



The NGOs' comments

**on the reply of the Netherlands to the reporting form on the
implementation of the Recommendation of the Committee of the Parties
on 30 January 2020 (IC-CP/Inf(2023)3)**

Dutch CEDAW Network
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PREFACE

These NGOs' comments on the reply of the Netherlands to the reporting form on the implementation of the Recommendation of the Committee of the Parties on 30 January 2020 (IC-CP/Inf(2023)3) have been compiled on behalf of the *Dutch CEDAW-Network*. This independent network consists of a core group of Dutch NGOs and several individual experts working on women's human rights in the Netherlands. In addition to this core group, many other NGOs are connected to the network, all lending their expertise.

46 Dutch NGOs have endorsed these comments:

- Aidsfonds – Soa Aids Nederland (STI AIDS Netherlands)
- Art.1/RADAR (Dutch Knowledge centre on discrimination)
- Atria, Kennisinstituut voor emancipatie en vrouwengeschiedenis (Institute on Gender Equality and Women's History)
- Bureau Clara Wichmann (Women's Rights Fund Clara Wichmann)
- CHOICE for Youth & Sexuality
- COC Nederland (Rights of LHBTI+)
- CoMensha
- Dona Daria (Center for Emancipation, Participation and Social Inclusion)
- Emancipator, voor mannen en emancipatie (Men and Gender Justice)
- FairWork - The Netherlands
- Femmes for Freedom
- FIER (Expertise and treatment centre for children, young people and adults who are confronted with domestic violence, child abuse, sexual violence and human trafficking)
- FNV (The Netherlands Trade Union Confederation)
- Graduate Women International Netherlands "GWI-NL"
- HIVOS (Humanist Institute for Development Cooperation)
- HVO Querido
- iMMO, instituut voor Mensenrechten en Medisch Onderzoek (Netherlands institute for Human Rights and Medical Assessment)
- Johannes Wier Foundation for human rights in health care
- Molukse Vrouwen Raad (Moluccan Women's Council)
- Marokkaanse Vrouwen Vereniging Nederland MVVN (The Moroccan women's association Netherlands)
- Nederlandse Vereniging voor Vrouwenbelangen, Vrouwenarbeid en Gelijk Staatsburgerschap (Netherlands Association for Women's Interests, Women's Work and Equal Citizenship)
- Nisa for Nisa (Women for Women)
- NJCM, Nederlands Juristen Comité voor de Mensenrechten (Dutch Section of the International Commission of Jurists)
- NNID (Foundation, Netherlands organisation for sex diversity)
- Nederlandse Vrouwenraad NVR (Netherlands Council of Women)
- Oudere Vrouwen Netwerk Nederland (Older Womens Network Netherlands)
- Platform Vrouwen & Duurzame vrede (Platform of Women & Sustainable Peace)
- Platform Zelfbeschikking en Verblijfsrecht (Platform Self-determination and Residence Rights)
- Prostitutie Informatie Centrum PIC (Prostitution Information Centre)
- RESPECT Network NL
- Rutgers
- SONPPCAN (Somali Network for Prevention and Protection against Child Abuse and Neglect)
- S.P.E.A.K.
- Steungroep Vrouwen Zonder Verblijfsvergunning (Supportgroup Undocumented Women)
- Stichting Landelijke Ongedocumenteerden Steunpunt (National Organisation for the Support of Undocumented Migrants)

- Stichting Landelijke Werkgroep Mudawwanah (National Working Group Mudawwanah Foundation)
- Stichting Vobis, Creating space and opportunities for everybody
- Tiye International
- Transgender Netwerk TNN (Transgender Network)
- Valente / Landelijk Netwerk Vrouwenopvang (Valente / National Network of Women's Shelters)
- Vluchtelingenwerk Nederland (Dutch Council for Refugees)
- Vereniging van Nederlandse Vrouwelijke Artsen VNVA (Association of Dutch Female Physicians)
- Vrouwenrechtswinkel Amsterdam (Legal Aid Clinic for Women)
- Vrouw en Recht VVR (Dutch Association Woman and Law)
- WO=MEN Dutch Gender Platform
- WOMEN Inc.

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PRELIMINARY REMARK

GREVIO's Baseline Evaluation Report (GREVIO/inf/(2019)19 and recommendations (IC-CP/inf/(2020)4 precede the COVID-19 outbreak and the worldwide shadow pandemic that followed: the alarming increase in violence against women in all forms, at home and online. The Dutch government fails to mention this in its report. The NGOs, however, have noticed an increase in gender-based violence and note that this reality is not reflected in data due to gender-neutral governmental responses and structural deficiencies in data collections.¹

CHAPTER I - FUNDAMENTAL RIGHTS, EQUALITY, AND NON-DISCRIMINATION (ARTICLE 4)

Q1-3: Not all provisions of the Convention ensured for all groups of victims

The NGOs note that there is still much work to be done to ensure that the provisions of the Convention are applied to all women, without discrimination. So far, too many women have been left behind. Several groups face difficulties in gaining adequate access to protection and support. For instance, research shows that transwomen and bi+ women are more likely to become victims of domestic violence. But since there is little to no expertise within the support system about the specific difficulties these women face, the threshold for seeking and finding support is high.² The same is true for sex workers. Due to the almost exclusive focus on human trafficking in prostitution, there is little to no attention for other forms of violence against sex workers.³ Furthermore, the absence of measures against the verbal and physical violence that Muslim women who wear headscarves and women of colour endure every day on the street and in public transport also shows a lack of understanding of the intersection between different forms of discrimination.⁴

The NGOs suggest that GREVIO ask the government what measures have been taken to ensure that the provisions of the Convention are implemented for all groups of victims, including those mentioned above. Furthermore, the NGOs suggest that GREVIO ask which steps have been taken to ensure an overall gender-specific and intersectional understanding of violence against different groups of victims.

Women with disabilities

Although the Dutch government states that the Ministry of Health, Wellness and Sport and the Ministry of Education, Culture and Science intend to pay more attention to victims with physical and/or mental disabilities, the NGOs have repeatedly shared their concerns about the gender-neutral policies in the Netherlands. Although women with disabilities are more often sexually assaulted than non-disabled women and disabled men⁵, women with disabilities are not included in gender equality policies, nor are they specifically mentioned in disabilities policies.

The NGOs suggest that GREVIO ask the government to elaborate on how the ministries concerned intend to pay more attention to victims of domestic and sexual violence with physical and/or mental disabilities.

In 2020, GREVIO, in conjunction with relevant NGOs and the Centres for Sexual Violence, strongly encouraged the Dutch authorities to develop procedures, protocols, and training programmes to make treatment and assistance accessible to all victims of sexual violence, including women with physical disabilities and particularly those with intellectual disabilities. Research shows that not every municipality provides the required specialised support and shelters for girls and women with disabilities and victims of domestic and sexual violence.⁶

¹ NSCR (2021), [Burgers vanaf eerste lockdown belangrijker melders huiselijk geweld](#) (Citizens from first lockdown more important reporters of domestic violence); Verwey-Jonker (2020) [Ook tijdens coronacrisis veel en ernstig geweld bij kwetsbare gezinnen](#) (Frequent and severe violence in vulnerable families even during corona crisis)

² Atria (2022), [Hulp aan transgender slachtoffers van huiselijk geweld schiet tekort](#) (Support for transgender victims of domestic violence falls short); Movisie (2022), [Onzichtbaar Geweld Lhbt+ en huiselijk geweld](#) (Invisible violence Lgbti+ and domestic violence).

³ Dutch CEDAW Network (2018), [NGO Shadow Report on the Implementation of Istanbul Convention](#), para 6.

⁴ Valk, Ineke van der (2017), [Monitor Moslimdiscriminatie, derde rapportage](#). (Monitor Muslim discrimination, third report); Ibitassam Abaaziz (2019), [Alledaagse Islamofobie in Nederland](#) (Everyday Islamophobia in the Netherlands).

⁵ Inclusion Europe (2018), [Life after violence. A study on how women with intellectual disabilities cope with violence they experienced in institutions.](#)

⁶ Regioplan (2021), [Gendersensitiviteit in de Nederlandse aanpak van huiselijk geweld](#) (Gender sensitivity in the Dutch approach to domestic violence)

Moreover, the NGOs note a lack of knowledge about migrant women with disabilities, who are at a higher risk of domestic violence and isolation due to taboos surrounding their disability within their family/community. This creates additional barriers to accessing support and care.

The NGOs suggest that GREVIO ask the government to elaborate on steps it has taken or that will be taken to better protect victims with disabilities and provide them with support from an intersectional perspective, i.e., recognising additional barriers that prevent migrant women with disabilities from accessing treatment and assistance.

Migrant and refugee women

When it comes to the safety of women from migrant and refugee backgrounds, the Dutch government is predominantly focused on harmful practices and women's self-determination within "closed communities." This limited approach reinforces existing stereotypes and prejudices that violence against migrant and refugee women stems from an oppressive, religious, collective culture. Moreover, it suggests that violence against white women is an individual problem unrelated to traditional gender roles and structurally unequal power relations between women and men. Moreover, it ignores a broader perspective on migrant and refugee women in Dutch society and the discrimination and exclusion they experience on the labour market and in education, housing, and health care.⁷

The NGOs suggest that GREVIO ask the government which steps it will take to develop an inclusive intersectional policy on the safety of women with migrant and refugee backgrounds, including improving their social positions and the method of data collection with respect to these groups.

Women with a dependent residence permit

With respect to family migration/reunification (including refugees), a dependent residence permit can be changed to an autonomous residence permit after five years. Recent research shows that this legal dependency puts women at a greater risk of violence.⁸ Moreover, although autonomous residence can be obtained before five years in cases of violence, only 180 women apply for this exception each year, out of an average of 12,000 marriage migrants per year. Given the prevalence of domestic violence in Dutch society, this small number of applicants is most likely just the tip of the iceberg.

The NGOs suggest that GREVIO ask the government to modify the dependent residence permit by removing or at least substantially shortening the legal period of dependence.

The NGOs also suggest that GREVIO ask the government to amend the residence permit on humanitarian grounds in cases of violence and to bring it in line with the Istanbul Convention by removing the three main obstacles: the requirement to report the termination of the relationship to the IND, the limited interpretation of the definition of domestic violence, and the ambiguity regarding the burden of proof.

Refugee women in asylum procedures

In a recent evidence-based report in collaboration with the Netherlands Institute for Human Rights and Medical Assessment (iMMO), Amnesty International concluded that the asylum procedure in the Netherlands does not meet international standards (Istanbul Convention, CEDAW) in policy and in practice: signs of sexual trauma are insufficiently recognized during the asylum procedure and "gender" is not a separate ground for asylum protection.⁹

The NGOs suggest that GREVIO request to be informed by the government on how it will implement the recommendations from Amnesty and iMMO.

Undocumented women

Contrary to Dutch government reports, undocumented survivors of domestic violence are still in most cases not

⁷ CBS (2022), [Emancipatiemonitor 2022](#).

⁸ Betty de Hart, Younous Arbaoui en Eef Verweij (2022), [Heb Geduld. De betekenis van het afhankelijk verblijfsrecht in het dagelijkse leven van huwelijksmigranten en hun partners](#). (Have Patience. The meaning of dependent residency in the daily lives of marriage migrants and their partners), VU.

⁹ Amnesty International report (2023), [Seksueel geweld: blinde vlek in de asielprocedure](#). (Victims of sexual violence: blind spot in asylum process).

entitled to specialized women's shelters. Shelter is only available for "lawfully resident" women, i.e., women in the process of obtaining a residence permit.¹⁰ There is no access to women's shelters for victims who have not initiated the residency procedure, or after their application has been rejected. In practice, many undocumented survivors will not apply for a residence permit as a victim of domestic violence. The procedure is complicated and demanding. Moreover, due to the strict conditions, the chance of succeeding is small.

By restricting access to women's shelters to people with "lawful residence", Dutch legislation is at odds with the Victims Directive and the Istanbul Convention. The Council of State has also reached this same conclusion in its recommendations regarding proposals to amend the law. The minister then explicitly stated that people without a residence permit must return and can therefore only be cared for in a return centre, not in the women's shelter.¹¹ However, these return centres are only accessible to women who cooperate with their return, and no specialised psychological or medical aid is available.

The NGOs recommend that GREVIO ask the government to amend the WMO Implementation Act in such a way that undocumented women who are victims of domestic and/or sexual violence and who are not in the process of obtaining a residence permit can still receive shelter and guidance from specialized women's shelters.

In addition, the NGOs propose that the Act be extended to ensure that undocumented women who are victims of violence also have access to other (specialised) services.

CHAPTER II - COMPREHENSIVE AND COORDINATED POLICIES IMPLEMENTED UNDER THE RESPONSIBILITY OF AN ADEQUATELY MANDATED AND RESOURCED COORDINATING BODY (ARTICLES 7 AND 10)

The NGOs acknowledge and appreciate the importance the Dutch government places on preventing and combatting violence against women and other forms of domestic violence. However, they also point to fundamental and persistent shortcomings that hamper the coherence and effectiveness of policies and affect the protection of victims of violence. For instance, research shows that only in 30% of cases did the violence stop within 1.5 years, and in 50% of the families frequent and serious violence still occurs.¹² Almost half of the women in the Netherlands (45%) have reported experiences with physical or sexual violence since the age of 15.¹³

Fundamental shortcomings include a lack of coherent national coordination and management by a central official body with the necessary mandate, a lack of authority over relevant partners on the national and local levels who can monitor, and a lack of follow-up on policy outcomes. Another primary shortcoming is the absence of a clear definition of gender-based violence that includes any violence directed against a woman because she is a woman or that affects women disproportionately.

Q4: Absence of a long-term plan/strategy

Despite the number of initiatives, projects, guidelines, tools and protocols, a clear long-term strategy and plan to prevent and combat violence against women and domestic violence is lacking. There is little coherence between programmes, and their duration is relatively short. Implementation and effective embedding, including structural funding for programme outcomes and research, are lagging behind. The NGOs also note a lack of adequate, gender-sensitive and consistent monitoring and evaluation mechanisms, which are necessary for establishing a long-term strategy. In its response to the questions, the Dutch government describes a policy that is more focused on processes than impact and effectiveness.

The NGOs suggest that GREVIO ask the government to outline the underlying strategy behind its various programmes, how these programmes relate to each other, and how coherence and sustainable safety will be ensured.

¹⁰ Staatsblad 2019: 418, 26.11.19 <https://zoek.officielebekendmakingen.nl/stb-2019-418.html>

¹¹ Staatscourant 2019: 63243 blz 3-4, 21.11.19 <https://zoek.officielebekendmakingen.nl/stcrt-2019-63243.html>

¹² Verweij-Jonker (2020), *Kwestie van Lanqe Adem, kan huiselijk geweld en kindermishandeling echt stoppen?* (Long-term issue. Can domestic violence and child abuse really stop?)

¹³ Atria, *Geweld tegen vrouwen: feiten en cijfers* (Violence against women: Fact and figures); CBS, *Impactmonitor huiselijk geweld en kindermishandeling* (Impact Monitor of domestic violence and child abuse).

At both the national and local levels, the importance of gender-sensitive policies, including intersectional understanding, is still noticeably lacking. A recurring criticism concerns the lack of an underlying, comprehensive gender-specific analysis of domestic violence. Although the government has launched several projects in recent years to promote gender-sensitive approaches by professionals in the support chain, it is not clear about the extent to which the results of these projects have been embedded in policies that stimulate and monitor how institutions and municipalities effectively use the products that have been developed (e.g., structural training programmes, implementation, funding of tools such as guidelines, factsheets, etc.). The NGOs are of the opinion that real progress cannot be made as long as the overall strategy on violence against women and domestic violence is still dominantly framed as gender neutral.

The NGOs suggest that GREVIO ask the government what has been done with the results of the various initiatives and to what extent these initiatives have led to structural advances in gender policy.

Q5: Forms of violence against women that need (adequate) attention

The NGOs identify several forms of violence against women that are currently not adequately covered by existing policies and practices but urgently need to be.

Femicide

Based on various sources and definitions (commonly derived from media reporting), it is estimated that 30-45 women are murdered by a partner or ex-partner per year. In general, reliable figures based on unambiguous definitions are lacking, but recent research¹⁴ underlines the gendered nature of spousal killings: men are predominantly the perpetrators and women predominantly the victims. Most likely, the figures available can be labelled “dark numbers”.¹⁵ Murders of women are often not registered as femicide; for instance, some are recorded as accidents (e.g., fall from balcony) or suicides.¹⁶ The gendered nature of these murders should receive more attention from the Dutch government. Femicide is a high-impact crime and should be treated as such. Much is still unknown due to the systematic shortcomings in gender-sensitive and intersectional data collection.

The NGOs suggest that GREVIO ask the government to involve all relevant partners in developing an integrated and targeted approach to prevent and combat femicide.

Online violence

The NGOs have observed an exponential increase in gender-based violence online and on social media. This includes sexting, revenge porn, sextortion, grooming, spreading recordings of sexual violence online and the use of stalker- and/or spyware.¹⁷ A new form of online sexual violence is the deepfake. In 96% of cases, this form of AI video manipulation is used for online pornography.¹⁸ The faces of porn actresses are replaced by the faces of other women without their consent. These women are not always celebrities; they could be women in high office, or “ordinary” women. Knowledge and legislation to prevent and combat these forms of gender-based violence are lagging behind.

Furthermore, the number of sexist and racist expressions on social media continues to increase. The NGOs are also concerned that traditional media regularly reproduce this hostile language in talk shows and the like. These expressions often target women in politics and science. The European Institute for Gender Equality (EIGE) fears that this will deter young women in particular from speaking out.¹⁹

The NGOs suggest that GREVIO ask the government whether it is considering additional legislation to prevent and combat online violence and what steps it intends to take to improve knowledge among the police and other relevant professionals to prevent and combat online gender-based violence and hate

¹⁴ Universiteit Leiden (2022), [Een nieuwe typologie van partnerdoding](#) (A new typology of partner homicide), pp. 10-11.

¹⁵ EIGE (2021), [Measuring Femicide in the Netherlands](#).

¹⁶ Volkskrant (March 4, 2023), [interview with Jane Mockton Smith](#).

¹⁷ Rutgers (2022), [Wat bepaalt de impact van online seksueel geweld](#) (What determines the impact of online sexual violence); Safetynet (2023), [Explosieve stijging stalkerware, duizenden mensen brengen partner of kind in gevaar](#). (Explosive rise in stalkerware, thousands put partner or child at risk.)

¹⁸ Sensitivity Deeptrace/Sensity (2019), [The state of Deepfakes: Landscape, threats, and impact](#).

¹⁹ EIGE (2018), [Cyberbullying restricts young women's voices online](#).

speech.

Criminalisation of psychological violence, and specifically coercive control

The government claims that making psychological violence/coercive control a criminal offense in its own right is unnecessary, as existing offenses (abuse, assault, stalking etc.) cover all forms of psychological violence. This is not correct. Coercive control, in particular, consists of a pattern of behaviours that, on their own, generally do not match the threshold of any existing criminal offense. Also, under the current laws, only isolated incidents, and not the coercive pattern itself, can lead to prosecution. The NGOs conclude that currently the Netherlands has insufficient options to effectively prosecute coercive patterns of behaviour, as Article 33 of the Istanbul Convention demands. Making coercive control a criminal offence would remedy this and, in addition, help to create a clear societal norm that these types of behaviours are unacceptable. The NGOs also point to the fact that a significant number of cases of femicide are preceded by patterns of coercive control. Criminalization of this form of psychological violence needs to be part of the effort to reduce the number of women dying at the hands of their (ex-)partners.

The NGOs suggest that GREVIO ask the government to make coercive control a criminal offence.

Q7: Gaps in sustainable involvement of all relevant actors in developing plans and measures

The NGOs note that there is no transparent national consultation structure that involves the most relevant actors to achieve an integrated and inclusive approach to gender-based violence and to monitor the implementation of the Convention. According to the NGOs, the current structure is fragmented. Each ministry has its own priorities and consultation partners. For instance, the Ministry of Justice and Security focuses mainly on partners in the field of criminal justice, while policies and measures impact other areas, such as health and welfare, as well. This fragmentation hampers the effectiveness and progress of policies.

Moreover, the NGOs note that who gets invited to consultations can seem arbitrary and certain organisations are systematically overlooked. For instance, in the list under 7.1, the NGOs miss relevant partners such as the COC (advocacy for LGBT rights), Doctor of the World (healthcare rights for marginalised groups, with or without residence status), or even the Dutch CEDAW Network, with its extensive expertise and contacts built up by preparing the shadow reports for CEDAW and GREVIO.

The NGOs suggest that GREVIO advise the government to set up a national consultation structure with an inclusive representation of NGOs to realise an integrated approach and monitor the implementation of the Convention.

Q8-10: Lack of central coordination results in a fragmented, ineffective approach

According to the Dutch government, current coordination based on interdepartmental collaboration is sufficient and a separate coordinating body would not improve policy coherence. The NGOs strongly disagree. At present, policies are fragmented, and implementation is ineffective. There is no shared, gender-sensitive vision, and consequently a targeted approach to addressing the root causes is lacking. Furthermore, the coordinating Ministry of Health, Wellness and Sport has no authority over other relevant partners at the national or local level. Another complicating factor is the decentralisation of policies. Municipalities can make their own policies and set their own priorities (within the national legal framework), which causes major differences among municipalities in expertise, support, shelters and (specialised) services. There is no overview or monitoring of implementation at the local level. For example, the government does not have a clear overview of what happens in municipalities and how resources are exactly being spent (see the government response to question 12).

The NGOs suggest that GREVIO advise the government to appoint an official body to be responsible and accountable for the coordination, implementation, and harmonisation of these policies. The NGOs also suggest asking the government to consider the instrument of a national rapporteur on violence against women and domestic violence to independently monitor the coherency of policies.

The national programme "Violence Does Not Belong Anywhere" expired at the end of 2022. The programme "Future Scenario Child and Family Protection" started in 2021. The NGOs are concerned about several aspects in this respect. It is unclear how and to what extent the outcomes, findings, and products of the "Violence Does

Not Belong Anywhere” programme will be followed up on. More specifically, it is unclear to what extent and in what way policies and measures to address gender-based violence will be implemented in the programme “Future Scenario Child and Family Protection”. The focus of the latter is on families, and it is formulated in a gender-neutral way. Moreover, with the increased focus on child abuse, the NGOs fear that there will be less focus on the safety, rights and needs of women (including those without children and older women).

The national action programme "Combating sexual transgressive behaviour and sexual violence"²⁰ which was recently presented shows that the Dutch government can develop an approach that is gender-specific and human rights oriented. However, the NGOs are concerned that there will not be sufficient financial resources for implementation, monitoring, impact and (financially) embedding the results after three years when the programme ends. Moreover, it is not clear how this programme will relate to the "Future Scenario" programme, as both are being implemented by different ministries, and there is no strong overarching coordination body. This once again illustrates the fragmentation and lack of policy coherence.

The NGOs suggest that GREVIO ask the government what steps are being taken to ensure that a focus on policy and measures against child abuse have not and will not negatively affect the focus on policy and measures for the safety, rights and needs of all women (including those without children and older women).

CHAPTER III - FINANCIAL RESOURCES (ARTICLE 8)

Q12-15 Financial

The Dutch ministries rightly acknowledge in their response that it is not possible to state a total annual amount of funds allocated to regions and municipalities or to explain how allocated funds are being spent locally. The NGOs stress that this underlines the fact that overall coordination and monitoring of effectiveness of policies and specific measures are lacking and should be improved. For instance, the Ministry of Health, Wellness and Sport has made 14 million euros per year structurally available to municipalities for this purpose and for organizing sufficient shelter space from 2020 onwards, but it is not known how these funds have been spent locally (e.g., on more shelter space, non-residential services, or something else altogether).

Apart from the comments above and under Q8-10 and Q16, the NGOs would like to note that the government did not provide any funding for this joint NGO response to the NL report. The timespan to apply was too short and the prospect of a negative outcome of the application too likely.

CHAPTER IV - NON-GOVERNMENTAL ORGANISATIONS AND CIVIL SOCIETY (ARTICLE 9)

Q16: Lack of recognising, encouraging, and supporting work relevant to NGOs (including funding)

Despite repeated criticism from NGOs, the Dutch government fails to recognise that NGO involvement is selective, not systematic, and without adequate and sustainable funding. In recent years, policies and measures have undermined the involvement of organisations in policy processes, particularly organisations for marginalised groups, such as black, migrant and refugee women, sex workers and women with disabilities. Undermining measures include budget cuts at all levels, elimination of support measures for specific groups, decentralisation, exclusionary threshold criteria and projects rather than organisational grants. At the national level, the involvement of migrant and refugee women's organisations is mostly limited to policies on harmful practices and self-determination of those who are part of a "closed community". At regional and municipal levels, organisation involvement differs, but it is usually limited to implementing programmes rather than becoming co-developers who are allowed to set their own priorities based on their connection to the groups they represent and their own expertise. Recent research on prevention and care in cases of FGM calls for structural embedding and recognition of the commitment of key persons.²¹ The government has not taken measures to foster long-term, sustainable financial support for NGOs working to support victims and prevent violence, rather it leaves this up to the municipalities without monitoring (see government response to question 14).

²⁰ Ministrie SZW and OCW (2023), [Nationaal Actieprogramma Aanpak seksueel grensoverschrijdend gedrag en seksueel geweld januari 2023](#).

²¹ GGD Amsterdam (2023), [Vrouwelijke genitale verminking: verbetermogelijkheden voor preventie en toeleiding naar zorg](#), (*Female genital mutilation: improvement opportunities for prevention and pathway to care*).

A new call for emancipation subsidy was recently issued to alliances of organisations to implement five-year programmes. The call for subsidy has been designed in the same way as before, even though recent experience has shown that this way of doing things almost completely excludes organisations for black, migrant and refugee women and the diaspora and/or only allows these organisations to participate under the “watch” of larger institutionalised (women’s) organisations.

The NGOs suggest that GREVIO ask the government how it ensures that NGOs representing affected groups are systematically involved in the development, implementation, monitoring and evaluation of policies that affect their lives, and that the necessary financial resources are also allocated for this purpose.

CHAPTER V - DATA COLLECTION AND RESEARCH (ARTICLE 11)

Q19-21 Lack of systematic data collection hampers effectiveness of policy

The ongoing difficulties in systematically collecting data on violence against women and domestic violence, disaggregated by all forms of violence and groups, must be addressed by the government and should be a priority. The structural lack of disaggregated data makes it difficult to justify why certain policy choices were made and to evaluate the effectiveness of these policies. This lack of data also leads to policy choices that are insufficiently substantiated and hinders further policy development. Currently, the most relevant agencies, such as law enforcement, are unable to provide data that support and reinforce a gender-specific approach (e.g., data on gender, patterns of violence). Consequently, the government relies on data collected through unconnected population surveys, which are then integrated into the Impact Monitor on Domestic Violence and Child Abuse. However, the Impact Monitor is largely based on gender-neutral data. Also, the Prevalence Monitor on Domestic Violence and Sexual Transgressive Behaviour lacks the ability to make intersections between categories or characteristics, and there is little focus on gender sensitivity and intersectionality within the monitor.

There is a clear need for more detailed and segregated data to arrive at policies that can effectively protect women from gender-based violence. However, there is currently no body (or bodies) that systematically coordinates the collection and analysis of data on violence against women and domestic violence. A good example to follow up on is the model by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, which systematically collects, analyses, and disseminates data on trafficking in persons and sexual violence against children, mechanisms involved in trafficking, developments and the effects of policies against trafficking.

The NGOs recommend that the government prioritise its effort to systematically collect data on different forms of violence and groups affected. They also recommend establishing a National Rapporteur on violence against women and domestic violence, similar to the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children.

CHAPTER VI - CUSTODY, VISITATION RIGHTS AND SAFETY (ARTICLE 31)

Q22 and 23: Taking violence against women into account in the determination of custody and visitation rights

The government states that violence against women/domestic violence is sufficiently taken into account in (court) cases dealing with custody and visitation rights. In reality, many victims of violence have experienced that, in such cases, domestic violence is routinely ignored. Only rarely does the Child Protection Board (*Raad voor de Kinderbescherming*) attach weight to domestic violence in their advice to the court. The Child Protection Board very often states that they are ill-equipped to assess the veracity of parents’ accounts of violence. The Board also has a tendency to use obscuring language when reporting about domestic violence (“violence took place between the partners”, failing to specify who did what to whom, how often and with what impact). Courts, in turn, tend to think that when the relationship/marriage ends, partner violence ends as well. As a result, in the majority of custody/visitation cases, no assessment of the safety of parents and children is made. While it is obviously true that it is up to the judge to decide cases in court, Article 31 sub 1 of the Istanbul Convention demands that parties take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of the Convention are taken into account. The NGOs are of the opinion that the Netherlands has not yet taken all necessary (legislative)

measures to fulfil this obligation.

The NGOs ask GREVIO to advise the government to take the following measures: introduce a compulsory screening of all custody/visitation court cases for domestic violence; engage with the court system to encourage training for family judges to recognize and understand domestic violence, including coercive patterns of behaviour; create protocols for the Child Protection Board to ensure clear and factual reporting on domestic violence.

Article 31 sub 2 of the Istanbul Convention demands that parties take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children. In the Netherlands, there is a substantial lack of options for long-term supervised visitation. Supervised visitation is almost always part of a short-term (mediation) trajectory leading to unsupervised visitation. However, there are cases where the only safe option for visitation is supervised contact.

The NGOs ask GREVIO to recommend that the government facilitate long-term supervised visitation.

The NGOs also express their concern about access to justice being under severe pressure due to financial cuts in the legal aid system. This widens the gap between de facto and de jure access to justice, particularly for marginalised groups, such as migrant and refugee women.

The NGOs recommend that GREVIO ask the government how it guarantees equal access to justice for all.

SPECIFIC RECOMMENDATIONS

Q32: Further investments urgently needed in the Dutch Caribbean

There is not much information about Aruba, Curacao and St. Maarten. These islands are independent entities within the Kingdom of The Netherlands. Investment in NGOs that can monitor the situation on these islands is therefore a necessity.

Bonaire, St. Eustatius and Saba (BES), on the other hand, are special municipalities within the Kingdom of the Netherlands. Efforts have been made on these islands to better address violence against women and domestic violence. There is a *Bestuursakkoord* (tr. Administrative agreement) available on the approach to domestic violence.²² With funding from the Dutch government, efforts have been made, but what is written on paper does not always reflect what goes on in practice, and there is currently no good system of control available. On Saba and St. Eustatius, the approach is still very premature. Although there are domestic violence coordinators, there is no *Advies en Meldpunt* (tr. Advice and Hotline) available yet. This means that there is no phone number that the general public can call in cases of domestic violence. Women's shelters have been built, but they are not yet operational. On St. Eustatius, the shelter will not only be for women and children who are victims of domestic violence. On these small islands, capacity is limited. There are multi-disciplinary meetings on the subject, but not a lot of cases are brought in, so these meetings are mostly strategic. People are very reluctant to combine information about cases due to fear of breaking privacy rules, even though there are legal guidelines on privacy and how and when you are allowed to share information. The Dutch government is working on a general administrative measure (AMVB) to create a stronger legal framework. On Bonaire, the resources are more developed, but the same problems can be seen there as well. On all the islands, poverty is widespread. Housing is scarce. This makes leaving an abusive situation even more complicated. Furthermore, when people are primarily focused on survival, violence is not the first problem they're willing to tackle. Food, housing, clothing and education come first. This needs to be taken very seriously if we want to change the approach to domestic violence. On the islands, there is an *Aanwijzing Relatieve Geweld* (tr. Directive on Relational Violence) from the Procureurs Generaal. This states that if a victim does not ask the police and justice department to start a criminal procedure, there will be no active investigation. The focus then is on mediation, assuming both parties are willing. Instruments like the *Gedragsaanwijzing OM* (tr. Order of Conduct from the Dutch Public Prosecutor) are not legally available on the islands. There is a pilot project on the domestic banning order. Results are not yet available. The pilot should lead to a decision on whether or not a law is necessary.

²² [Bestuursakkoord Aanpak Huiselijk geweld en Kindermishandeling Caribisch Nederland 2021-2024 | Convenant | Rijksoverheid.nl](https://rijksoverheid.nl/onderwerpen/antidiscriminatie/rapporten/bestuursakkoord-aanpak-huiselijk-geweld-en-kindermishandeling-caribisch-nederland-2021-2024) (Administrative agreement on approach to domestic violence and child abuse, Dutch Caribbean 2021-2024)

The NGOs recommend that GREVIO ask the government to invest in NGOs to supervise the investments made in the approach and the actual practice. Furthermore, legal instruments should be made available according to the European Dutch standard. Investing in affordable and available housing and overall welfare for people and families is crucial to creating an effective approach to violence.

Q32: Increase in sufficient women's shelters and specialised women's support services needed

The NGOs wonder why there is such a huge difference between the number of shelters that is required according to the GREVIO standard (1 place per 10,000 inhabitants, i.e., 1700) and the actual number available (500).²³ It is not clear why the Dutch context exempts the Netherlands from this standard, as the government states in its report. In reality, due to the limited number of places available, victims of domestic violence often struggle to gain access to shelter. The basic premise for support is "non-residential services, unless...." and shelter is only provided in cases of acute (physical) threat and when a women cannot find alternative shelter in her own network. The NGOs note that SafeHome (which regulates access to shelters) regularly fails to understand that certain groups of women do not have a (safe) network, as is often the case with migrant and refugee women. In 2019, alternative shelter was offered to women in 146 cases because there were no more shelter places available.²⁴ The NGOs point out that this number is most likely only the tip of the iceberg, as local organisations often provide alternative shelter for women themselves. Since 2020, the government has made €14 million per year structurally available to municipalities to organise sufficient shelter places. However, there is no monitoring of how this money is being spent in the different regions and whether these funds have been effectively used to create more safe shelter space (see also the government's response to question 12).

In addition, the NGOs would like to note that the structural involvement of experience experts and local women's organizations in the monitoring of quality in women's shelters varies from region to region.

The NGOs ask GREVIO to urge the government to take responsibility to solve the shelter shortage and to ensure that all victims have access to a safe shelter when they need one. The NGOs would also like to know which steps are being taken in all regions to ensure the involvement of experience experts and local women's organisations in the improvement of shelter quality.

The NGOs would also like to express their concern regarding the impact of merging domestic violence and child abuse centres and general support systems. This merging has shifted the focus to child abuse, and women are primarily addressed in their role and responsibility as mothers rather than receiving support as victims of domestic violence themselves. Consequently, survivors of intimate partner violence are very reluctant to seek support from SafeHome²⁵ for fear of being accused of child abuse and having their children taken away. The NGOs are also concerned about the gender-neutral perspective of both SafeHome and the general support system. Within these organisations, there seems to be a fundamental lack of understanding of the gendered character of violence against women. This negatively affects the protection of victims. Moreover, the NGOs note a lack of knowledge within the general support system about recognizing complex coercive control and intimate terror violence, which can have severe consequences for women's safety and even lead to femicide.

The NGOs recommend that GREVIO ask the government to ensure sufficient support locally, including general and specialised support with gender-sensitive and intersectional understanding, and to monitor proactively.

²³ This is an estimate. In fact, the actual number of beds in women-only shelters is unknown as the shelter system is decentralised and exact figures on a national level are lacking.

²⁴ Regioplan (2020), [Opvangplaatsen voor acute crisissituaties](#) (Shelters in situations of acute crises)

²⁵ The [Impact Monitor Domestic Violence and Child Abuse](#) shows that the vast majority of reports to SafeHome come from the police, followed by other care providers; only 8% of reports come from citizens (including women survivors of domestic violence).