings are pending against the perpetrator or have been brought in the past, and request the disclosure of the perpetrator's criminal record, any reports against him for violence or risk assessments and safety plans drawn up by the police and social services (and other relevant bodies);
- b. ensure that the negative impact that violence against women has on children is reflected in legislation, training, guidelines and practice and that incidents of violence against women are a mandatory criterion to be taken into account when deciding on custody and visitation rights;
- c. take all appropriate measures to ensure that all relevant professionals, including social workers, members of the judiciary, court experts and child psychologists, are aware of the lack of a scientific basis for "parental alienation syndrome" and refrain from using concepts that position women victims of abuse as alienating, hostile or un-co-operative;
- d. provide a sufficient number of safe premises for supervised visits. (paragraph 151)

#### **2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

23. GREVIO urges the Dutch authorities to move away from practices that amount to mandatory mediation in parental separation proceedings initiated without prior and pro-active screening for a history of domestic violence and towards a thorough understanding of the power imbalances created

by domestic violence and the frequent use of family law proceedings for post-separation abuse. (paragraph 159)

**D. Investigation, prosecution, procedural law and protective measures**

**1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)**

**a. Reporting to, immediate response and investigations by law-enforcement agencies**

24. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Dutch authorities to diligently pursue ex officio every case of rape or sexual violence that is brought to their attention, and to end any practices that dissuade women victims from reporting, such as imposing "reflection periods". (paragraph 167)

25. GREVIO strongly encourages the Dutch authorities to take measures to increase trust in law-enforcement agencies and encourage women victims of violence to report, including women who are at risk of or subject to intersectional discrimination, for example women with disabilities, LBTI women, women in prostitution and migrant women. (paragraph 168)

**b. Effective investigation and prosecution**

26. GREVIO strongly encourages the Dutch authorities to take all necessary measures to ensure that investigations into all forms of violence against women covered by the Istanbul Convention are conducted without undue delay, and that investigating authorities proactively collect evidence beyond the victim's statement in order to ensure an effective prosecution, including in the context of the newly introduced consent-based definition of rape and sexual violence. (paragraph 175)

27. Welcoming the working method for domestic violence cases applied by the court in Rotterdam, where all pending family law and criminal cases concerning one family are dealt with in a combined hearing by the same judge, GREVIO invites the Dutch authorities to consider the rollout of this working method to other courts across the country. (paragraph 176)

**c. Conviction rates**

28 GREVIO strongly encourages the Dutch authorities to:

- a. ensure that all acts of violence against women and domestic violence covered by the Istanbul Convention are sanctioned swiftly, in particular by taking sustained measures to reinforce the capacity of courts that hear cases of sexual violence so as to reduce delays;
- b. ensure that sentences and measures imposed for the offences covered by the Istanbul Convention are effective, proportionate and dissuasive;
- c. identify the root causes of attrition in the criminal justice sector by introducing data collection and case tracking across the sector and address the problem of attrition by taking adequate measures. (paragraph 180)

**2. Risk assessment and risk management (Article 51)**

29. GREVIO strongly encourages the Dutch authorities to ensure that:

- a. gender-sensitive risk assessments are systematically and mandatorily carried out in situations of domestic violence and other forms of violence covered by the Istanbul Convention, and not limited to situations of serious violence;
- b. risk assessment, risk management and preventive measures are carried out and applied in a harmonised manner across the country, for example through training, guidelines and awareness-raising measures;

- c. an effective multi-agency approach is taken to risk assessment in order to ensure the human rights and safety of the individual victim while giving due consideration to the rights and safety needs of child witnesses of intimate partner violence;
- d. systematically review and analyse all cases of killings, suicides and suspicious deaths of women to determine whether the perpetrator's motive was gender-related or whether the woman had previously been subjected to domestic violence or another form of violence covered by the Istanbul Convention, and to identify any possible systemic gaps in the institutional response of the authorities. (paragraph 189)

### **3. Emergency barring orders (Article 52)**

30. In order to ensure full compliance with Article 52 of the Istanbul Convention, GREVIO urges the Dutch authorities to take legislative and other measures to:

- a. amend the Temporary Restraining Order Domestic Violence Act with a view to including, in its definition of domestic violence, victims who do not co-habit with the perpetrator, and to include the possibility of ordering a prohibition on approaching and contacting victims and their children;
- b. ensure that the relevant authorities are vested with the power to issue such orders immediately where there is imminent danger, without the high threshold of a "serious" risk;
- c. promote the use of emergency barring orders among law-enforcement officials in co-operation with Safe Home Centres;
- d. ensure the diligent enforcement of such orders, and in particular that perpetrators are duly informed of any extension. (paragraph 196)

### **4. Restraining or protection orders (Article 53)**

31. GREVIO strongly encourages the Dutch authorities to take legislative or other measures to ensure that:

- a. no gap in the protection of the victim arises because of the expiry of any emergency barring order and/or restraining order, by making available successive protection measures that can be applied for and issued immediately afterwards, including for victims' children;
- b. efforts are made to promote, monitor and enforce restraining orders. (paragraph 201)

### **5. Measures of protection (Article 56)**

32. GREVIO strongly encourages the Dutch authorities to identify and address the barriers that exist to the practical implementation of all measures covered by Article 56 of the Istanbul Convention, including from a victim's perspective, in order to close possible gaps in their application. (paragraph 210)

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## **Appendix II**

### **List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations**

#### **National authorities**

Ministry of Asylum and Migration  
Ministry of Education, Culture and Science  
Ministry of Finance  
Ministry of Foreign Affairs  
Ministry of Health, Welfare and Sport  
Ministry of Justice and Security  
Ministry of Social Affairs and Employment  
Municipality of Arnhem

#### **Public bodies**

Child protection board  
Council for the administration of justice and the protection of juveniles  
Den Haag court, civil and criminal law judges  
Dutch Municipality Association  
Government Commissioner on sexually transgressive behaviour and sexual violence  
National Police  
Police Arnhem  
Public prosecution service  
Statistics Netherlands  
Veilig Thuis (Safe Home) Arnhem

#### **NGOs and civil society organisations**

Amnesty International Netherlands  
Augeo – Child protection organisation  
Bayanihan Foundation Centre for Philippine Women in the Netherlands – Women's rights organisation  
Blijf Groep – Domestic violence shelter  
Clara Wichmann Association for Women and Law – Women's rights organisation  
De Waag – Forensic health care centre  
Doing Nothing is No Option  
The Netherlands Society of Women's Rights, Female Labour and Equal Citizenship  
Dutch CEDAW Network  
Dutch Committee of Jurists for Human Rights  
Dutch Women's Council  
Fair Work – Migrant workers organisation  
Filomena – Victim support organisation  
Fonds Slachtofferhulp – Victim support organisation  
Foundation Civil Care – Knowledge institute on violent intimate relationships  
La Strada International  
Moviera – Domestic violence shelter  
Platform Zelfbeschikking en Verblijfsrecht – Migrant women's rights organisation  
RESPECT Network - Migrant women's rights organisation  
SekswerkExpertise – Platform for the advancement of sex workers' rights  
Sexual Assault Centre  
Terre des Hommes – Children's rights organisation  
Transnational Migrant Platform

Valente - Domestic violence shelter  
Vrouwen van Nu – Women's rights organisation

**Lawyers, law firms, researchers and experts**

Avest Advocaten – law firm  
Boeckx Advocaten – law firm  
Van Kempen cs Advocaten – law firm  
Nina Eggens (researcher, Leiden University)  
Arno van Dam (professor, Tilburg University)

**G**REVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the parties.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice for any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

[www.coe.int/conventionviolence](http://www.coe.int/conventionviolence)

PREMS 145025

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**TER ONDERTEKENING**

**Nota actief openbaar**  
Ja

**Onze referentie**  
2026-0000061160

**Datum**  
6 februari 2026

**Opgesteld door**

[Redacted signature]

**Samengewerkt met**  
BZ, JenV, OCW, SZW, VWS

**Bijlage(n)**  
4

Aan  
Van

MBZK  
CZW/CZ

# nota

Kabinetsbrief over ontwikkelingen rond rapportages onder  
mensenrechtenverdragen

## Aanleiding

Het interdepartementale netwerk van verdragscoördinatoren heeft onder coördinatie van BZK een kabinetsbrief opgesteld over ontwikkelingen op het gebied van rapportages onder mensenrechtenverdragen. Hiermee wordt gevolg gegeven aan een toezegging van het kabinet van 16 augustus 2024, gedaan in reactie op een jaarrapport van het College voor de Rechten van de Mens (hierna CRM). Bijgaand treft u de kabinetsbrief. Deze is geagendeerd voor bespreking in de MR van vrijdag 13 februari 2026. Onder voorbehoud van akkoord van de MR wordt de brief hierbij ter ondertekening aan u voorgelegd.

## Geadviseerd besluit

Indien de MR van 13 februari 2026 akkoord is, de kabinetsbrief te ondertekenen en te verzenden aan de Tweede Kamer (rechtstreeks, [zie bijlage 1](#)) en aan Eerste Kamer (middels een oplegbrief, [zie bijlage 2](#))

## Kern

- Medio 2023 heeft het CRM zijn jaarrapport over het jaar 2022 uitgebracht. Daarin reflecteert het CRM op de Nederlandse rapportagepraktijk en doet het een viertal aanbevelingen, onder meer gericht op het versterken van de Nederlandse infrastructuur rond omgang met verdragsrapportages.
- In de kabinetsreactie op dit rapport (2024) is de oprichting van een netwerk van verdragscoördinatoren aangekondigd, waaraan vertegenwoordigers van de departementen die betrokken zijn bij verdragsrapportages deelnemen. Toegezegd is daarbij onder meer dat het netwerk jaarlijks een kabinetsbrief aan de Tweede Kamer stuurt over ontwikkelingen rond rapportages onder mensenrechtenverdragen. De eerste editie daarvan is als [bijlage 1](#) bij deze nota gevoegd. Onder toelichting vindt u een samenvatting van de kabinetsbrief.
- De brief vormt een aanvulling op de reeds bestaande informatievoorziening over de verdragsrapportages vanuit de verantwoordelijke vakdepartementen en heeft tot doel de dialoog met het parlement over mensenrechten te versterken. In de komende periode wordt gezien hoe de brief in de toekomst het beste kan worden vormgegeven.

## Toelichting

- Voorliggende brief geeft eerst informatie over de oprichting van het interdepartementale netwerk van verdragscoördinatoren. Daarbij worden de doelstellingen van het netwerk toegelicht en wordt vermeld dat het netwerk het afgelopen jaar heeft gewerkt aan een interne handreiking voor omgang met rapportageprocessen.
- Vervolgens wordt informatie gegeven over het systeem van rapporteren onder mensenrechtenverdragen en wordt een overzicht gegeven van wanneer het laatste statenrapport onder verschillende mensenrechtenverdragen is opgesteld en welk ministerie daarvoor de verantwoordelijkheid draagt.
- Daarna worden ontwikkelingen en activiteiten beschreven die het afgelopen jaar hebben plaatsgevonden met betrekking tot vijf specifieke mensenrechtenverdragen: Het Internationaal Verdrag van de VN voor Economische, Sociale en Culturele Rechten, het Verdrag van de VN inzake de Rechten van het Kind, het Verdrag van de VN inzake de Uitbanning van alle Vormen van Discriminatie van Vrouwen, het Verdrag van de VN inzake de Rechten van Personen met een Handicap en het Verdrag van de RvE inzake het Voorkomen en Bestrijden van Geweld tegen Vrouwen en Huiselijk geweld.
- De in de brief omschreven ontwikkelingen hebben primair betrekking op VN-mensenrechtenverdragen; één ontwikkeling ziet op een RvE-verdrag. De rapportagecycli van de verschillende mensenrechtenverdragen kennen verschillende fasen en lopen niet synchroon.
- Aan de brief is de recent ontvangen lijst met aanbevelingen van het VN-verdragscomité bij het Internationaal Verdrag voor Economische, Sociale en Culturele Rechten als bijlage toegevoegd ([bijlage 3](#)). In de kabinetsbrief wordt aangegeven dat een inhoudelijke reactie op die aanbevelingen volgt in een afzonderlijke brief, die zal uitgaan onder een volgend kabinet.
- Ook is het evaluatierapport met aanbevelingen van het RvE-verdragscomité bij het Verdrag inzake het Voorkomen en Bestrijden van Geweld tegen Vrouwen en Huiselijk Geweld als bijlage bij deze brief gevoegd ([bijlage 4](#)). Een inhoudelijke reactie op het rapport en de aanbevelingen zelf zijn op 27 november jl. aan de Tweede Kamer verzonden.

**Onze referentie**

2026-0000061160

**Datum**

6 februari 2026

## Informatie die niet openbaar gemaakt kan worden

In de openbaar gemaakte versie van deze nota zijn alle persoonsgegevens van ambtenaren geanonimiseerd.

## Bijlagen

| Volgnummer | Naam                                                                            | Informatie                      |
|------------|---------------------------------------------------------------------------------|---------------------------------|
| 1          | Kabinetsbrief over ontwikkelingen rond rapportages onder mensenrechtenverdragen | Ter ondertekening en verzending |

|   |                                                                                                                                                                                                    |                                    |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 2 | Oplegbrief Eerste Kamer -<br>Kabinetsbrief ontwikkelingen<br>rond rapportages onder<br>mensenrechtenverdragen                                                                                      | Ter ondertekening en<br>verzending |
| 3 | Lijst aanbevelingen onder het<br>Internationaal Verdrag van de<br>Verenigde Naties inzake<br>Economische, Sociale en<br>Culturele Rechten                                                          | Voor verzending                    |
| 4 | Rapport eerste thematisch<br>evaluatie met aanbevelingen<br>van het RvE-verdragscomité bij<br>het Verdrag inzake het<br>Voorkomen en Bestrijden van<br>Geweld tegen Vrouwen en<br>Huiselijk Geweld | Voor verzending                    |

**Onze referentie**  
2026-0000061160

**Datum**  
6 februari 2026