EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FOURTH SECTION

Application no. 7467/25
J.E.
against the Netherlands
lodged on 6 March 2025
communicated on 2 July 2026

## SUBJECT MATTER OF THE CASE

The case concerns the State's positive obligation to protect the applicant from domestic violence, including stalking, perpetrated by her ex-partner, Y.

The applicant and Y. began their relationship in 2019. In 2020, they registered a civil partnership and had a son, T. In May 2022, the applicant separated from Y. following alleged incidents of domestic violence, including threats against her and threats of self-harm should she leave him. She reported these incidents to the police and to *Veilig Thuis*, the domestic violence advice and reporting centre. The mayor issued a 10-day restraining order and contact ban. The applicant subsequently moved to her parents' home with T. Shortly thereafter, Y. drove his car into the front yard of her parents' house. The applicant informed the authorities that she feared for her and T.'s safety.

The applicant then sought interim measures in the context of proceedings to annul their registered partnership. She requested sole care of T., supervised contact between T. and Y., and exclusive use of the shared home. In September 2022, the Regional Court adjourned the requests and referred the parties to mediation pending the annulment proceedings. In the meantime, T. had weekly contact with Y., supervised by Y.'s parents.

In July 2022, the applicant discovered a tracking device in her car. In August 2022, she filed a formal complaint to the police (*aangifte*) for stalking, noting that Y. had previously been convicted of stalking a former partner. In November 2022, the public prosecutor decided not to prosecute due to insufficient evidence of systematic interference with her private life.

In December 2022, the applicant filed a second formal complaint to the police for stalking. She reported that Y. appeared to be monitoring her movements and sending messages indicating knowledge of her whereabouts. She also discovered tracking devices on her parents' cars. Earlier that month, she had reported vandalism of her property and the discovery of a hidden camera in her home to the police.

In January 2023, the applicant initiated summary proceedings *(kort geding*) seeking a contact ban. During these proceedings, Y. admitted placing tracking devices on her car and her parents' cars, installing a camera in their former home, and creating a social media profile in her name. In February 2023, the interim relief judge found that Y. was obsessed with the applicant and imposed a one-year contact ban, including a prohibition on contact with T.

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In April 2023, the public prosecutor again decided not to prosecute Y. for stalking, citing the existing contact ban, the parties' shared child, and their ongoing legal and financial ties. The applicant lodged a complaint under Article 12 of the Code of Criminal Procedure with the Arnhem-Leeuwarden Court of Appeal, seeking prosecution.

In March 2024, the Regional Court granted the applicant sole parental authority over T. The question of contact between Y. and T. was adjourned for six months, during which Y. was limited to monthly email contact.

On 2 December 2024, the Arnhem-Leeuwarden Court of Appeal declined to order further investigative measures. It considered that the situation had stabilised, that T. was entitled to maintain a relationship with both parents, and that the parties would need to find a way to communicate. In the absence of ongoing harassment or acute risk, prosecution was deemed inexpedient.

The applicant complains under Articles 3 and 8 of the Convention that the authorities failed to fulfil their positive obligations to protect her from domestic violence. In particular, no adequate risk assessment or protective measures were undertaken in a timely manner, and the authorities declined to prosecute Y. for stalking. She further alleges, under Article 14 in conjunction with Articles 3 and 8, that she was discriminated against as a victim of gender-based violence on the basis of her sex.

## QUESTIONS TO THE PARTIES

1. Did the applicant exhaust remedies, in respect of her complaint that no adequate risk assessment or protective measures were undertaken in a timely manner (see *Opuz v. Turkey*, no. 33401/02, § 116, ECHR 2009 and *Hasmik Khachatryan v. Armenia*, no. 11829/16, §§ 127-28, 12 December 2024)?

2. Did the authorities discharge their obligations under Articles 3 and 8 of the Convention, to protect the applicant against the violence inflicted on her by Y. and to conduct an effective investigation in that regard (see *Hajduová v. Slovakia*, no. 2660/03, § 49, 30 November 2010, *Talpis v. Italy*, no. 41237/14, § 100, 2 March 2017, *Gaidukevich v. Georgia*, no. 38650/18, §§ 57-58, 15 June 2023 and *Hasmik Khachatryan v. Armenia*, no. 11829/16, § 153, 12 December 2024)?

3. Has the applicant suffered discrimination in the enjoyment of her Convention rights contrary to Article 14 of the Convention read in conjunction with Article 3 and 8, as a victim of gender-based violence (see *Opuz v. Turkey*, no. 33401/02, §§ 184-191, ECHR 2009)?