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To the President of the Court
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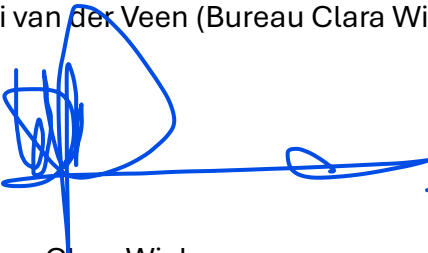
Third-party intervention

On the case of J.E. v. the Netherlands (case no. 7467/25)

In this submission, we – Bureau Clara Wichmann, Vereniging voor Vrouw en Recht (Women and Law Association), Amsterdam Law Clinics of the University of Amsterdam and WOMEN Inc. – wish to assist the Court by providing an overview of factual information and related arguments concerning the State's positive obligations to protect victims of intimate partner violence.

Signed on behalf of the abovementioned,

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Introduction

In this submission, we – Bureau Clara Wichmann, Vereniging voor Vrouw en Recht (Women and Law Association), Amsterdam Law Clinics of the University of Amsterdam and WOMEN Inc. – wish to assist the Court by providing an overview of factual information and related arguments concerning the State's positive obligations to protect victims of intimate partner violence. We will outline the context of intimate partner violence in the Netherlands, followed by the criticism levelled by the CEDAW Committee and GREVIO regarding the Netherlands' implementation of the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW') and the Istanbul Convention. We will then analyze how the case of J.E. v. the Netherlands is exemplary of the Dutch approach to gender-based violence and the state's inadequate fulfilment of its positive obligations regarding the prevention, investigation and prosecution of gender-based violence in criminal cases and in divorce proceedings concerning custody and access rights.

Context

1. Gender-based violence and intimate partner violence constitute a national crisis in the Netherlands.¹ Every two weeks a woman dies as a result of intimate partner violence.² Women are disproportionately more likely to be victims of intimate partner violence. This violence takes various forms: physical violence, psychological violence, sexual violence and economic violence. For 1 in 5 women, domestic violence at the hands of their (male) partner is the reason for filing for divorce.³ In around 1/5 of divorces, there is an ongoing dispute over contact, care and custody of the children.⁴ In at least half of these high-conflict divorces, domestic abuse is a significant factor.⁵ Women who face intimate partner violence are victims of a criminal offence, yet only a small proportion of their perpetrators are brought before a criminal court.⁶

Lack of a gender-sensitive approach

2. The so-called gender neutral legislation, policies and practices on intimate partner violence of the Netherlands fail women. Intimate partner violence is a form of discrimination because women are disproportionately affected. The gender neutral

¹ See Römken, R.G. (2016). De invloed van vrouwen- en mensenrechtenbeweging op het debat en de aanpak van gender gerelateerd geweld, *Tijdschrift Sociologie* (12) 2016, afl. 3, p. 295-319; Liem, M., Arib, K., Belleman, S., e.a. (2026, 26 May). *Opinie: Huiselijk geweld is een nationale crisis: het wordt tijd dat Den Haag dat erkent*. *De Volkskrant*. <https://www.volkskrant.nl/columns-opinie/opinie-huiselijk-geweld-is-een-nationale-crisis-het-wordt-tijd-dat-den-haag-dat-erkent>

² Nederland in Beeld. (2025). *Femicide in Nederland — CBS 2025 & Rechtspraak*. <https://nederlandinbeeld.org/femicide>

³ De Graaf, A. (2005). Scheiden: motieven, verhuisgedrag en aard van de contacten. *Bevolkingstrends*, 4e kwartaal 2005. Centraal Bureau voor de Statistiek; Wobma, E., & De Graaf, A. (2009). Scheiden en weer samenwonen. *Bevolkingstrends*, 4e kwartaal 2009. Centraal Bureau voor de Statistiek.

⁴ Van Lawick, J., & Visser, M. (2020). Problematische scheidingsprocessen. In: Groen, M. & Van Lawick, J. (2020). *Intieme oorlog. Over de kwetsbaarheid van familierelaties*. Uitgeverij van Gennep. p. 289-313.

⁵ De Ruiter, C., Marzolla, M., & Ramakers, N. (2020). De conflictscheiding als complexe gezinsproblematiek. Waarom screening op huiselijk geweld essentieel is. *Pedagogiek*, 2020/40.

⁶ Akkermans, M., Gielen, W., Kloostermans, R., Moons, E., Reep, C., & Wingen, M. (2020). *Prevalentiemonitor Huiselijk Geweld en Seksueel Geweld*, Den Haag: Wetenschappelijk Onderzoek- en Datacentrum en Centraal Bureau voor de statistiek, p. 26.

perspective undermines recognition of intimate partner violence as a form of discrimination and fails to address and to oppose gender-related power inequalities in intimate relationships and in society. Social structures, norms and attitudes that contribute to the existence and perpetuation of domestic violence are not critically examined. Harmful stereotypes of women can persist. Gender neutrality is diametrically opposed to a gender-sensitive perspective.⁷ As a consequence, domestic violence is very often not fully recognized as a criminal offence which hinders its reporting, investigation and prosecution. In practice, family law proceedings are the only mechanism through which victims of domestic violence can gain access to the legal system. However, family law proceedings are not aimed at establishing the truth, but are focused on the continuation of equal parenting following a divorce.⁸ Consequently, domestic violence remains unaddressed and unrecognized in these procedures.

Criticism by CEDAW and GREVIO on the lack of a gender-sensitive perspective

3. In 2020, GREVIO noted that the Dutch authorities do not sufficiently recognize that (sexual) violence is a form of discrimination against women and that tackling it therefore requires a gender-sensitive perspective.⁹ In 2025 GREVIO noted that the Netherlands is showing ‘emerging recognition of violence against women as a gender-related phenomenon’.¹⁰ But GREVIO also notes that in its conceptualization of domestic violence, the Netherlands still fails to take sufficient account of the fact that women are disproportionately affected by domestic violence.¹¹ According to GREVIO, Dutch legislation still pays insufficient attention to gender dynamics. Therefore, GREVIO reiterates its recommendation to adopt a gender-sensitive definition of domestic violence in policy documents and measures taken in their implementation.¹²

Lack of an intersectional approach

4. The Netherlands lacks an intersectional approach to gender-based violence. This approach is crucial in combating gender-based violence. From the Istanbul Convention follow positive obligations for the Netherlands to apply an intersectional lens in legislation, policies and practices to combat gender based violence.¹³ The Netherlands

⁷ Gijselaar, E.C., & Samadi, M. (2024). Van genderneutraliteit naar gendersensitiviteit: de invloed van positieve verplichtingen op de aanpak van gendergerelateerd geweld tegen vrouwen. *Boom Strafbblad*, 5(3), p. 174-188.

⁸ Van Paassen, D. (2026, 7 January). *Wetten geworteld in het patriarchaat*, <https://www.groene.nl/artikel/wetten-geworteld-in-het-patriarchaat>; Vereniging voor Vrouw en Recht. (2020, 22 december). Ariane Hendriks: Huiselijk geweld in het familierecht: een ongemakkelijke waarheid. <https://www.vrouwenrecht.nl/2020/12/22/huiselijk-geweld-in-het-familierecht-een-ongemakkelijke-waarheid/>.

⁹ GREVIO. (2020, 20 January). *GREVIO's baseline assessment report on legislative and other measures to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): the Netherlands*. Council of Europe. §20.

¹⁰ GREVIO. (2025, 21 October). *First thematic evaluation report on the Netherlands' implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): Building trust by providing support, protection and justice*. Council of Europe. §10.

¹¹ *ibid.* §15.

¹² *ibid.* §15.

¹³ Sosa, L., & Mestre i Mestre, R. (2023). The Istanbul Convention from an intersectional perspective. In S. de Vido & M. Frulli (Eds.), *Preventing and combating violence against women and domestic violence: A commentary on the Istanbul Convention*. Edward Elgar Publishing, p. 4-21.

should take into account the interplay between the various forms of discrimination that women face. There is a general lack of awareness and understanding of the intersectional dimensions of domestic violence.¹⁴

Criticism by CEDAW and GREVIO on the lack of an intersectional perspective

5. GREVIO notes that the Netherlands fails to adopt an intersectional perspective on gender-based violence, resulting in intersectional discrimination.¹⁵ The recent GREVIO report concludes that there must be greater consideration for the perspectives of women who face intersectional discrimination.¹⁶

Mechanisms within family law procedures that obscure intimate partner violence

7. Domestic violence remains largely invisible in the context of family law in the Netherlands. The mechanisms contributing to this invisibility stem from the gender-neutral approach to domestic violence. These mechanisms are: the strong emphasis on the continuation of shared custody and joint, equal parenting after divorce, the perception of all custody and access-related conflicts as symptoms of a so called ‘battle divorce’ for which both parents are in equal measure responsible, and judges who are not adequately equipped to recognize domestic violence in family law cases. Natalie van Waterschoot, a judge and herself involved in a court case concerning access and custody of her own children, remarks: ‘It is the government and the family courts which, under the current system through the framework of the “battle divorce”, the failure to conduct proper factfinding, and the immediate referral to mediation in cases of coercive control by a (former) partner, allow a serious form of one-sided violence against women and children to continue and even facilitate it’.¹⁷

Strong emphasis on the continuation of equal parenting after divorce

8. Guidelines and protocols within child welfare-, child protection-, and family law services are drawn up on the basis of a gender-neutral paradigm and place a strong emphasis on the continuation of equal parenting following a divorce. This approach assumes that parents are on an equal footing and both equally fit to parent, whilst ignoring the structural power inequalities that lead to discrimination against women and the prevalence of domestic abuse in high-conflict divorce cases. Many mothers feel that these protocols perpetuate the abuse and enable the perpetrator to keep them and their children under coercion.¹⁸ In family law cases, the court does not actively seek information about criminal convictions for domestic violence or problems in the

¹⁴ *ibid.* p. 17.

¹⁵ GREVIO. (2020, 20 January). *GREVIO’s baseline assessment report on legislative and other measures to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): the Netherlands*. Council of Europe. §22-26.

¹⁶ GREVIO. (2025, 21 October). *First thematic evaluation report on the Netherlands’ implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): Building trust by providing support, protection and justice*. Council of Europe. §15.

¹⁷ Hendriks, A., & Vledder, I. (2025). *Met liefde heeft het niets te maken: Over het herkennen en stoppen van intieme terreur*. Cargo. p. 187.

¹⁸ Dutch CEDAW Network. (2024, 14 August). *Building trust by providing support, protection and justice: Shadow report on the Istanbul Convention. First thematic review*. UN Women’s Convention Network, p. 27. <https://www.nederlandsevroutenraad.nl/wp-content/uploads/2024/08/Shadow-report-Building-Trust-Dutch-CEDAW-Network-aug-2024.pdf>

perpetrator's other relationships and is very often dismissive of party's submissions that address these issues.¹⁹

9. The Dutch Act on the Promotion of Permanent Parenting and Careful Divorce²⁰ requires parents to reach agreements on the division of care, contact rights, child maintenance in a parenting plan. The program 'Divorce without damage'²¹ introduced a 'solution-focused and de-escalating' divorce procedure. In practice, this means that also in relationships where there is domestic violence, the parents must work towards constructive cooperation in the best interests of the children. In family law cases, parties are routinely referred to mediation, even when there is domestic violence, which violates Art. 48 of the Istanbul Convention.²²

10. Art. 1:247 of the Civil Code stipulates that parents generally have the right to equal involvement in their children's upbringing. In practice, this results in a blind spot for situations involving gender-based violence.²³ This provision is used to justify the continuation of contact between children and their fathers, regardless of the negative consequences. And thus, mothers and children often feel they are the victims of the very institutions that are supposed to protect and help them.²⁴

Criticism by CEDAW and GREVIO on the continuation of equal parenting after divorce

11. In 2020, GREVIO warned that complying with the contact arrangements for many victims and their children can be seen as a continuation of the violence and can cause serious risks to their safety as victims and their children are once more placed together with the perpetrator.²⁵ In 2026, CEDAW noted that the Netherlands failed to adequately protect women and children against domestic violence and recommends to ensure that domestic violence is taken into consideration in all legal proceedings on custody and visitation rights and to protect women and their children from revictimization and coercive control. Alternative dispute resolution, such as mediation, should be

¹⁹ *ibid.* p. 36.

²⁰ Wet bevordering voortgezet ouderschap en zorgvuldige scheiding, Stb. 2008, 504 (Netherlands).

²¹ Programma 'Scheiden zonder Schade'. (2019, juni). *Uitvoeringsprogramma Scheiden zonder Schade*. Ministerie van Justitie en Veiligheid; Ministerie van Volksgezondheid, Welzijn en Sport; Vereniging van Nederlandse Gemeenten. <https://open.overheid.nl/documenten/ronl-ee546412-59d9-474c-b275-c811bce00c2b/pdf>

²² Hendriks, A. G., & Maas-van Weert, W. S. (2026). Mediation en gezamenlijke trajecten als norm bij huiselijk geweld? Artikel 48 lid 1 Verdrag van Istanbul en de praktijk van het Nederlandse familierecht. *Tijdschrift voor Familie- en Jeugdrecht*, 2026(4), 140-148.

²³ Vereniging voor Vrouw en Recht. (2020, 22 december). Ariane Hendriks: Huiselijk geweld in het familierecht: een ongemakkelijke waarheid. <https://www.vrouwenrecht.nl/2020/12/22/huiselijk-geweld-in-het-familierecht-een-ongemakkelijke-waarheid/>.

²⁴ Dutch CEDAW Network. (2024, 14 augustus). *Building trust by delivering support, protection, and justice: Shadow report on the Istanbul Convention. First thematic evaluation*. Netwerk VN-Vrouwenverdrag, p. 27. <https://www.nederlandse vrouwenraad.nl/wp-content/uploads/2024/08/Shadow-report-Building-Trust-Dutch-CEDAW-Network-aug-2024.pdf>; Klapwijk, J.A., Van Doorn, J., & Aarten, P.G.M. (2026), Wat als geweld niet meetelt?, *FJR* 2026/25; Hendriks, A., & Mansvelt, M. (2025). Trauma-geïnformeerd werken in huiselijk geweldzaken: het begint met de erkenning van het geweld, *Justitiële verkenningen: Documentatieblad van het Ministerie van Justitie*, 51(1), p. 61-76.

²⁵ GREVIO. (2020, 20 January). *GREVIO's baseline assessment report on legislative and other measures to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): the Netherlands*. Council of Europe. §198.

prohibited in cases of domestic violence, in accordance with Art. 48 of the Istanbul Convention.²⁶

The framework of the ‘battle divorce’

12. Violence in intimate relationships is all too often wrongly portrayed by legal professionals and child welfare professionals as a conflict between two equal partners, a ‘battle divorce’, rather than recognizing it as gender-based violence, which may infringe upon the rights of victims (women and children) and jeopardizes their safety. Decisions regarding custody, care and contact arrangements may consequently lead to the continuation of the violence. Judges in the Netherlands still primarily operate on the assumption that parties in divorce proceedings are equal and that both partners are to blame for conflicts and violence – the aforementioned ‘battle divorce’ frame.²⁷ It is also assumed that once the relationship has ended, the violence that occurred during the relationship is no longer relevant. Based on these assumptions judges do not ask about domestic violence during proceedings and do not address it.²⁸ Women’s ‘lived experiences’ are predominantly framed within this ‘battle divorce’ framework. Drawing attention to (ongoing) domestic violence in family law proceedings is labelled by judges as unconstructive behavior.²⁹ Thanks to the courage of victims and their lawyers, greater attention is being paid to safety in divorce proceedings recently.³⁰ However, this focus on safety is not enshrined in family law.³¹

Criticism by CEDAW and GREVIO on the framework of the ‘battle divorce’

13. In 2025, GREVIO noted that 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 as a conflict between two equals as illustrated by the program ‘Divorce without damage’.³² The authorities should take all appropriate measures to ensure that all relevant professionals should refrain from using concepts that position women victims of abuse as alienating, hostile or un-co-operative.³³ The Netherlands should, also carry out systematic screening of all ongoing cases concerning custody and contact arrangements for instances of domestic violence, including the question whether criminal proceedings are currently underway

²⁶ UN Committee on the Elimination of Discrimination against Women. (2026, 27 February). *Concluding observations on the seventh periodic report of the Kingdom of the Netherlands* (CEDAW/C/NLD/CO/7). United Nations. §53.

²⁷ Lünemann, K., Lünemann, M., & De Paus, R. (2025). Waar geweld uit beeld raakt: Een verkennend onderzoek naar de zichtbaarheid van huiselijk geweld in het familierecht. Verwey-Jonker Instituut. p. 28.

²⁸ *ibid.* p. 29.

²⁹ *ibid.*; Hendriks, A., & Vledder, I. (2023). Recht doen aan ouders en kinderen?, *EB. Tijdschrift voor Scheidingsrecht*, 2023/48.

³⁰ Lünemann, K., Lünemann, M., & De Paus, R. (2025). Waar geweld uit beeld raakt: Een verkennend onderzoek naar de zichtbaarheid van huiselijk geweld in het familierecht. Verwey-Jonker Instituut. p. 28.; Raad voor Strafrechtstoepassing en Jeugdbescherming. (2024, 27 August). *Kind-onveiligheid in complexe (ex-)partnerrelaties: Een advies over veiligheidsrisico's in gezag- en omgangszaken*, p. 3.

³¹ Hendriks, A., & Vledder, I. (2026). Paradigmawisseling in het familierecht, of (nog) niet?, *FJR* 2026/27.

³² GREVIO. (2025, 21 October). *First thematic evaluation report on the Netherlands' implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): Building trust by providing support, protection and justice*. Council of Europe. §144.

³³ *ibid.* §151.

against the perpetrator or have been brought in the past and to require disclosure of the perpetrator's criminal record.³⁴

Judges are inadequately equipped to recognize domestic violence in family law cases

14. When making decisions regarding custody and contact, the safety of the victim and children may not be jeopardized (Art. 31 of the Istanbul Convention). Violence against the victim parent, the mother, and/or child(ren) is a contraindication to contact and can be a reason to terminate the authority of the abusive parent.³⁵ However, there is a lack of structural integration of the human rights framework in the field of family law in the Netherlands.³⁶ There is no mandatory assessment framework for judges to explicitly take domestic violence into account in their rulings, and risk assessment instruments are only used in a minority of cases.³⁷ Judges lack sufficient knowledge of the various patterns of violence and their impact on the victimized parent and children.³⁸ Furthermore, at the hearing, the judge does not always have all the information required to make a proper assessment of any potential risk to the safety of mothers and children.³⁹ The Child Protection Board, which can investigate the situation within a family at the judge's request, does not engage in fact-finding⁴⁰ and rarely analyses the pattern of violence during and after the relationship.⁴¹

15. In the current situation, therefore, the outcome of a case involving domestic violence depends predominantly on the individual judge.⁴² The judgement does not depend primarily on the amount of evidence, the outcome of the investigation into the situation and an analysis of the safety risks to mothers and children based on a mandatory assessment, but all too often on the extent to which the 'battle divorce' framework dominates the assessment of the judge. Legal experts and solicitors have observed through an analysis of case law, that judges who take violence into account in their decisions often act contrary to the advice of the Child Protection Board and the previous

³⁴ *ibid.* §151.

³⁵ Logar, R., & Pap, E. (2022). *WAVE Child Custody and Visitation Rights Paper 2022*. Women Against Violence Europe (WAVE).

³⁶ Hendriks, A. (2026). Drie noodzakelijke stappen: Het mensenrechtelijke kader over huiselijk geweld in recente familierechtelijke jurisprudentie. *Tijdschrift Relatierecht en Praktijk*, 2026(3), p. 4-9.

³⁷ Lünemann, K., Lünemann, M., & De Paus, R. (2025). Waar geweld uit beeld raakt: Een verkennend onderzoek naar de zichtbaarheid van huiselijk geweld in het familierecht. Verwey-Jonker Instituut. p. 12.

³⁸ *ibid.* p. 29.

³⁹ Raad voor Strafrechtstoepassing en Jeugdbescherming. (2024, 27 August). *Kind-onveiligheid in complexe (ex-)partnerrelaties: Een advies over veiligheidsrisico's in gezag- en omgangszaken*. p. 3, 48.

⁴⁰ Hendriks, A., & Vledder, I. (2025). *Met liefde heeft het niets te maken: Over het herkennen en stoppen van intieme terreur*. Cargo. p.183.

⁴¹ Lünemann, K., Lünemann, M., & De Paus, R. (2025). Waar geweld uit beeld raakt: Een verkennend onderzoek naar de zichtbaarheid van huiselijk geweld in het familierecht. Verwey-Jonker Instituut. p. 29.

⁴² Hendriks, A. (2025). Rekening houden met huiselijk geweld in beslissingen over gezag en omgang: De noodzaak van de implementatie van artikel 31 Verdrag van Istanbul in het Nederlandse familierecht. In Schrama, W., Hendriks, A., Knoppers, P., Bruning, M., Hu, L., Christoph, T., & Brons, A. (2025). *Actuele ontwikkelingen in het familierecht : Negentiende UCERF Symposium*. Boom juridisch. p. 21-36.

approach taken by social services.⁴³ Thus, many of the decisions that comply with the Convention are reached not thanks to, but in spite of, the family law system.⁴⁴

Criticism by CEDAW and GREVIO on the lack of implementation of Art. 31 and Art. 51 of the Istanbul Convention

16. GREVIO criticized the Netherlands for failing to fulfil its obligations as there is no mandatory guideline for judges on how domestic violence should be taken into account in decisions on custody and access.⁴⁵ Ten years after the first recommendations on this matter, the Netherlands has still not implemented Art. 31 and Art. 51 of the Istanbul Convention. There is still no legal obligation in family law proceedings concerning access, care and guardianship, to investigate whether domestic violence has taken place.

17. CEDAW states that judges need to gain a better understanding of the impact of domestic violence on children.⁴⁶ GREVIO expresses concern about the lack of information exchange between criminal courts and family courts: 'Although family courts may be able to obtain information from the parties if one of those parties has requested it, family courts themselves do not have the power to request information on the outcomes of criminal proceedings.'⁴⁷

Obstacles to effective access to justice for women who are victim of intimate partner violence

18. In many cases, women who are victim of intimate partner violence do not have effective access to justice. There is a huge discrepancy between prevalence and reported domestic violence and in cases of intimate partner violence, the Public Prosecution Service (OM) often declines to order prosecution.

Discrepancy between prevalence and reported intimate partner violence

19. Despite legal frameworks regarding reporting incidents, the reality is problematic.⁴⁸ The willingness to file a police report is low among victims of domestic

⁴³ Rb Midden-Nederland 23 oktober 2024, ECLI:NL:RBMNE:2024:6365; Rb Midden-Nederland 28 maart 2025, ECLI:NL:RBMNE:2025:1755; Rb Gelderland 4 juli 2024, ECLI:NL:RBGEL:2024:4170; Hof Arnhem-Leeuwarden 24 juli 2025, ECLI:NL:GHARL:2025:4627; Avontuur, I. (2025, March). *Zwartboek huiselijk geweld 2024: Jurisprudentie overzicht moord en doodslag*. Avontuur & Czarnota Familierecht. <https://www.vrouwenrecht.nl/2025/03/06/zwart-boek-huiselijk-geweld-2024-jurisprudentie-overzicht-moord-en-doodslag/>

⁴⁴ Hendriks, A., & Vledder, I. (2026). Paradigmawisseling in het familierecht, of (nog) niet? *Tijdschrift voor Familie- en Jeugdrecht*, 2026(4), 163-169 p. 6.

⁴⁵ GREVIO. (2025, 21 October). *First thematic evaluation report on the Netherlands' implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): Building trust by providing support, protection and justice*. Council of Europe § 200.

⁴⁶ UN Committee on the Elimination of Discrimination against Women. (2016, 18 November). *Concluding observations on the sixth periodic report of the Netherlands* (CEDAW/C/NLD/CO/6). United Nations. §44a.

⁴⁷ GREVIO. (2025, 21 October). *First thematic evaluation report on the implementation by the Netherlands of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): Building trust by providing support, protection and justice*. Council of Europe. §147.

⁴⁸ Dutch Code of Criminal Procedure (Sv) Art. 161, Art. 163(2), Art. 163(4), & Art. 163(5); Dutch CEDAW Network. (2024, 14 August). *Building trust by providing support, protection and justice: Shadow report on the Istanbul Convention. First thematic review*. UN Women's Convention Network. p. 35.

violence.⁴⁹ Around 4 percent of victims of domestic violence contact the police and only half of those file a complaint.⁵⁰ In addition to fear of retaliation from the ex-partner and unwarranted feelings of shame, the way in which victims of domestic violence are treated by the police plays a part in the low number of reports.⁵¹ When accepting a complaint, the police often assess whether a criminal offence can be sufficiently proven. This despite the fact that the police should investigate all complaints and take a proactive approach to gathering evidence.⁵² Complaints are generally accepted more readily when there are visible injuries or when witness statements are available, whilst complaints of psychological abuse are rarely recorded because behaviors indicating such abuse are difficult to categorize under a specific criminal offence. In cases of intimate partner violence where there is no physical violence, this standard of proof leads to reports being systematically rejected.⁵³ Victims are regularly discouraged from filing a complaint about the abuse.⁵⁴ Women then ‘get no further than the reception desk at the police station’.⁵⁵ There are also frequent shortcomings in the follow-up to reports and complaints, causing secondary victimization of women and children.⁵⁶ Victims of intimate partner violence report that the police dismiss the violence as a ‘relationship problem’ to be resolved by other means. Particularly in divorce and contact cases, the police often advise against filing a complaint. A conversation between partners is said to be a better alternative, also in view of the interests of the children. This demonstrates that the police, too, adhere to the strong emphasis on continued equal parenting after a divorce.⁵⁷

<https://www.nederlandsevreuwenraad.nl/wp-content/uploads/2024/08/Shadow-report-Building-Trust-Dutch-CEDAW-Network-aug-2024.pdf>

⁴⁹ This observation is based in part on the lived experiences of women who visit the Vrouwenrechtswinkel Amsterdam (Women’s Legal Clinic Amsterdam); Politie Nederland. *Hoe vaak komt huiselijk geweld voor?* <https://www.politie.nl/informatie/hoe-vaak-komt-huiselijk-geweld-voor.html>; Akkermans, M., Derksen, E., Kloosterman, R., Moons, E. & Wingen, M. (2023, January). *Prevalentiemonitor Huiselijk Geweld en Seksueel Grensoverschrijdend gedrag 2022* (PHGSG 2022). Wetenschappelijk Onderzoek- en Documentatiecentrum; Centraal Bureau voor de Statistiek. p. 26; Salet, R., Kremers, M., & Terpstra, J. (2020). Geen aangifte, en dan? Juridische aspecten en politiepraktijken. *Proces*, 99(4), p. 240–252.

⁵⁰ Derksen, E., Kennis, M., Kloosterman, J., Moons, E., & Peters, V. (2024, 25 November). *Prevalentiemonitor Huiselijk Geweld en Seksueel Grensoverschrijdend gedrag 2024* (PHGSG 2024). Centraal Bureau voor de Statistiek; Wetenschappelijk Onderzoek- en Documentatiecentrum.

⁵¹ Amnesty International. (2025, July). *Psychological violence: eleven women break the silence*. Amnesty International Netherlands. <https://www.amnesty.nl/content/uploads/2025/07/Psychological-violence.pdf>

⁵² Lünemann, K.D., & ter Woerds, S. (2021). Meer dan ruzie. Politie in de netwerkaanpak huiselijk geweld. *Politie en Wetenschap*, p. 85.

⁵³ *ibid.*; Gijsselaar, E., Hendriks, A., & Samadi, M. (2025), De strafbaarstelling vdwingende controle *Nederlands Juristenblad*, 2025(13), p. 698.

⁵⁴ This observation is based in part on the lived experiences of women who visit the Vrouwenrechtswinkel Amsterdam (Women’s Legal Clinic Amsterdam); Pointer. (2022, 21 October). Politie ontraadt aangifte doen van huiselijk geweld. <https://pointer.kro-ncrv.nl/politie-ontraadt-aangifte-doen-van-huiselijk-geweld>; Lünemann, K.D., & ter Woerds, S. (2021). Meer dan ruzie. Politie in de netwerkaanpak huiselijk geweld. *Politie en Wetenschap*.

⁵⁵ Hendriks, A., & Vledder, I. (2025). *Met liefde heeft het niets te maken: Over het herkennen en stoppen van intieme terreur*. Cargo. p. 184.

⁵⁶ Elbers, N. & Becx R. (2020). Secundaire victimisatie als probleem. Herstelrecht als oplossing?, p. 31-32.

⁵⁷ Lünemann, K.D., & ter Woerds, S. (2021). Meer dan ruzie. Politie in de netwerkaanpak huiselijk geweld. *Politie en Wetenschap*.

Discrimination is a reality. The extent to which women are taken seriously by the police is partly determined by language proficiency, cultural background, socio-economic vulnerability and familiarity with the Dutch victim support system.⁵⁸

Criticism of CEDAW and GREVIO on the discrepancy between prevalence and reported intimate partner violence

19. CEDAW expresses its concern about the persistence of obstacles to women's effective access to justice, including delays in the investigation and prosecution of cases of gender-based violence.⁵⁹ And recommends the Netherlands to ensure the timely investigation and prosecution of all forms of gender based violence against women.⁶⁰

20. GREVIO notes that 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.⁶¹ GREVIO urges the Netherlands to end any practices that dissuade women victims from reporting.⁶² GREVIO further strongly encourages the authorities to take measures encourage women victims of violence to report, including women who are at risk of or subject to intersectional discrimination.⁶³

Low levels of prosecution of intimate partner violence

21. In 2025, an investigative report showed that provable domestic violence cases in the Netherlands are regularly dropped, even though the Public Prosecution Service (OM) promises to prosecute them. In about 20 percent of the dismissals, the OM decided prosecution was not in the 'public interest'. The Amsterdam Court of Appeal reviewed 81 complaints by victims of intimate partner violence. In 17 of these complaints the Court acknowledged there was sufficient evidence but still declined to order prosecution, often citing that criminal proceedings would not be in the interest of the children's wellbeing or the relationship between the ex-partners.⁶⁴ The focus on continued and joint parenting in cases of intimate partner violence thus leads to perpetrators of intimate partner violence not being prosecuted. And to a climate of impunity for gender based violence.⁶⁵

⁵⁸ This observation is based in part on the lived experiences of women who visit the Vrouwenrechtswinkel Amsterdam (Women's Legal Clinic Amsterdam).

⁵⁹ UN Committee on the Elimination of Discrimination against Women. (2026, 27 February). *Concluding observations on the seventh periodic report of the Kingdom of the Netherlands* (CEDAW/C/NLD/CO/7). United Nations. §12.

⁶⁰ *ibid.* §13.

⁶¹ GREVIO. (2025, 21 October). *First thematic evaluation report on the implementation by the Netherlands of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): Building trust by providing support, protection and justice*. Council of Europe. §165.

⁶² *ibid.* §167.

⁶³ *ibid.* §168.

⁶⁴ Van de Beld, J., Heilbron, B., & Uilen, B. (2025, 19 November). Zij een noodknop, hij een sepot. *Groene Amsterdammer*.

⁶⁵ *ibid.*

Criticism of CEDAW and GREVIO on the low levels of prosecution of intimate partner violence

22. In 2020, GREVIO voices its concern about the low level of prosecutions, the high level of dismissals and low conviction rates in light of the high number of incidents of domestic violence and encourages the Netherlands to ensure that domestic violence against women are prosecuted and sanctioned swiftly, and that effective measures to reduce high dismissal rates are set in place.⁶⁶ Pointing to lack of disaggregated data, GREVIO in 2025 concludes on the basis of data that are publicly available, that only a few of the yearly cases of domestic violence reported by all victims, irrespective of sex and age, reach the prosecution services, and that this the number has declined in recent years.⁶⁷

23. GREVIO therefore strongly encourages the Netherlands to ensure that all acts of violence against women and domestic violence covered by the Istanbul Convention are sanctioned swiftly. GREVIO recommends that the root causes of attrition in the criminal justice sector should be identified by introducing data collection and case tracking across the sector and the problem of attrition by taking adequate measures should be addressed.⁶⁸

To conclude: How J.E. v. the Netherlands fits into the pattern of a gender neutral approach to intimate partner violence

24. The case of J.E. v the Netherlands fits into the pattern and the consequences of the gender neutral approach of the Netherlands to intimate partner violence. In the domestic proceedings the gendered nature and discriminatory impact of domestic violence is absent. Gender roles, stereotypes, and power dynamics are not problematized which amounts to discrimination of the mother. The mechanisms within family law procedures that conceal the discriminatory aspect of intimate partner violence are manifest in the proceedings of this case: the focus on continuation of equal parenting and the framing of the conflict as a 'battle divorce'. When an adequate assessment of the situation had been made in conformity with Art. 31 of the Istanbul Convention, the history of the criminal offence of intimate partner violence by the father would have been a contra indication for contact with the child, and parties would not have been referred to mediation. The case of J.E. also reflects a reality in which complaints of intimate partner violence including stalking are dropped because prosecution is considered to be against the interests of the family. Thereby contributing to a climate of impunity for gender based violence.

⁶⁶ GREVIO. (2020, 20 January). *GREVIO's baseline assessment report on legislative and other measures to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): the Netherlands* [GREVIO/Inf(2019)19]. Council of Europe. §268-269.

⁶⁷ GREVIO. (2025, 21 October). *First thematic evaluation report on the implementation by the Netherlands of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention): Building trust by providing support, protection and justice* [GREVIO(2025)1]. Council of Europe. §177-179.

⁶⁸ *ibid.* §180.