

# House of Representatives of the Dutch States

## General 2

Parliamentary year 2012-2013

**32 840**

Nr 8

**Amendment of the Dutch Criminal Code, the Dutch Code of Criminal Procedure and the Criminal Code of Bonaire, Sint Eustatius, and Saba with a view to increasing the options for criminal follow-up of forced marriage, polygamy and female genital mutilation.**

**AMENDMENT OF THE MEMBERS OF PARLIAMENT ARIB AND HILKENS**

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The undersigned propose the following amendment:

I

In Article I (A) in the first section, under 6° the following phrase is abolished: insofar as the fact results in force to enter into a marriage.

II

In Article I (B) in section 5a, first paragraph under 6° the following phrase is abolished: insofar as the fact results in force to enter into a marriage.

III

In Article I (B) in section 5b, under 4° the following phrase is abolished: insofar as the fact results in force to enter into a marriage.

IV

In Article III the following phrase is abolished: insofar as the fact results in force to enter into a marriage.

V

In Article IV (A) under 8° the following phrase is abolished: insofar as the fact results in force to enter into a marriage.

VI

In Article IV (B) in section 5a first paragraph under 5 the following phrase is abolished: insofar as the fact results in force to enter into a marriage.

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VII

In Article IV (C) under 4° the following phrase is abolished: insofar as the fact results in force to enter into a marriage.

### **Explanatory Notes**

The objective of this amendment is facilitating the criminal prosecution of forced marriages, including the forced continuation of marriages. In addition, a consequence of this amendment will be that in the Netherlands criminal proceedings by means of punishable force will become possible against people who abandon their partner or child abroad. By abolishing the restriction <<insofar as the fact results in force to enter into a marriage>> with respect to Article 284 of the Dutch Criminal Code the extraterritorial jurisdiction with respect to the offence of *force* will be extended to every possible form of force. A consequence of this is that in the Netherlands prosecution can also take place if the offence of *force* was perpetrated abroad and said force is intended to force a person to stay in a marriage against their will or to be left abroad against their will. This applies when the perpetrator has the Dutch nationality (Article 5 of the Dutch Criminal Code), when the perpetrator is an alien who has his fixed place of abode or residence in the Netherlands (Article 5a) or when the victim has the Dutch nationality or has his or her fixed place of abode or residence in the Netherlands (Article 5b of the Dutch Criminal Code).

Arib Hilkens