

Netherlands - Intimate Partner Violence

Violence committed by someone from the domestic or family circle of the victim (definition used by the government).

Legal provisions on protection orders

Administrative Law: Temporary Restraining Order (huisverbod), Wet Tijdelijk Huisverbod 2008.

Civil Law: Civil law restraining orders come in three types: a restraining order that prohibits 1) entering a designated area or street (street restraining order), 2) a house (no-entrance order) or 3) any contact with the applicant in whichever way (no-contact order). Victims need to initiate civil interlocutory proceedings to apply for either one.

Criminal Law: A criminal protection order can be imposed 1) as a condition to suspend pre-trial arrest, 2) as a condition to suspend prosecution, or 3) as a condition to a suspended sentence.

Legal Source

Ministry of Justice definition 2002 and Criminal Code, Article 304

Observations

In this regard “domestic and family circle” means partners, ex-partners, family members, and domestic friends.

In the Netherlands, domestic violence includes intimate partner violence. This violence can take on many forms: physical, sexual and/or psychological. Practically, domestic violence is understood to include abuse of (ex-) partners, children, parents and elderly people; honour-related violence, forced marriage and genital mutilation are also included.

Domestic Violence is not a separate offense under Dutch law, but can be prosecuted under other serious (sexual) offenses and might have an augmenting effect on the penalty. For example the sentence for the offense abuse can be augmented with one-third if the offender commits the abuse against a family member (i.e. his father, mother, husband/wife, partner or child) [article 242, 243, 246, 255, 257, 282, 284, 285, 285b, 287, 289, 300-304 and 350 of the Criminal code.] [60: This does not apply for the offenses of rape, sexual assault and stalking though.] [61: Abuse, Mishandeling criminalised under article 300-303 Wetboek van Strafrecht (criminal code).]