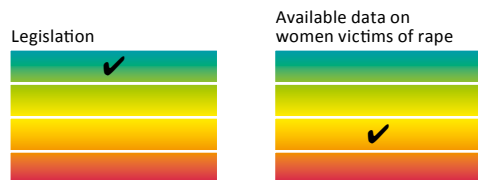


NATIONAL ANALYSIS

Netherlands



Expert

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Legislation

In the Netherlands, legislation relating to sexual violence is more extensive than the definition presented in the model. As well as laws on rape, assault or violation, articles also cover the offences of lewd acts, pornography, juvenile prostitution, and enticing young people under 16 to have sex with a third party. Rape within marriage is also forbidden.

Important issues in the law are the age of the victim and whether the latter is capable of giving consent.

For example, sexual penetration of someone below the age of 12 is always rape, despite consent. Sexual penetration of someone below the age of 16 **outside marriage** is also considered rape according to the law. However, sexual relations among young people who give mutual consent are allowed in everyday life; when problems occur (e.g. when parents have objections) the judge is obliged to hear testimony from the two young people involved (known as a compulsory hearing [*hoorplicht*]).

Also included in the law is the issue of giving consent. When somebody is unable to give consent due to unconsciousness, disorders or other reasons, sexual contact is considered to be rape (in the case of penetration) or assault.

Lastly, abuse of authority or trust in order to have sex is also included in the law. Thus, having sex with an under-aged child, stepchild or foster child, pupil, subordinate, or with an adult who is dependent on the perpetrator is against the law.

Available data on women victims of rape

Every three years, a large-scale, representative study on sexual health is conducted among the Dutch population of 15 years and older. The study is carried out by Rutgers WPF, the centre of expertise on sexuality, and is financed by the government. Experiences of sexual violence are included in this study. The content of the questionnaire may differ every three years, but lifetime and annual prevalence of sexual violence, characteristics (including rape), perpetrator and age of the victim are established each time. The prevalence of sexual violence is established in two ways: first a general question is asked: "Violence and aggression happens everywhere and can (also) be sexual. It can happen at home or on the street; the perpetrator can be a stranger or somebody known to you. It includes being approached sexually in a way that is offensive, being touched against your will, being forced to do sexual things, or being forced to have sexual things done to you. Have you ever experienced sexual violence?" Subsequently, all participants are asked specifically and in detail if they have experienced particular forms of sexual violence, ranging from hurtful remarks to (attempted) rape.



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The most recent study revealed the following results (De Haas, 2012):

With regard to the general question, 33% of the women and 8% of the men (n=7543) answered yes; 1.3% of the women and 1.2% of the men indicated they had experienced some sort of sexual violence in the year preceding the survey.

When measured with specific questions, these figures were 42% among women between 25 and 70, 31% among women between 15 and 24, 13% among men between 25 and 70 and 11% among men between 15 and 24, respectively. These include lifetime occurrences of physical forms of sexual violence, varying from kissing to vaginal or anal intercourse.

In the survey, 17% of the women between 25 and 70 and 16% of the women between 15 and 24 indicated they had experienced (physical) sexual violence before the age of 16. For the men these figures were 3% and 4% respectively. It found that 15% of the women between 25 and 70 and 8% of the women between 15 and 24 were raped at least once in their lives, whereas 2% of the men were victims of rape. Less than 20% of all perpetrators are known to the victim. Women are mostly violated by their partners, and when under 16 by family, neighbours or people they meet when going out. Men also mention partners and friends, and family and neighbours when they are under 16.

The above-mentioned results and more are published in Dutch in S. de Haas (2012): Seksueel grensoverschrijdend gedrag onder jongeren en volwassenen in Nederland. *Tijdschrift voor Seksuologie*, 36(2), 136-145.

Specific results of the 2009 data are about to be published in English: Haas, S., de, Berlo, W., van, Bakker, F. & Vanwesenbeeck, I. (in press). Prevalence and characteristics of sexual violence in the Netherlands, the risk of re-victimization and pregnancy: Results from a national population survey. *Violence and Victims*.

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