



**Convention on the Elimination
of All Forms of Discrimination
against Women**
Advance unedited version

Distr.: General
4 March 2026

Original: English

**Committee on the Elimination of Discrimination
against Women**

**Decision adopted by the Committee under the Optional
Protocol, concerning communication No. 212/2023*, ****

<i>Communication submitted by:</i>	M.E.V.B. (represented by counsel, Ine Avontuur)
<i>Alleged victims:</i>	The author
<i>State party:</i>	Kingdom of the Netherlands
<i>Date of communication:</i>	16 October 2023
<i>Subject matter:</i>	Failure to protect the author and her son from gender-based violence
<i>Articles of the Convention:</i>	1, 2 (a), 2 (c), 2 (e), 2 (f), 5 (a), 5 (b), 16 (1) (d) and 16 (1) (f)

1. The author of the communication is M.E.V.B., national of the Netherlands, born in 1969. The author alleged that the State Party has violated her rights under articles 1, 2 (a), 2 (c), 2 (e), 2 (f), 5 (a), 5 (b), 16 (1) (d) and 16 (1) (f) of the Convention by failing to protect her and her son from gender-based violence committed by the father. The author is represented by counsel. The Optional Protocol entered into force for the State Party on 22 May 2002.

2. The author was subjected to domestic violence, committed by the father against her and her son. After the divorce, the author became a victim of post-separation abuse and of libel and slander. On 22 April 2021, the Arnhem-Leeuwarden Court ruled that the father shall have sole custody of the author's son. In December 2021, the father left for Thailand with the author's son and came back to the Netherlands in March 2023. During this time, the author's son has been abused by his father. The Child Protection Council filed a report for child abuse against the father and submitted a request to the Court in Utrecht for the author's son to be placed under supervision and admitted to a residential institution. On 18 July 2023, the author was summoned by the court by letter for a hearing on 10 August 2023, as an informant. On 27 July 2023, the author objected to the status of informant and requested to be considered as an interested party. On 4 August 2023, the Court refused to qualify the author as an interested party and denied her right to be represented by a counselor. The author filed an interim appeal against the Court's decision. The author also initiated summary proceedings against the State Party at the Court in the Hague to ensure that she would be regarded as an interested party and be provided with procedural documents. On 10 August 2023, her claims were rejected. On 10 October 2023, the Arnhem-Leeuwarden Court ruled

* Adopted by the Committee at its ninety-second session (2-20 February 2026).

** The following members of the Committee participated in the examination of the communication: Brenda Akia, Hiroko Akizuki, Violet Eudine Barriteau, Rangita De Silva De Alwis, Corinne Dettmeijer-Vermeulen, Nada Moustafa Fathi Draz, Esther Eghobamien-Mshelia, Yamila González Ferrer, Dafna Hacker Dror, Nahla Haidar, Madina Jarbussynova, Marianne Mikko, Hong Mu, Ana Pelaez Narvaez, Jelena Pia Comella, Bandana Rana, Rhoda Reddock, Elgun Safarov, Erika Schläppi, Natasha Stott Despoja, Genoveva Tisheva, and Patsili Toledo Vásquez.

that the author's appeal was inadmissible as the email of 4 August 2023 was not a formal court decision. On 10 August 2023, the Utrecht Court pronounced the supervision order and determined that the author's son will be placed in a residential institution.

3. The author requested the Committee to take interim measures ensuring that the author's son comes to live with her immediately and that she be considered by all authorities as a parent with parental authority. The author has not exhausted all available domestic remedies; nevertheless, she submits that proceedings before the Supreme Court would be unduly prolonged.

4. On 22 November 2023, the Committee, acting through its working group on communications, registered the communication.

5. On 22 January 2024, the State Party submitted its observations on the admissibility of the communication and requested that the admissibility be examined separately from the merits. The State Party notes that the author failed to exhaust all available domestic remedies. The author filed an appeal in cassation against the Court of Appeal's judgment of 10 October 2023; the matter remains pending before the Court. The State Party informs the Committee that, on 9 January 2024, the District Court has granted the author with the sole parental custody over her son. Moreover, the State Party notes that the author filed a complaint within the European Court of Human Rights in 2021.

6. On 15 February 2024, the author requested to withdraw her communication No. 212/2023, given that she has been granted sole custody over her son. On 14 February 2025, the Committee, acting through its Working Group on Communications, has decided that the consideration of the communication will be suspended.

7. At its meeting on 17 February 2026, the Committee, taking into account that the author has been granted sole custody over her son, and has formally requested the withdrawal of her communication, considered that the case had become moot and decided to discontinue consideration of communication No. 212/2023.
