

## The Netherlands



### Why do we need administrative data on intimate partner violence?

Many women victims of intimate partner violence in the EU Member States remain unprotected. Perpetrators often go unpunished due to inadequate law enforcement approaches, which do not align with international human rights treaties. A gender-neutral approach to the law, coupled with the unavailability of data and existing stereotypes result in the denial of violence against women and its tolerance or normalisation <sup>(1)</sup>. States must ensure that they carry out the due diligence principle to investigate and punish acts of violence and provide compensation to victims.

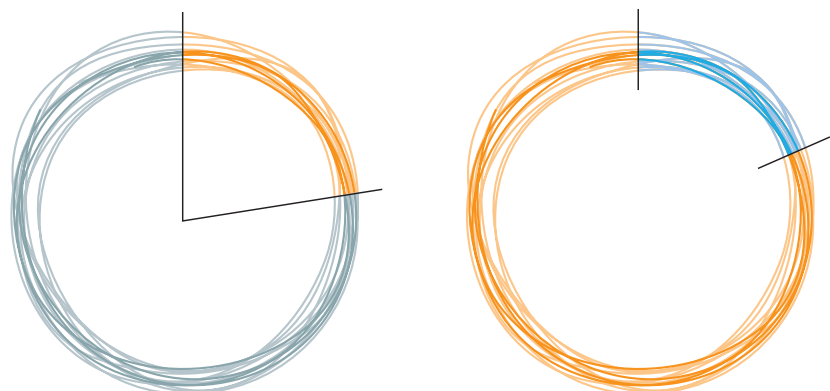
Improving data collection and providing comprehensive and reliable administrative data is crucial to monitor the police and justice sectors' response to violence against women. It also shows a state's willingness to monitor the effectiveness of its law. High-quality administrative data is in line with the international commitments of Member States to combat violence against women as defined in Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

The European Institute for Gender Equality (EIGE) defines intimate partner violence as all acts of physical, sexual, psychological or economic violence that occur between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. It constitutes a form of violence which affects women disproportionately and which is therefore distinctly gendered.

*EIGE's definition of intimate partner violence is in line with the definition of domestic violence of the Istanbul Convention.*

23 % of women have been victims of violence in the Netherlands over the past 5 years. Around half of them were assaulted by a partner or an ex-partner.

Among all the women who were victims of intimate partner violence, 20 % contacted the police.



<sup>(1)</sup> Office of the United Nations High Commissioner for Human Rights, *Report of the Special Rapporteur on violence against women, its causes and consequences*, 2017.

## What does the law say?

The Netherlands has ratified the Istanbul Convention and it entered into force on 1 March 2016. Intimate partner violence is criminalised under several offences of the Criminal Code, and the fact that the offence takes place between partners could constitute an aggravating circumstance on the penalty according to Article 304 of the Dutch Criminal Code.

## Process of administrative data collection by police and justice sectors



### POLICE



- Intimate partner violence data is available disaggregated by the age, sex, and nationality of the victim and the offender.
- The relationship is recorded in the free text and not systematically.
- Units are recorded and made available such as the number of victims, suspected persons, incidents and the stage of each unit.



- When recording crime data in its central electronic administrative system, the Basic Facility for Enforcement (BVH), the police uses a specific code list, arranged according to the 'social class' of the incident.
- The polices label the incident with the code 'HG' (meaning domestic violence) when this is the case.



- Data is published by the Central Bureau for Statistics, based on recorded data provided by the police.



### JUSTICE

- Prosecutors and courts collect data disaggregated by the age, sex and nationality of the victims and the offenders.
- Data is taken over from the police, which does not systematically record the relationship between the victim and the perpetrator in practice.
- Units are recorded and made available such as the number of suspected and convicted persons, as well as proceedings against one person. The 'principle offence rule' is applied.

- Justice data is recorded according to the legal articles of the Criminal Code.
- In addition, the public prosecution service uses the 'HG' label to classify domestic violence cases.

- Justice data is also published by the Central Bureau for Statistics.

## Indicators on intimate partner violence

To support Member States in reporting on intimate partner violence under the Victims' Rights Directive and the Istanbul Convention, EIGE has developed 13 indicators based on uniform statistical definitions. These relate to administrative data from the police and justice sectors. By populating the indicators Member States will be able to meet the minimum requirements for data provision outlined in the Victims' Rights Directive and the Istanbul Convention.

### What data is available?



#### POLICE

1. Annual number of women (aged 18 and over) victims of intimate partner violence committed by men (aged 18 and over), as recorded by police.
2. Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over).
3. Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators).
4. Annual number of women (aged 18 and over) victims of physical intimate partner violence committed by men (aged 18 and over), as recorded by police.
5. Annual number of women (aged 18 and over) victims of psychological intimate partner violence committed by men (aged 18 and over), as recorded by police.
6. Annual number of women (aged 18 and over) victims of sexual intimate partner violence committed by men (aged 18 and over), as recorded by police.
7. Annual number of women (aged 18 and over) victims of economic intimate partner violence committed by men (aged 18 and over), as recorded by police.
8. Annual number of women (aged 18 and over) victims reporting rape committed by men (aged 18 and over), as recorded by police.
9. Women victims of intimate femicide (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over).



#### JUSTICE

10. Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court.
11. Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women.
12. Annual number of men (aged 18 and over) sentenced for intimate partner violence against women.
13. Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty.

**Low availability.** No data is available or existing data is not sufficient to populate the indicator due to considerable lack of detail and necessary breakdowns, such as no information on the sex of the victim.

**Medium availability.** Some data is available but it lacks important breakdowns, such as the exact relationship between the victim and the perpetrator.

**High availability.** Data is available with necessary breakdowns.

## Key recommendations for improving data collection on intimate partner violence



LEGISLATIVE

### Create a specific offence category or legal definition for intimate partner violence

The fact that criminal cases are classified according to the Criminal Code articles means that it is more difficult to get a concrete idea of the number of intimate partner violence cases/proceedings. Despite the 'HG' label still being visible to the prosecution and courts when taking up cases from the police, a separate legal definition for intimate partner violence should be formulated.



TECHNICAL

### Record the relationship between victim and perpetrator of intimate partner violence

The police in the Netherlands records personal data on the victim and the perpetrator but does not always indicate what the relationship between them is. This is problematic when it comes to intimate partner violence incidents involving (ex-)partners not living at the same address or recomposed families not having the same family name. Therefore, the victim-perpetrator relationship should be systematically recorded in the BVH by police.

### Improve training for better recognition and recording of intimate partner violence cases

There is a lack of police officers specialised/trained on the matter of domestic violence and a lack of time on the police officers' side, which leads to the postponement of victims' declarations and consequently the victim not declaring after all. Police officers should be extensively trained in the recognition and recording of intimate partner violence.



COOPERATION

### Establish a coordinating body that officially oversees data collection/publication

The National Statistics Office (CBS) compiles data on crime statistics but has no coordinating role over the institutions as such. Regarding statistics on intimate partner violence, the CBS analyses and processes data only based on special requests. The government should further prioritise the collecting and publishing of intimate partner violence data by the CBS.

### Link and improve electronic recording systems

The repetitiveness of domestic violence cases is not taken into account to a sufficient extent by police when deciding whether to label incidents as 'HG' offences. The BVH should be interlinked with the risk assessment instrument on domestic violence (RiHG), which is used by the police to register incidents where no criminal offence has been committed, and GPS/COMPAS, the electronic systems used by the justice sector and courts. This would allow police to see a link between repetitive incidents.

#### European Institute for Gender Equality

The European Institute for Gender Equality (EIGE) is the EU knowledge centre on gender equality. EIGE supports policymakers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans by providing them with specific expertise and comparable and reliable data on gender equality in Europe.



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