

## NEWSLETTER, volume 8 no. 6

12 March 2018

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### PICUM: FACTSHEET ON THE ISTANBUL CONVENTION

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ([Istanbul Convention](#)), is the first comprehensive legal instrument on violence against women. The Convention expressly forbids discrimination based on migration status and requires states to make it possible for women whose status is dependent on a violent partner or spouse to obtain an independent residence status.

PICUM wrote this [factsheet](#) which explains key provisions which can be used to ensure protection and access to counselling services, shelter and other services for undocumented migrant women. It also outlines how civil society can contribute to the monitoring process of the Convention's implementation in different countries.

## 1. BASIC RIGHTS

### Dutch Administrative High Court (CRvB): halve welfare Dutch male in view of illegal (EU) partner

The welfare of this family, consisting of a Dutch and an EU citizen is to be halved. According to the judge the partner is allowed to work, which will make her legal. She does not need to work full-time, but she will have to earn some money. Since she does not work at all, she has no legal residence and the family's welfare is to be cut. As the family does receive child benefit, the Dutch Administrative High Court feels the children will not be duped. For that matter, the family has not submitted sufficient information on their income. See [here](#) (Dutch only).

### Court: child of Dutch father married to someone else will get Dutch nationality on condition of family life

This decision refers to the fact that until 2014, the acknowledgement of a child by a man who is married to someone else, was not legally valid without a judicial decision. Afterwards, this became possible, provided there was family life.

In this case, the child was acknowledged in Germany as early as 1999, and the Dutch father was actually living with the child since it was born. That is why the judge has decided that the acknowledgement is legal in NL. The judge has decided that the child has had the Dutch nationality since its birth. See [here](#) (Dutch only).

## 2. ADMISSION POLICY

### Council of State (RvS): exemption work obligation and compensation exemption needed for exemption from income requirements for residence with partner

To live with the partner, the Dutch partner must have an income. Only if the Dutch partner is unable to work long-term, can exemption from income requirements be granted. The norm is a 5-year exemption from job search. However, this decision by the Council of State makes clear that no compensation must have been asked for 5 years either, as any compensation is seen as a pathway to paid work. See [here](#) (Dutch only).

## 3. CHECK AND DETENTION

### CPT: Women in prison

In this advisory report, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) describes the way guards must deal with women in detention. Much attention is paid to intrusive searches (of body cavities). These may only be performed by persons of the same sex and must take place in a respectful manner. Intimate internal examinations intrusive searches of the genital area and body cavities must be avoided. If one should be necessary in exceptional cases, it must be performed by a medical practitioner.

<https://rm.coe.int/168077ff14>, jan18

Court: separate eviction father allowed after 6 months in 'family location' without cooperation

This judge finds that the father of a family may be evicted separately from the wife and children. The family has been staying in a 'family location' for half a year, the father can be evicted, but the mother cannot, due to lack of identity documents. (Utrecht district court, NL18.2399, 19.2.18)

## 4. ACTIVITIES

E-learning recognizing victims of human trafficking

The Red Cross, the Agency for the Reception of Asylum Seekers (COA), the Dutch Council for Refugees and CoMensha have jointly developed an online course on recognizing signals in migrants that point at human trafficking. The (Dutch-language) module takes up about 30 minutes and consists of two parts:

- 'What is human trafficking' and
- 'How can you help'.

This module is a first introduction. Addition training is available for specific groups.

[View the introductory video of the e-module here.](#)

[Go to the \(Dutch-language\) Recognizing human trafficking module](#)

Calling on Dutch municipalities to support Afghan refugees

Eight children's rights and human rights organisations, including the LOS foundation, make an urgent appeal to Dutch municipalities to speak up for the protection of Afghan refugees in the Netherlands. The organisations already called on the state secretary and the asylum spokespersons in Dutch Parliament in December 2017 to halt all evictions and offer Afghan refugees the protection they need so much. The state secretary has responded by promising to speed up examination of the safety situation and will issue a new official country report on Afghanistan in May. In spite of this, the evictions of Afghan refugees continue. We find this irresponsible and perilous. Read our letter to the municipalities [here](#) (Dutch only).

Since 2003, the LOS Foundation (the Dutch acronym for 'Landelijk Ongedocumenteerden Steunpunt') has been the knowledge centre for people and organizations providing assistance to undocumented migrants. LOS Foundation devotes itself to the basic rights of these migrants and their children.