



CIVIL
LIBERTIES
UNION FOR
EUROPE



BURSHENOVICH
NJC
M
RESEARCH
SINCE 1994



NETHERLANDS
HELSINKI
COMMITTEE



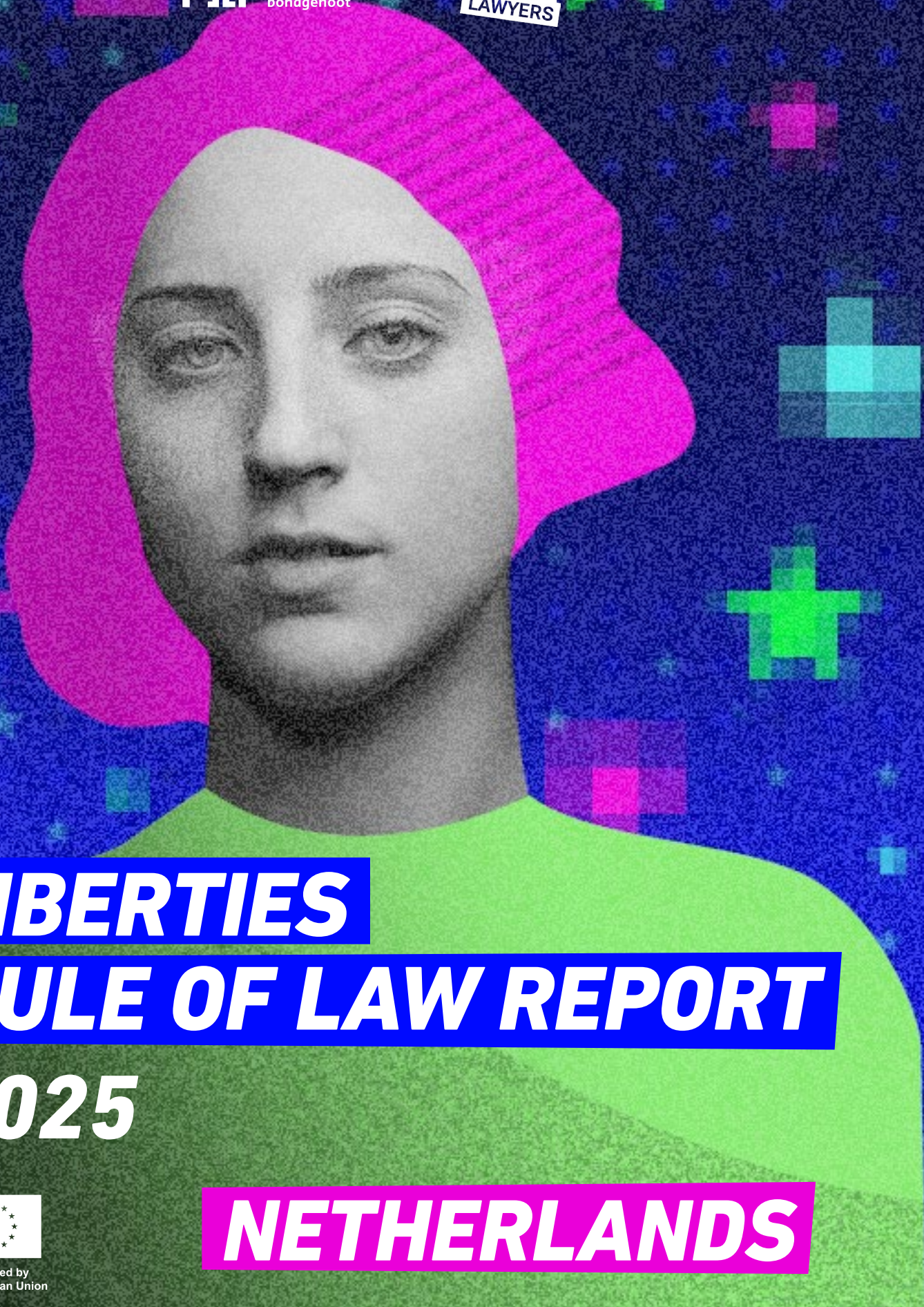
FREE
PRESS
UNLIMITED



TRANSPARENCY
INTERNATIONAL
Nederland

PiLP de juridische
bondgenoot

LAWYERS
FOR
LAWYERS



#rolreport2025

LIBERTIES

RULE OF LAW REPORT

2025

NETHERLANDS



Co-funded by
the European Union

FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2025 report was drafted by Liberties and its member and partner organisations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Over forty member and local partner organisations contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2025 here.](#)

TABLE OF CONTENTS

FOREWORD	2
ABOUT THE AUTHORS	4
KEY CONCERNS	6
JUSTICE SYSTEM	8
Judicial independence	8
Quality of justice	15
Fairness and efficiency of the justice system	19
ANTI-CORRUPTION FRAMEWORK	24
Levels of corruption	25
Framework to prevent corruption	26
Investigation and prosecution of corruption	35
MEDIA ENVIRONMENT AND MEDIA FREEDOM	38
Media and telecommunications authorities and bodies	39
Pluralism and concentration	39
Transparency and media ownership	42
Public service media	43
Online media	46
Public trust in media	46
Safety and protection of journalists and other media actors	47
CHECKS AND BALANCES	56
Process for preparing and enacting laws	56
Independent authorities	57
Accessibility and judicial review of administrative decisions	57
Electoral framework	58
CIVIC SPACE	60
Freedom of association	60
Freedom of peaceful assembly	64
Freedom of expression and information	67
Attacks and harassment	68
Online civic space	69
DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES	
AFFECTING THE RULE OF LAW ENVIRONMENT	70
Systemic human rights violations	71
Other systemic issues	77
FOSTERING A RULE OF LAW CULTURE	80
Efforts by state authorities	80
CONTACTS	81

NETHERLANDS

ABOUT THE AUTHORS

Dutch section of the International Commission of Jurists (NJCM, Nederlands Juristen Comité voor de Mensenrechten)



NJCM is the abbreviation for Nederlands Juristen Comité voor de Mensenrechten (Netherlands Committee of Jurists for Human Rights). The organisation works to promote and protect human rights in the Netherlands. NJCM is the Dutch section of the International Commission of Jurists (ICJ) and was founded in Leiden in 1974, where it is still based.

Netherlands Helsinki Committee (NHC)



The Netherlands Helsinki Committee (NHC) is a non-governmental organisation that promotes human rights and strengthens the rule of law and democracy in all countries of Europe, including the Central Asian countries participating in the OSCE.

Free Press Unlimited (FPU)



Free Press Unlimited (FPU) is committed to promoting and defending press freedom and access to reliable information, particularly in countries with limited (press) freedom. Together with over 40 local media partner organisations, Free Press Unlimited strives to give people the information needed to help them survive, develop themselves, and monitor their government.

Transparency International Netherlands (TINL)



Transparency International Nederland (TINL) strives for a world in which government services, the political world, business, civil society and citizens are free from corruption. The emphasis is on improving integrity, transparency and accountability in Dutch society.

PILP



PILP stands up for the protection of human rights and the rule of law in the Netherlands and in the Dutch legal sphere. PILP does this by advising on, supporting and conducting strategic litigation and legal proceedings.

Lawyers 4 Lawyers



Lawyers for Lawyers (L4L) is an independent and non-political foundation which aims to promote the independence of the legal profession worldwide by supporting lawyers at risk. L4L was granted Special Consultative status with the UN Economic and Social Council in 2013.

KEY CONCERNS

Justice System

Little to no progress has been made in addressing judicial independence, financial autonomy of the judiciary and protection of lawyers and fair access to justice.

Some progress has been made on transparency rules and addressing systemic justice issues, like the childcare affair. Limited progress is noted in reducing political influence on judicial appointments and safeguarding judicial autonomy, as highlighted by the persistent concerns regarding the Council for the Judiciary and ministerial authority over the judiciary. Challenges remain in addressing financial shortages, protecting judicial independence, and ensuring access to justice.

Anti-Corruption Framework

The current government (Kabinet Schoof) promised to create a national anti-corruption strategy, increase the protection of whistleblowers, and create a rule of law agenda. It also committed to ongoing legislative procedures in the field of anti-corruption. However, at the moment of writing, there has been little to no progress on all dossiers mentioned below.

Transparency rules on lobbying of public officials are not satisfactory, as the publishing of public agendas is not consistently done and does not constitute an effective substitute for a lobby register. The government has still not implemented the revolving door legislation.

Media Environment and Media Freedom

With an increase in incidents of violence against journalists, the normalisation of harmful political rhetoric on the independence of media and journalists, large cuts to the public broadcaster's budget, the governing coalition's plans to increase the VAT rate for print and online media, and the inadequate draft legislation to implement the European Anti-SLAPP Directive, the media environment in the Netherlands is regressing.

Concerningly, in 2024, prominent politicians and (government) parties increasingly use their positions to question the independence of (public service) media. In addition, the current government has announced large cuts to the budget allocated to the public broadcasting network, which could have a serious impact on the public's access to information.

Checks and Balances

First, there has been concern over the misuse of emergency powers, prompting a call for enhanced parliamentary and judicial oversight. It's crucial to ensure that any emergency or fast-track legislation is both proportional and necessary, preventing overreach and safeguarding democratic processes. Second, there remain insufficient safeguards in administrative law regarding algorithmic transparency. This leaves gaps in providing effective legal remedies and adequate human intervention, which are vital for compliance with GDPR standards. Lastly, political microtargeting has raised alarms about the integrity of elections. Efforts are needed to combat disinformation and protect

voters' rights by ensuring they have access to balanced and reliable information, especially during campaign periods. These challenges highlight the need for comprehensive reforms to protect democratic values and individual rights in an increasingly complex landscape.

There has been limited progress on improving parliamentary oversight and safeguarding legislative processes. Some progress towards increasing accessibility for voters with disabilities has been observed. There has been no progress on addressing algorithmic transparency and strengthening legal protection against its misuse.







Civic Space

The Act on Collective Damages in Class Actions (WAMCA) has introduced significant practical and procedural obstacles, limiting the effectiveness of collective redress. Public interest cases face increasing barriers to justice, restricting their role in holding power to account. The Law on Transparency of Civil Society Organisations (WTMO) imposes undue scrutiny, undermining civic space. Compliance with national and international standards on freedom of assembly remains inadequate, while restrictive measures increasingly limit the right to protest.

Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment

First, the Netherlands risks failing its international obligations by not taking sufficient measures to prevent genocide in Gaza. The government's stance on UNRWA funding and potential support for its dismantling could undermine global genocide prevention efforts. Second, repealing the Spreidingswet threatens a fair distribution of asylum seekers, worsening the asylum reception crisis and endangering refugee rights. Third, weak enforcement of the Spreidingswet leads to poor conditions in emergency shelters, harming vulnerable children. Lastly, inadequate youth care, protection, and education policies hinder children's development, necessitating urgent reform for sustainable and progressive improvements.

State of play (versus 2024)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances
-  Civic Space
-  Human Rights

Legend

Regression

No progress

Progress



JUSTICE SYSTEM

Key recommendations

- *Strengthen judicial independence: amend the Judiciary Organisation Act to reduce the influence of the Minister of Justice and Security in appointing council for the judiciary members and eliminate the minister's power to annul decisions or issue binding directives.*
- *Ensure financial autonomy: establish an independent budget for the judiciary, separate from the broader justice budget, to safeguard operational independence and prevent undue financial constraints.*
- *Protect lawyers and fair access to justice: enhance safeguards for lawyers, particularly against intimidation and harmful rhetoric, and ensure affordable court fees and sufficient funding for legal aid systems.*

Judicial independence

Appointment and selection of judges, prosecutors and court presidents

Over the past year, an increasing number of concerns have been raised regarding the Council for the Judiciary. The Council represents the collective interests of the courts externally, ensures the provision of services transcending individual courts, oversees operational management and financial administration, and issues general instructions regarding operational matters as necessary.¹

In the current framework, members of the Council are appointed directly by the Minister of Justice and Security. The composition of the Council includes three judicial members alongside two non-judicial members, with the latter being subject to dismissal by the minister at any time. This arrangement underscores the substantial influence of political dynamics on the Council's operations.² Additionally, the appointment term for members of the Council is set at six years, with the possibility of a single reappointment for an additional three-year term.

1 Council for the judiciary (Raad voor de rechtspraak), 'What does the Council for the judiciary do?' (*Wat doet de Raad van de rechtspraak?*), <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/>.

2 Margreet Fogteloo & Caspar Thomas, *We have too few guarantees (We hebben te weinig waarborgen)*, De Groene Amsterdammer, 24 January 2024, <https://www.groene.nl/artikel/we-hebben-te-weinig-waarborgen>.

The minister holds the authority to appoint the board of the courts, which comprises three members, including the president, commonly referred to as the court president. Like the Judicial Council, board members do not enjoy lifetime appointments. Instead, they are appointed for a six-year term, with the option of a single reappointment for an additional three years.³

Allocation of cases in courts

A legislative proposal aimed at providing a formal legal basis for the Code of Case Allocation, as recommended by the European Court of Human Rights (ECtHR), is currently under consideration.⁴

Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

A significant concern arises from the minister's authority to annul decisions of the Council and, indirectly, the court administration, as provided under Sections 37 and 106 of the Judiciary Organisation Act (Wet RO). Furthermore, Section 93 of the Act grants the minister the power to issue binding directives to the Council.⁵ The minister's claim of 'systemic responsibility' for the judiciary's proper functioning has sparked significant debate. The Supreme Court has firmly contested this stance, asserting that it compromises the judiciary's constitutionally guaranteed independence, a cornerstone of the rule of law.⁶ Similarly, the Venice Commission, in a joint

3 Ibid.

4 Mr. Online, 'Professor of constitutional law: 'case allocation in the Netherlands is poorly regulated' (*Hoogleraar staatsrecht: 'zaakstoedeling in Nederland gebrekkig geregeld'*), Mr. Online, 13 June 2022, [Hoogleraar staatsrecht: 'zaakstoedeling in Nederland gebrekkig geregeld' - Mr. Online \(mr-online.nl\)](#); Parliamentary Paper No. 36243 of the Second Chamber (Tweede Kamer der Staten Generaal) of 8 November 2022 to amend the Judiciary Organisation Act, the Legal Status of Judicial Officers Act, the Council of State Act and some other laws (*Wetsvoorstel tot wijziging van de Wet op de rechterlijke organisatie, de Wet rechtspositie rechterlijke ambtenaren, de Wet op de Raad van State en enige andere wetten* (Kamerstuk 36243)).

5 NRC Next, 'Politics can exert too much influence on the judiciary, say scientists: 'A malicious minister has all the buttons to turn' (*Politiek kan te veel invloed op rechterlijke macht uitoefenen, zeggen wetenschappers: 'Een kwaadwillende minister heeft alle knoppen om aan te draaien'*), NRC Next, 24 October 2024, [Politiek kan te veel invloed op rechterlijke macht uitoefenen, zeggen wetenschappers: 'Een kwaadwillende minister heeft alle knoppen om aan te draaien' - NRC](#).

6 Nederland Rechtstaat, 'Constitutional Law Conference #6: The Independence of the Judge. Adequately guaranteed in parts, but there are also certain risks' (*Staatsrechtconferentie #6: De onafhankelijkheid van de rechter. Op onderdelen afdoende gewaarborgd, maar er zijn ook zekere risico's*), 6 November 2023, <https://www.nederlandrechtsstaat.nl/staatsrechtconferentie-6-de-onafhankelijkheid-van-de-rechter-op-onderdelen-afdoende-gewaarborgd-maar-er-zijn-ook-zekere-risicos/>.

opinion addressing judicial independence in the Netherlands, criticised this concept of systemic responsibility as being incompatible with the judiciary's role as an independent branch of government.⁷ Beyond this critique, the Venice Commission has called for a re-evaluation of the composition of the Council for the Judiciary. It also advocates legislative reforms concerning the procedures for suspension and dismissal applicable to the Council for the Judiciary and court boards.⁸

On 6 March 2024, a motion was passed that the appointment of members of the Council for the Judiciary on the Minister's nomination is undesirable from the perspective of the separation of powers. The motion requested that the government propose an amendment to the Judiciary Organisation Act that would reduce the role of the Minister in the appointment procedure for members of the Council for the Judiciary. Subsequently, in November 2024, another motion was adopted, advocating for the Judiciary Council to be empowered to make enforceable agreements with courts

concerning financial and operational matters. However, it has been noted that granting the Council greater authority in this area is contingent upon first, or at least concurrently, strengthening its independent position to safeguard judicial autonomy and impartiality.⁹

On 2 December 2024, two judges took the rare step of publicly voicing their concerns regarding the erosion of the separation of powers. They highlighted the fragility of protections against political interference, warning, "What happens in Poland and Hungary can also happen here. It threatens the freedom of all citizens".¹⁰

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

Another vulnerable area highlighted in the ongoing debate is the disciplinary system for judges. In the Netherlands, the disciplinary process for judges operates through two

7 Paul Bovend'Eert, *Strengthening the Rule of Law. Better guarantees for judicial independence (Versterking van de Rechtsstaat. Betere waarborgen voor rechterlijke onafhankelijkheid)*, Nederlands Juristenblad, 22 January 2024, https://www.inview.nl/document/ide48536d91a144e6c9892f6ec8df20b50/nederlands-juristenblad-versterking-van-de-rechtsstaat-betere-waarborgen-voor-rechterlijke-onafhankelijkheid?ctx=WKNL_CSL_85&tab=tekst.

8 Ibid.

9 Mr. Online, 'The president of the Amsterdam court also wants the RvdR to be more independent' (*Ook president van Amsterdamse rechtbank wil de RvdR onafhankelijker*), 25 November 2024, <https://www.mr-online.nl/ook-president-amsterdamse-rechtbank-wil-rvdr-onafhankelijker/>.

10 BNNVARA, 'Judges warn: Far-right government could undermine judiciary faster than happened in Hungary' (*Rechters waarschuwen: Ultrarechts kabinet kan rechtspraak sneller uithollen dan in Hongarije gebeurde*), 2 December 2024, <https://www.bnnvara.nl/joop/artikelen/rechters-waarschuwen-ultrarechts-kabinet-kan-rechtspraak-sneller-uithollen-dan-in-hongarije-gebeurde>.

channels: first, via the Attorney General at the Supreme Court, with a judgment that is publicly accessible, and second, via the president of the court, whose decisions are not made public. Through the latter route, the minister could exert influence, as he appoints and reappoints the president. While the prevailing culture in the Netherlands suggests that this influence does not occur, it remains a possibility.¹¹ The Venice Commission has called for legislative reforms concerning the disciplinary framework.¹² It also pointed out that the rule of law can quickly come under pressure from populist political developments. Constitutional and legal safeguards, therefore, provide more certainty in maintaining the rule of law.¹³

Independence/autonomy of the prosecution service

Concerns about political influence are also present within the Public Prosecution Service. The appointment of the Attorney General, made by the Minister of Justice and Security, is conducted without clear procedures, raising questions about transparency and accountability.¹⁴ Furthermore, the Venice Commission has criticised the Minister's ability to issue special instructions to members of the Public Prosecution Service. In this context, the Commission calls for stronger legal safeguards, particularly suggesting that the Minister's power to issue instructions for non-prosecution should either be abolished or restricted to exceptional circumstances by law.¹⁵

11 NRC Next, 'Politics can exert too much influence on the judiciary, say scientists: 'A malicious minister has all the buttons to turn' (*Politiek kan te veel invloed op rechterlijke macht uitoefenen, zeggen wetenschappers: 'Een kwaadwillende minister heeft alle knoppen om aan te draaien'*), 24 October 2024, [Politiek kan te veel invloed op rechterlijke macht uitoefenen, zeggen wetenschappers: 'Een kwaadwillende minister heeft alle knoppen om aan te draaien' - NRC](#).

12 PaulBovend'Eert, *Strengthening the Rule of Law. Better guarantees for judicial independence (Versterking van de Rechtsstaat. Betere waarborgen voor rechterlijke onafhankelijkheid)*, Nederlands Juristenblad, 22 January 2024, https://www.inview.nl/document/ide48536d91a144e6c9892f6ec8df20b50/nederlands-juristenblad-versterking-van-de-rechtsstaat-betere-waarborgen-voor-rechterlijke-onafhankelijkheid?ctx=WKNL_CSL_85&tab=tekst.

13 Ibid.

14 De Groene Amsterdammer, 'We have too few guarantees' (*We hebben te weinig waarborgen*), 24 January 2024, <https://www.groene.nl/artikel/we-hebben-te-weinig-waarborgen>.

15 PaulBovend'Eert, *Strengthening the Rule of Law. Better guarantees for judicial independence (Versterking van de Rechtsstaat. Betere waarborgen voor rechterlijke onafhankelijkheid)*, Nederlands Juristenblad, 22 January 2024, https://www.inview.nl/document/ide48536d91a144e6c9892f6ec8df20b50/nederlands-juristenblad-versterking-van-de-rechtsstaat-betere-waarborgen-voor-rechterlijke-onafhankelijkheid?ctx=WKNL_CSL_85&tab=tekst.

Independence of the Bar (chamber/association of lawyers) and of lawyers

In 2024, concerns over the extent to which lawyers in the Netherlands can operate freely and independently from external interference or pressure persisted. Research commissioned by the Dutch Bar Association revealed that 55% of lawyers faced aggression, threats and/or intimidation at least once in 2024.¹⁶ Lawyers working in certain areas of law, such as criminal law, family law and immigration law were particularly affected, reporting that they are increasingly the subject of different forms of harassment from third parties in connection to the nature of the cases or type of clients they represent. For instance, on 14 December 2024, a lawyer faced a cyberattack and received threatening emails reportedly for representing a suspect in a high-profile criminal case.¹⁷ In

two isolated incidents in October 2024, law firms in Amsterdam and The Hague were targeted with explosives after office hours, seemingly to intimidate staff.¹⁸

Public officials, politicians, and media increasingly use harmful rhetoric against lawyers working on politically sensitive cases, discrediting their professional activities. In parliamentary debates, politicians referred to lawyers representing environmental NGOs in strategic litigation against the state as “activistic lawyers”¹⁹ and sought to restrict access to Immigration and Naturalisation Service (IND) work instructions to prevent asylum lawyers from being able to “use them *again*”.²⁰ Immigration lawyers are often viewed as profiting from the ‘asylum industry’ rather than simply acting in their client’s best interest. In one case, the Dutch Prosecutor’s Office unlawfully

16 Advocate Nord, Ipsos I&O: *Aggression, threats and intimidation aimed at lawyers – survey 2024 (Agressie, bedreiging en intimidatie bij advocaten – meting 2024)*, July 2024, www.advocatenorde.nl/document/rapport-agressie-bedreiging-intimidatie-advocaten-definitief.

17 NOS, ‘Lawyer Spong: Cyber-attack linked to supporting Tarwekamp-suspect’ (*Advocaat Spong: Cyberaanval vanwege bijstand aan Tarwekamp-verdachte*), 14 December 2024, <https://nos.nl/artikel/2548276-advocaat-spong-cyberaanval-vanwege-bijstand-aan-tarwekamp-verdachte>.

18 Het Parool, ‘Explosion at law firm Spuistraat: ‘Extremely loud bang’ (*Explosie bij advocatenkantoor Spuistraat: Niet normaal harde knal*)’, Het Parool, 14 October 2024, www.parool.nl/amsterdam/explosie-bij-advocatenkantoor-in-spuistraat-niet-normaal-harde-knal-b6e405d9/; NOS: *Explosion at law firm in The Hague (Explosie bij advocatenkantoor in Den Haag)*, NOS, 22 October 2024, <https://nos.nl/artikel/2541762-explosie-bij-advocatenkantoor-in-den-haag>.

19 House of Representatives (The Netherlands), *Plenary report 41st meeting* (Plenaire Verslag 41e vergadering), 13 February 2024, contribution to the debate by Mr. De Rooy, Member of the Dutch Parliament (PVV; *Party for Freedom*), www.tweedekamer.nl/kamerstukken/plenaire_verslagen/detail/2023-2024/41.

20 House of Representatives (The Netherlands), *Plenary report 66th meeting* (Plenaire verslag 66e vergadering), 17 April 2024, contribution to the debate by Mr. Brekelmans, Member of the Parliament (VVD; *Party for Freedom and Democracy*), www.tweedekamer.nl/kamerstukken/plenaire_verslagen/detail/2023-2024/66.

prosecuted two immigration lawyers for fraud and human trafficking based on their legitimate legal assistance to Turkish migrants and asylum seekers.²¹ Media coverage characterised the lawyers' activities as "legal tricks"²² and falsely accused the lawyers of "unethical behaviour",²³ as later rebutted by the President of the Dutch Bar Association.²⁴

Lawyer-client confidentiality also faces increasing pressure. The 2023 amended bill to the Penitentiary Principles Act, aimed at combatting organised crime, proposed

visual supervision of lawyer-client meetings in high-security prisons and limits the number of lawyers per client to two.²⁵ While the Council of State deemed a proposed Parliamentary amendment to the bill that would allow for auditory monitoring unconstitutional and incompatible with European standards,²⁶ a revised proposal excluding auditory monitoring remains under government consideration.²⁷ When answering prejudicial questions in March 2024, the Dutch Supreme Court addressed gaps in statutory provisions for lawyer-client confidentiality during large-scale

-
- 21 Court Amsterdam (The Netherlands), Judgment of 7 June 2022, ECLI:NL:RBAMS:2022:3127, (Seizure of physical files and data carriers under lawyer as suspect), <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBAMS:2022:3127&showbutton=true&keyword=mensenhandel,immigratie,IND,Turks&idx=3>.
- 22 NRC, 'Suddenly two lawyers are suspects. 'I could only think of one thing: what in god's name has the Public Prosecutor started?'' (*Ineens zijn twee advocaten verdachten. 'Ik dacht maar één ding: waar is het OM in godsnaam aan begonnen?'*), 26 April 2024, www.nrc.nl/nieuws/2024/05/20/een-advocaat-is-partijdig-en-onafhankelijk-a4199369.
- 23 NRC, 'Litigation as a cover-up is unethical behaviour' (*Procederen als dekmantel is onethisch gedrag*), 1 May 2024, www.nrc.nl/nieuws/2024/05/01/procederen-als-dekmantel-is-onethisch-gedrag-a4197562.
- 24 NRC, 'A lawyer is subjective and objective' (*Een advocaat is partijdig én onafhankelijk*), 20 May 2024, www.nrc.nl/nieuws/2024/05/20/een-advocaat-is-partijdig-en-onafhankelijk-a4199369.
- 25 Minister for Legal Protection (the Netherlands), Bill amending the Penitentiary Principles Act in connection with additional measures against organised crime during detention (*Wijziging van de Penitentiaire beginselenwet in verband met aanvullende maatregelen tegen georganiseerde criminaliteit tijdens detentie*), 3 June 2023, www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36372#wetgevingsproces.
- 26 Council of State (The Netherlands), Advice on amended bill to amend the Penitentiary Principles Act (*Advies over geamendeerde wetsvoorstel om de Penitentiaire beginselenwet te wijzigen*), 24 April 2024, www.raadvanstate.nl/actueel/nieuws/april/advies-penitentiaire-beginselenwet.
- 27 Minister for Legal Protection (The Netherlands), Response to amendments to the Bill to amend the Penitentiary Institutions Act in connection with additional measures against organised crime during detention (Parliamentary doc. 363721) (*Reactie op de amendementen bij het Voorstel van wet tot wijziging van de Penitentiaire beginselenwet in verband met aanvullende maatregelen tegen georganiseerde criminaliteit tijdens detentie*) (Kamerstuk 36372), 24 May 2024, www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2024Z08975&did=2024D21089.
-

data requisition, such as from email inboxes, and introduced new guidelines.²⁸

Other

A critical issue concerning judicial independence is the need for a separate budget for the judiciary, distinct from the broader justice budget.²⁹ Under the current arrangement, the judiciary's financial dependence on the justice budget raises practical concerns, such as whether cases should be adjudicated by a single judge or a panel of three. This financial dependency undermines the judiciary's autonomy, restricting judges' independence in determining how to manage cases.³⁰

Another noteworthy issue is that certain elements of the legal status framework for members of the Administrative Jurisdiction Division of the Council of State—such as appointment procedures, disciplinary measures, and dismissal—do not fully meet the requirements for judicial independence. Additionally, the relationship between the Administrative Jurisdiction Division and the Advisory Division remains a point of concern. According to the Venice Commission, separating the Administrative Jurisdiction Division from the Council of State is recommended.³¹

28 Supreme Court (The Netherlands), Judgement of 12 March 2024, ECLI:NL:PHR:2023:112 (Prejudicial decision on question posed in ECLI:NL:GHSHE:2023:2816), <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:HR:2024:375>.

29 NRC Next, 'Politics can exert too much influence on the judiciary, say scientists: 'A malicious minister has all the buttons to turn' (*Politiek kan te veel invloed op rechterlijke macht uitoefenen, zeggen wetenschappers: 'Een kwaadwillende minister heeft alle knoppen om aan te draaien'*), NRC Next, 24 October 2024, [Politiek kan te veel invloed op rechterlijke macht uitoefenen, zeggen wetenschappers: 'Een kwaadwillende minister heeft alle knoppen om aan te draaien' - NRC](https://www.nrc.nl/nieuws/2024/10/24/politiek-kan-te-veel-invloed-op-rechterlijke-macht-uitoefenen-zeggen-wetenschappers-een-kwaadwillende-minister-heeft-alle-knoppen-om-aan-te-draaien).

30 KRO-NCRV, 'Is our judicial independence at risk?' (*Staat onze rechterlijke onafhankelijkheid op de tocht?*), 27 January 2024, <https://pointer.kro-ncrv.nl/staat-onze-rechterlijke-onafhankelijkheid-op-de-tocht>.

31 Paul Bovend'Eert, *Strengthening the Rule of Law. Better guarantees for judicial independence (Versterking van de Rechtsstaat. Betere waarborgen voor rechterlijke onafhankelijkheid)*, Nederlands Juristenblad, 22 January 2024, https://www.inview.nl/document/ide48536d91a144e6c9892f6ec8df20b50/nederlands-juristenblad-versterking-van-de-rechtsstaat-betere-waarborgen-voor-rechterlijke-onafhankelijkheid?ctx=WKNL_CSL_85&tab=tekst; Nederland Rechtstaat, 'Constitutional Law Conference #6: The Independence of the Judge. Adequately guaranteed in parts, but there are also certain risks' (*Staatsrechtconferentie #6: De onafhankelijkheid van de rechter. Op onderdelen afdoende gewaarborgd, maar er zijn ook zekere risico's*), Nederland Rechtstaat, <https://www.nederlandrechtsstaat.nl/staatsrechtconferentie-6-de-onafhankelijkheid-van-de-rechter-op-onderdelen-afdoende-gewaarborgd-maar-er-zijn-ook-zekere-risicos/>.

Quality of justice

Accessibility of courts (e.g. court fees, legal aid, language)

Court fees: The introduction of the Court Fees in Civil Matters Act (Wgbz) in 2010 created obstacles to accessing the courts. Research indicated that the associated increase in court fees led to approximately 20% fewer commercial cases being brought before the courts between 2009 and 2012.

The relatively high fees, particularly for lower claims, led applicants to either not pursue their claims or opt for cheaper, out-of-court online debt collection procedures. In response to widespread complaints about the high court fees, court fees for low-value claims (categories between €0–€12,500) were reduced as of 1 January 2022.³² However, despite this reduction, current court fees remain significantly higher than they were before the implementation of the Wgbz in 2010.

In their recommendation letter on new government policy addressed to the House of Representatives, the Council for the Judiciary

emphasised the need for affordable court fees and cautioned against implementing only minor reductions. While the short-term financial gains from smaller fee reductions might seem attractive, the Judiciary warns of significant long-term negative consequences for citizens if access to justice becomes restricted or more challenging.³³

Subsidised legal aid: The Netherlands Bar Association (Nederlandse Orde van Advocaten, NOvA) highlights the growing need for additional funding for subsidised legal aid in a letter addressed to the party spokespeople of the House of Representatives concerning the budget debate of the Ministry of Justice and Security. The NOvA urges the government to allocate funds in the short term to address this need and advocates for a new budgeting framework that ensures the ongoing funding of the subsidised legal aid system as a standard practice without requiring repeated political decisions. Last year, the House of Representatives passed a motion on this matter.³⁴

32 M.J. ter Voert and M.J. Dubelaar, *Access to the courts in a resilient democratic constitutional state (Toegang tot de rechter in een weerbare democratische rechtsstaat)*, Nederlands Juristenblad, 2023 afl. 39, p. 3400, https://www.njb.nl/media/eafb5nml/njb39_toegang-tot-de-rechter-in-een-weerbare-democratische-rechtsstaat.pdf.

33 Raad voor de Rechtspraak (Netherlands), *Recommendations for Government Policy – The Judiciary (Aanbevelingen kabinetsbeleid – De Rechtspraak)*, 28 March 2024, pp. 2-3, <https://www.rechtspraak.nl/SiteCollectionDocuments/Brief%20Rvdr%20aan%20informatie%202024.pdf>.

34 Nederlandse Orde van Advocaten (Netherlands), ‘NOvA Input for the Budget Debate on Justice and Security’ (Inbreng NOvA voor begrotingsbehandeling Justitie en Veiligheid), 14 November 2024, <https://www.advocaten-orde.nl/nieuws/inbreng-nova-begrotingsbehandeling-justitie-en-veiligheid>.

Resources of the judiciary (human/financial/material)

Over the past years, the government has substantially cut financial resources for the judiciary.³⁵ This resulted in increased backlogs and a higher workload for the judges and staff.

The new government plans to invest an additional €22.8 million in family and juvenile law, aiming at enabling the juvenile court judges to make fair and proper decisions in child protection cases and ensuring justice for children and parents.³⁶

While this investment is welcomed, it is considered insufficient to cover the estimated costs for the judiciary to properly function. In their recommendation letter on new government policy addressed to the House of Representatives, the Council for the Judiciary stated that, in order to continue meeting society's demand for an independent, impartial, and professional

judiciary in the future, the next government must increase the planned investment by at least €60 million. This amount includes the previously mentioned investments in family and juvenile law. Additionally, funds are needed to reduce the high workload within the judiciary (€30 million) and to address cascading effects resulting from a financial claim made by the police (€10 million), should it be granted.³⁷

Almost every court in the Netherlands is facing a shortage of legal staff, particularly judges. This also applies, to a lesser extent, to other staff groups (administrative and operational personnel). The shortage of judges primarily results from a lack of funding, which has led to insufficient hiring and training of new judges to replace those retiring. In recent years, additional funding has become available to address this shortage, allowing courts to significantly expand their training efforts for new judges. However, this has placed additional pressure on the available capacity to handle cases, as

35 See for example De Rechtspraak (Netherlands), 'Inconsistent Financial Policies Risky for Police, Prosecution Service and Judiciary' (*Wisselend financieel beleid risicovol voor politie, OM en rechtspraak*), 4 May 2021, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Wisselend-financieel-beleid-risicovol-voor-politie-OM-en-Rechtspraak.aspx>; and Der Groene Amsterdammer, 'Judging Under Political Pressure: €35.21 Per Decision' (*Rechtspreken onder politieke druk: € 35,21 per uitspraak*), 1 February 2023, <https://www.groene.nl/artikel/35-21-per-uitspraak>.

36 Governing Cabinet (Netherlands), *Implementation of the Outline Agreement by the Government (Uitwerking van het hoofdlijnenakkoord door het kabinet)*, 13 September 2024, p. 84, <https://open.overheid.nl/documenten/ronl-f525d4046079b0beabc6f897f79045ccf2246e08/pdf>.

37 Raad voor de Rechtspraak (Netherlands), *Recommendations for Government Policy – The Judiciary (Aanbevelingen kabinetsbeleid – De Rechtspraak)*, 28 March 2024, p. 4, <https://www.rechtspraak.nl/SiteCollectionDocuments/Brief%20Rvdr%20aan%20informatie%202024.pdf>.

experienced judges are also needed to serve as trainers.³⁸

The shortage of human resources within the judiciary results in cases not being concluded in a timely manner. Currently, it is estimated that the judiciary is unable to conclude about half of the cases within the prescribed time frame.³⁹

Another concerning development is the increase in numbers of ‘appeals against delayed decisions’ (*beroepen tegen niet tijdig beslissen*) – a legal challenge available to applicants when governmental institutions fail to make a decision on an application or request within the prescribed time. Over the past years, the volume of these appeals has grown to the point where it is consuming court resources and hindering the processing of substantive cases.⁴⁰

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

Following the failure of the digitalisation program ‘Quality and Innovation of the Judiciary’ (*Kwaliteit En Innovatie rechterlijke macht*), which aimed at enabling digital litigation by 2018 but ended up exceeding costs by over €200 million,⁴¹ the judiciary has in recent years made significant progress in digitalisation.

The COVID-19 pandemic has accelerated the adoption of digital tools, such as the possibility to hold online court hearings.⁴² Moreover, in 2023, an increasing number of parties in legal proceedings were given the opportunity to litigate through the judiciary’s web portal.⁴³ The judiciary’s website has a dedicated section that provides updates on digitalisation for each area of law.⁴⁴

38 Visitatiecommissie (Netherlands), *Quality of the Judiciary: Strengthening Through Collaboration (Kwaliteit van rechtspraak: versterking door samenwerken)*, *Visitatierapport 2022–2023*, p. 35.

39 *Idem*, p. 36.

40 De Rechtspraak (Netherlands), *Annual Report 2023 (Jaarverslag 2023)*, pp. 13 and 37.

41 NOS: *Digitalisation of the Judiciary a Failure: “Minister Must Intervene” (Digitalisering rechtspraak uitgelopen op drama: “Minister moet ingrijpen”)*, NOS, 17 July 2018, <https://nos.nl/nieuwsuur/artikel/2241989-digitalisering-rechtspraak-uitgelopen-op-drama-minister-moet-ingrijpen>.

42 Visitatiecommissie (Netherlands), *Quality of the Judiciary: Strengthening Through Collaboration (Kwaliteit van rechtspraak: versterking door samenwerken)*, *Visitatierapport 2022–2023*, p. 33.

43 De Rechtspraak, *Annual Report 2023 (Jaarverslag 2023)*, p. 29.

44 De Rechtspraak, ‘Digitalisation by Legal Area’ (*Digitalisering per rechtsgebied*), <https://www.rechtspraak.nl/Organisatie-en-contact/Rechtspraak-in-Nederland/digitalisering-rechtspraak#:~:text=Digitalisering%20per%20rechtsgebied&text=Sinds%2017%20juni%202024%20is,en%20voor%20advocaten%20en%20gemachtigden>.

In 2022, the Council for the Judiciary and the Minister for Legal Protection agreed on the judiciary's budget for the period 2023–2025, which includes investments to enhance digital accessibility and to improve its online services. The aim is to ensure that the judiciary can meet future societal demands. The funds are intended for innovation as well as to ensure proper ICT security.⁴⁵

Moreover, the recent government's coalition program announced plans to encourage institutional renewal within the judiciary. This includes measures to promote innovation in working methods, personnel policy, and the use of innovative technology. These measures will focus on increasing the use of experienced legal professionals and legal support, as well as deploying innovative technology to help alleviate the judiciary's workload.⁴⁶

Finally, the judiciary also appears open to exploring the potential of Artificial Intelligence (AI) and other technological advancements. For example, the Council for the Judiciary dedicated one of their periodical scientific

publications to technology, featuring articles on topics such as the impact of AI on the judiciary and the use of algorithms to assess the risk of recidivism.⁴⁷

The NJCM welcomes the judiciary's openness to exploring the use of digital technologies but also notes that the integration of AI into legal processes should be approached with caution as AI poses several risks and dilemmas. There are concerns about biases in AI algorithms, the potential for decision-making to become less accountable, and the need for clear regulatory frameworks to govern its use. These challenges should be considered before embracing AI in legal proceedings.

Other

The new government's coalition agreement includes plans to restrict appeal options in certain legal cases, such as asylum procedures, specifically by eliminating the second, higher appeal. The president of the Council for the Judiciary expressed his concerns about this plan, stating that limiting access to the courts

45 De Rechtspraak, 'Over €155 Million for Additional Judges, Organised Crime Cases and Digitalisation' (*Ruim 155 miljoen voor extra rechters, behandeling ondermijningszaken en digitalisering*), 11 July 2022, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Ruim-155-miljoen-voor-extra-rechters-behandeling-ondermijningszaken-en-digitalisering.aspx#:~:text=De%20Rechtspraak%20krijgt%20jaarlijks%20ruim,voor%20de%20periode%202023-2025>.

46 Governing Cabinet (Netherlands), *Implementation of the Outline Agreement by the Government (Uitwerking van het hoofdlijnenakkoord door het kabinet)*, 13 September 2024, p. 84, <https://open.overheid.nl/documenten/ronl-f525d4046079b0beabc6f897f79045ccf2246e08/pdf>.

47 Raad voor de Rechtspraak (Netherlands), *Law and Technology (Recht en tech)*, Rechtstreeks, 27 February 2024.

does not align with the rule of law.⁴⁸ The NJCM shares these concerns, as eliminating a second appeal removes an important safeguarding function that ensures lower court rulings are subject to additional scrutiny and reduces the risk of unjust outcomes.

Fairness and efficiency of the justice system

Freedom-restricting measures can only be applied in the context of closed youth care and open youth care with conditional authorisation. According to the Youth Care Act, measures included in a personal care plan (*hulpverleningsplan*) may be used. It is only possible to deviate from them in an emergency situation. The Compulsory Mental Health Care Act (Wvggz) and the Care and Coercion Act for Psychogeriatric and Mentally Disabled Clients (Wzd) also offer options for applying measures that affect a person's health against the will of a child, young person or the person who exercises authority over him or her. This is also possible if the child or young person receives

youth care in an open group or home. The Wvggz mentions compulsory care, while the Wzd addresses involuntary care.

Closed youth care: The Legal Status of Closed Youth Care Act has been in effect since 1 January 2024.⁴⁹ This law clearly establishes the rights of children staying in an institution for closed youth care. To reduce the use of freedom-restricting measures, strict conditions are attached. The starting point is 'no, unless'. The Inspectorate for Health and Youth concluded that insufficient appropriate help is provided in closed youth care (JeugdzorgPlus).⁵⁰ The Inspectorate also noted that freedom-restricting measures are sometimes used because preconditions are lacking.

In 2024, the policy towards placement in closed youth care centres fundamentally changed. The Ministries of Health, Welfare, Education, Justice, and Youth Care Netherlands and the Council of Municipalities (VNG) have made concrete agreements about the dismantling and conversion of closed youth care. The

48 Mr. Online, 'Restricting Access to the Courts Does Not Align With the Rule of Law' (*Toegang tot rechter beperken past niet binnen een rechtsstaat*), 18 September 2024, <https://www.mr-online.nl/toegang-tot-rechter-beperken-past-niet-binnen-een-rechtsstaat/>.

49 Ministry of Health, Welfare and Sport (the Netherlands), *Stb.* 2023, 182), Act of 17 May 2023 amending the Youth Act in connection with strengthening the legal position of young people who are admitted to closed accommodation (Legal Status of Closed Youth Care Act) (*Wet van 17 mei 2023 tot wijziging van de Jeugdwet in verband met het versterken van de rechtspositie van jeugdigen die worden opgenomen in een gesloten accommodatie (Wet rechtspositie gesloten jeugdhulp)*).

50 Inspectie Gezondheidszorg en Jeugd (IGJ) (the Netherlands): *Insufficient proper support in Youth Care (Onvoldoende passende hulp in de JeugdzorgPlus)*, February 2024.

intention is to complete the process by 2030 at the latest.⁵¹ Instead, youth care providers are developing small-scale alternatives with a different pedagogical approach. The Inspectorate for Health and Youth has concerns, concluding that it is not possible to provide appropriate help in a timely manner. The Inspectorate emphasised that freedom-restricting measures should never be used because there are no options for an alternative approach, but notes that this is nonetheless happening.

Open youth care: As a consequence of the new approach, more children will be placed in open facilities in 2025. The Youth Act does not yet provide a legal basis for the application of freedom-restricting measures in open youth care. For this reason, the Dutch Youth Institute published a guide on dilemmas concerning freedom restrictions for professionals working in open youth care.⁵²

The Council for the Administration of Criminal Justice and Youth Protection (RSJ) also concluded that there are currently no necessary

preconditions or legal guarantees for the use of freedom-restricting measures within open youth care. Based on current legislation and regulations, the use of freedom-restricting measures is not permitted there. When a child is placed in an institution where deprivation of liberty is applied, a court order is needed. The RSJ advises combining all legislation for care and support for children and young people in residential youth care into one law and strengthening their legal position.

In October 2024, the State Secretary clarified his decision not to follow up on the RSJ recommendations. Although legal guarantees and legal protection for young people subject to freedom-restricting measures are important, preference is given to an amendment to the Youth Act to enable the application of freedom-restricting measures in open youth care.⁵³

The NJCM concludes that a transforming change of culture towards closed facilities is taking place. However, legal safeguards and a child-oriented approach are not fully

51 Nji, 'Agreements about phasing out closed youth care' (*Afspraken over afbouw gesloten jeugdhulp*), 26 June 2024, <https://www.nji.nl/nieuws/afspraken-over-afbouw-gesloten-jeugdhulp>; VNG, 'A major step has been taken in phasing out closed youth care' (*Grote stap gezet in afbouwen gesloten jeugdhulp*), 19 June 2024, <https://vng.nl/nieuws/grote-stap-gezet-in-afbouwen-gesloten-jeugdhulp>.

52 A. Addink, C. van 't Spijker, E. Mourits, H. Bergenhenegouwen, *Dealing with dilemmas surrounding restrictions on freedom in open youth care with residence. A guide for youth professionals (Omgaan met dilemma's rond vrijheidsbeperking in open jeugdhulp met verblijf)*, Nederlands Jeugdinstituut en Kenniscentrum Kinder- en Jeugdpsychiatrie, 2024, [nji.nl/uploads/2024-05/Omgaan-met-dilemmas-rond-vrijheidsbeperking-in-open-jeugdhulp-met-verblijf.pdf](https://www.nji.nl/uploads/2024-05/Omgaan-met-dilemmas-rond-vrijheidsbeperking-in-open-jeugdhulp-met-verblijf.pdf).

53 Raad voor de Strafrechtstoepassing en Jeugdbescherming (RSJ) (Netherlands), *Policy Response to RSJ Advice on "Freedom-Restricting Measures in Open Residential Youth Care"* (*Beleidsreactie RSJ-advies "Vrijheidsbeperkende maatregelen in de open residentiële jeugdhulp"*), 16 October 2024, <https://www.rsj.nl/documenten/beleidsreactie/2024/10/16/beleidsreactie-rsj-advies-vrijheidsbeperkendemaatregelen-in-de-open-residentiele-jeugdhulp>.

implemented in policy or practice. This means children in open youth care institutions still risk deprivation of liberty and freedom restrictions, lacking sufficient legal safeguards.

The NJCM reiterates that policymakers and institutions should endeavour to use freedom-restricted measures as a last resort, ensuring sufficient well-trained staff and aiming to close isolation.

To address issues in this field, national authorities should implement policy reforms and institutional changes in youth care to minimise the misuse of freedom-restricting measures and standardise legislation.

Respect for fair trial standards including in the context of pre-trial detention

Inequality in juvenile justice and criminal law:⁵⁴ Investico, NOSop3 and De Groene Amsterdammer have analysed the differences in sentencing between suspects with a high and a low social status based on data from the Central Bureau for Statistics (CBS). The research platforms investigated 1.2 million decisions taken by the Public Prosecution Service, more than 500,000 court rulings and more than 200,000 prison sentences imposed between 2013 and 2022. To map unequal treatment in criminal law, the researchers asked for two characteristics of suspects: educational level and migration background. The researchers

compared the extremes of this: how do highly educated suspects without a migration background fare compared to poorly educated suspects with a migration background? This combination has never been investigated in this way before.

According to the research of these three journalistic research platforms, these are some of the findings:

- For the same crime, a poorly educated suspect with a migration background is worse off in criminal law than highly educated persons without a migration background: the Public Prosecution Service prosecutes the former more often, and the judge finds them guilty more often and sends them to prison more often.
- The research shows the chance that a poorly educated suspect with a migration background will end up in prison is one in four. If the suspect of a crime is highly educated without a migration background, the chance that this suspect will end up in jail is one in twelve.
- Another finding is that a pre-vocational secondary education suspect with a migration background is three and a half times more likely to be sentenced to prison if this suspect is suspected of assault, than if the suspect has a higher vocational education

54 De Groene Amsterdammer, 'Low-educated people with a migration background are almost three times more likely to be sentenced to prison' (*Laagopgeleiden met migratieachtergrond bijna drie keer vaker celstraf*), 9 October 2024, <https://www.groene.nl/artikel/laagopgeleiden-met-migratieachtergrond-bijna-drie-keer-vaker-celstraf>.

or university education and does not have a migration background.

- The risk is more than three times greater for driving under the influence. And if the suspect is suspected of ‘simple theft’, such as shoplifting or pickpocketing, the risk is more than two and a half times greater. Even if murder or manslaughter is suspected, the chance of ending up in prison is almost one and a half times greater.
- If the suspect is poorly educated with a migration background, the Public Prosecution Service is more than one and a half times more likely to prosecute. If the suspect has to appear in court, this suspect is more often found guilty. And if convicted, the suspect ends up in prison almost twice as often.
- All these decisions add up. At the end of the day, a poorly educated suspect with a migration background is almost three times as likely to receive a prison sentence as someone without a migration background who has completed a higher vocational or university education.

This same pattern is visible in fifteen separate crimes the research platforms investigated.

The figures provide insight into the outcomes of decisions by the Public Prosecution Service and judges, but they do not show the reasons why people with a low status are punished more severely. The cause of the large differences cannot be deduced from the figures. For example, it is not known whether some suspects have previously been convicted of the same crime, which is one of the aggravating factors that judges look at.

Lawyers immediately recognise the differences in treatment in the courtroom. Investico surveyed 2,500 Dutch criminal lawyers and received 247 responses. More than 70% of the lawyers who responded indicated that they suspected that a client was disadvantaged in court as a result of his low education level, migration background or low socio-economic position.

Interviews with prosecutors and judges show how it is possible that suspects from a ‘good background’ fare better in criminal cases. For example, some judges have the explicit belief that if you are ‘higher’ on the social ladder, you have more to lose and, therefore, deserve a lower sentence. And that imprisonment for people at the bottom of the ladder is less drastic, and they can, thus, receive a higher sentence.⁵⁵ Education, in particular, appears to be important: the lower the education, the greater the chance of imprisonment.

55 De Groene Amsterdammer, ‘Higher on the ladder means a lower sentence’ (*Hoger op de ladder, lagere straf*), 9 October 2024, <https://www.groene.nl/artikel/hoger-op-de-ladder-lagere-straf>.

Other

The advisory division of the Council of State has given a consultation of two legislative proposals: the Asylum Emergency Measures Act and the Two-Status System Act. The Council of State only had one week to review the proposals, which is insufficient for a full review and differs from the regular law-making proceedings.

The Council of State expresses significant concerns about the potential impact of these proposals on the judiciary. It highlights that changes, such as reducing the validity period of asylum permits, abolishing indefinite permits, and introducing a two-status system, will lead to a substantial increase in the workload of the Immigration and Naturalisation Service (IND) and the judiciary. These measures are expected to result in more appeals, legal challenges, and inefficiencies in court procedures,

particularly regarding decisions on asylum applications and family reunification. The letter emphasises that the increased workload comes at a time when the judiciary is already facing staffing shortages, further straining its capacity to handle cases. Additionally, the implementation of the European Migration Pact, required by 2026, may exacerbate these challenges, as it could lead to overlapping legal issues and procedural delays.

The Council of State strongly advises against the introduction of the legislative proposals prior to the implementation of the Migration Pact. It recommends that the opportunity, feasibility, and cost of these proposals be evaluated in conjunction with the implementation of the Pact. Such an approach would facilitate a more comprehensive assessment of the collective impact of the proposals on the protection and legal safeguards of the individuals concerned.

ANTI-CORRUPTION FRAMEWORK

Key recommendations

- **Integrity in politics:**

Continue the improvement of the revolving door rules by requiring a mandatory cooling-off period instead of a non-binding one.

Implement a mandatory lobby register instead of publishing public officials' agendas.

Set up an independent authority for the Dutch Senate (Eerste Kamer) responsible for the oversight of integrity standards of Senators and sanctioning.

- **Whistleblower protection:**

Comply with all requirements of the EU Whistleblower Directive and give the Dutch Whistleblowers Authority (Huis voor Klokkenuiders) the sanctioning power to impose administrative sanctions on those who break or fail to comply with the Whistleblower Protection Act (Wet bescherming klokkenluiders).

Broaden the legal definition of wrongdoing by removing the restrictive requirement that the public interest must be at stake.

- **Prevention and enforcement of corruption:**

Rather than weakening anti-corruption measures, the Dutch government should choose to further strengthen the European anti-corruption package so that the EU, as the world's second-largest economy, can act as a single bloc against corruption with one set of clear and effective rules.

The Dutch government should fully implement the strengthened EU rules on anti-money laundering without further delay and specifically grant generalised access to information about real estate ownership (Beneficial Ownership (BO) register) to journalists and activists.

Levels of corruption

It is wrongly assumed that the Netherlands has little corruption. We have a blind spot for influence trading and conflicts of interest. Although the Netherlands has been a party to the UN Convention against Corruption (UNCAC) since 2006, we still do not comply with several provisions of that convention, including Article 18. That article states that countries must criminalise ‘trading in influence’. This is not explicitly illegal in the Netherlands, with the argument that it can be prosecuted under the bribery article. In practice, no one is ever prosecuted in the Netherlands for influence trading under this article. According to the European Commission, of the 25 EU member states investigated, only two do not criminalise influence trading: the Netherlands and Germany. And even in Germany, this will soon be criminalised with a new law to combat bribery in the public sector, which has just been approved by the German Parliament.

It is well past time for ‘trading in influence’ to be criminalised in the Netherlands, as agreed upon in the UNCAC treaty. The lack of compliance with the UNCAC has real world

consequences. Experts note that it would probably have been possible to successfully prosecute Richard de Mos, a former alderman for Heart for the Hague (Hart voor Den Haag) in the city of the Hague. The Public Prosecution Service stated that the political party Heart for the Hague eventually became the largest party in The Hague, partly due to donations from entrepreneurs in the Hague.⁵⁶ Thanks to those donations and a good relationship, they influenced the policy of the municipality of The Hague and were favoured in new projects. That is trading in influence in its purest form. Another good example of where no action was taken against this form of corruption is the Sywert van Lienden face mask deal. Minister Hugo de Jonge and former minister Martin van Rijn granted van Lienden a lucrative deal to provide the government with face masks during the Covid-19 crisis.⁵⁷ The deal was granted partly to silence him as a critic of the cabinet. According to Transparency International Nederland and other anti-corruption experts, the actions of the former ministers fall under the definition of ‘trading in influence’.⁵⁸

56 Public Prosecution Service (Openbaar Ministerie), ‘Prosecutor demands prison sentence against former alderman in The Hague because of bribery and corruption’ (*OM eist gevangenisstraf tegen Haagse oud wethouders vanwege omkoping en corruptie*), 01 February 2024, <https://www.om.nl/actueel/nieuws/2023/02/01/om-eist-gevangenisstraffen-tegen-haagse-oud-wethouders-en-ondernemers-vanwege-omkoping-en-corruptie>.

57 NOS, Van Lienden en de mondkapjesdeal: een Tijdlijn, 16 September 2022, <https://nos.nl/artikel/2444786-van-lienden-en-de-mondkapjesaffaire-een-tijdlijn>.

58 Follow the Money, ‘Hugo de Jonge, Sywert and the face maskdeal: in any other country this would be called corruption’ (*Hugo de Jonge, Sywert en de mondkapjesdeal: in het buitenland zou dit corruptie heten*), 15 April 2022, https://www.ftm.nl/artikelen/hugo-de-jonge-integriteit?utm_campaign=LukasKotkamp&utm_source=article&utm_medium=link&share=VVC0KZvfpZOjyiuUZx6ceus0eNLQXBI%2BIEAk6n%2BD3zXOSogRDgl-2r25xnqrcl4%3D.

Framework to prevent corruption

There are several reasons for the Netherlands' weakness in fighting financial crimes such as corruption and money laundering. First, the Netherlands has a fairly repressed anti-corruption culture. People often turn a blind eye to suspicious situations, especially when they take place abroad. In international corruption cases, the Public Prosecutor's Office is often reluctant to prosecute and waits to see what other countries do.

Another weakness is the Dutch tendency to settle corruption cases instead of prosecuting the individuals responsible for the corruption. In the Netherlands, people are almost never individually prosecuted for their role in corruption. Throughout Dutch history, only one person has been individually prosecuted for corruption: a director of Ballast Nedam received a suspended sentence of 6 months for accepting bribes in Saudi Arabia.

When the public prosecutor settles corruption cases with companies, the punishment is usually lower than in other countries. Also, the settlement agreements are opaque, and there are no clear rules for returning forfeited

amounts of corruption proceeds to the country of origin of the victims of corruption.⁵⁹

Integrity framework including incompatibility rules (e.g.: revolving doors).

In the Fifth Round Evaluation, GRECO recommended introducing clear rules on post-employment after a top-executive function, as the limited measures in place in the Netherlands were insufficient. It mentioned: a cooling-off period or restriction on certain types of activity over a period of time; a dedicated mechanism through which top executives must gain approval with respect to new activities following government service; and regulation providing transparency, oversight and enforcement. Six years later, this recommendation still has not been implemented sufficiently. The EU Commission also recommended the Netherlands should "complete the revision of rules on revolving doors involving former ministers and state secretaries, including a two-year cooling-off period and restrictions on paid activities".⁶⁰

Two years ago, the government started the legislative process for this cooling-off period, called the Law on Post-Employment for Ministers and State Secretaries (*Wet regels*

59 Transparency International Nederland, 'Foreign bribery by Dutch companies remains unsanctioned' (*Buitenlandse omkoping door Nederlandse bedrijven blijft onbestraft*), 19 February 2024, <https://www.transparency.nl/nieuws/2024/02/buitenlandse-omkoping-door-nederlandse-bedrijven-blijft-onbestraft/>.

60 European Commission, *Rule of Law Report 2024*, 24 July 2024, https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_en.

vervolgfuncties bewindspersonen), previously known as *Wet regels gewezen bewindspersonen*.⁶¹ This February, the Council of State published its opinion⁶² on the bill, after which it was submitted to the House of Representatives (Tweede Kamer) in March. However, the bill has since been disregarded and is not on the parliamentary agenda either. There have been no revisions to the bill that was issued, and it does not follow international best practices. The current proposal includes advice on post-term employment that is non-binding and based on ‘naming and shaming’. This mechanism is dependent on individual responsibility and outsources sanctioning to the public. We argue, therefore, that the bill should include a mandatory cooling-off period with adequate sanctions to deter undue influence and prevent conflict of interest through the revolving door. Binding rules set a clear standard and also reduce ambiguity. Furthermore, the body of oversight, the Commission on the Rules for Political Officials (Commissie Rechtsregels Politieke Ambtsdragers or CPRA), is dependent on the information public officials provide. This one-sided information position should be addressed by giving the advisory board sufficient investigative capacities. GRECO’s second compliance report has underlined

that the proposed legislation fails to meet their requests and is not up to par with international best practices.

One important loophole deserves emphasis. The *Wet gewezen bewindspersonen* contains an exemption clause that enables ministers to provide lenience with regard to the lobby prohibition (*het lobbyverbod*) and the revolving door rules (*draaideur*). However, if the minister deems it necessary to provide this leniency, we think that the advice from CPRA should be binding. It should not be possible for a minister to make this decision unilaterally. Currently, involving the CPRA is optional.

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

In the fifth round of evaluation,⁶³ GRECO recommended that the government take further steps in regulating the contact between ministers/state secretaries and lobbyists. GRECO concluded that there is no definition of lobbying, no register of lobbyists targeting

61 Ministry of Interior, Parliamentary Papers II, 2023/24, 36549, no. 1., Law on post-employment for ministers and state secretaries (*Wetsvoorstel regels vervolgfuncties*), <https://wetgevingskalender.overheid.nl/Regeling/WGK013683>.

62 Council of State, Opinion on the Law on post-employment for ministers and state secretaries (Advies wetsvoorstel regels gewezen bewindspersonen), Parliamentary Papers II, 2023/24, 36549, nr. 4, 26 February 2024, <https://www.raadvanstate.nl/adviezen/@138505/w04-23-00208/>.

63 Group of States against Corruption (Council of Europe), *Fifth Evaluation Report*, 20 March 2017, <https://www.coe.int/en/web/greco/evaluations/netherlands>.

top executives, no requirement to declare contacts with lobbyists and no supervision of lobbyists' contacts with officeholders or civil servants. In the second compliance report,⁶⁴ GRECO concluded the recommendation to be only partially implemented, as measures by the government were insufficient. The European Commission came to a similar conclusion in the 2023 Rule of Law Report. The Dutch government concluded, based on a research report⁶⁵ — which they commissioned — that instead of introducing a lobbying register, it was better to further improve the publication of public officials' agendas and include a lobbying paragraph in each bill.⁶⁶ The government wrongfully⁶⁷ argued that it was not able to effectively define the term 'lobbyist' and that

a mandatory lobbying register would lead to an unwanted restriction of access for normal citizens to public officials. Therefore, a stricter implementing directive was introduced to improve the registration of public officials.

However, in practice, the government does not adhere to the current transparency rules. Research by the Open State Foundation (OSF) revealed that only 12% of registered meetings from the previous administration were published⁶⁸ in compliance with existing regulations (Uitvoeringsrichtlijn openbare agenda's),⁶⁹ while this was the case for only 13% of meetings for the newly elected cabinet (Cabinet Schoof). After OSF notified the administration, this number barely improved

64 Group of States against Corruption (Council of Europe): *Second Compliance Report (Fifth Evaluation Round)*, 17 October 2023, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680acf3dc>.

65 Celesta Braun & Bert Fraussen: *Framework for Weighing Legitimate Representation of Interests (Afwegingskader Legitieme Belangenvertegenwoordiging)*, Institute for Public Administration, Leiden University, December 2022, <https://open.overheid.nl/documenten/ronl-6e3c979866c0dd78b1d27d4c5805dafab73e490a/pdf>.

66 Minister of Interior, 'Letter on improving public agendas of top-executives', 7 July 2023, <https://www.rijksoverheid.nl/documenten/kamerstukken/2023/07/07/kamerbrief-verbetering-openbare-agenda-s-bewindspersonen-en-paragrafen-in-memories-van-toelichting>.

67 Transparency International Nederland: 'Ten questions about the lobby register answered' (*Tien vragen over het lobbyregister beantwoord*), 9 May 2024, <https://www.transparency.nl/nieuws/2024/05/we-moeten-het-hebben-over-een-verplicht-lobbyregister/>.

68 Open State Foundation, *OSF reveals: agendas of ministers have become less transparent (OSF wijst uit: agenda's van ministers zijn minder transparant geworden)*, 15 November 2023, <https://openstate.eu/nl/2023/11/onderzoek-openstate-wijst-uit-agendas-van-ministers-zijn-minder-transparant-geworden/>.

69 Counsel of Secretary-Generals, 'Implementation guideline: Public agendas top-executives' (*Uitvoeringsrichtlijn Openbare agenda bewindslieden*), 28 June 2023, <https://www.communicatierijk.nl/vakkennis/openbare-agenda-bewindslieden/uitvoeringsrichtlijn-openbare-agenda-bewindslieden>.

to 21% of meetings being published.⁷⁰ This method remains unsatisfactory in achieving its purpose: transparency of third parties and the detection of undue influence. In addition, OSF found that 11 cabinet members had mentioned meetings on X that were not registered in their public agendas. Ministers and state secretaries are individually responsible for adherence, as no sanctioning mechanism exists.

The Ministry of Interior has commissioned a new report assessing the effectiveness of public agendas and the lobby paragraph, the outcome of which will determine if a lobby paragraph is necessary after all. The report is finished but is yet to be published by the ministry.

Besides their malfunctioning, public agendas are not an adequate alternative to a lobby register. According to GRECO,⁷¹ any alternative mechanism should guarantee public access to information on lobbying activities and ensure equivalent levels of accessibility and transparency. This is not the case for the public agendas. The purpose of a lobby register is to warrant a transparent administrative decision-making

process with equal accessibility for all stakeholders. A lobby register offers background information about organisations,⁷² such that it becomes clear what organisations are involved in the policy-making process. Registration should be mandatory for meetings with public officials.⁷³ The public agendas do not mention any information except the interlocutor and subject of the meeting, which is not enough to ensure accessibility and transparency. Public agendas can be a useful control mechanism. It allows third parties to compare the registered meetings of public officials with that of lobbyists and detect any inconsistencies. Therefore, we emphasise the urgent need for a lobby register and dedicated supervisory authority.

Rules on preventing conflicts of interest in the public sector

There is an urgent need for additional integrity standards in the Senate (Eerste Kamer). The absence of an adequate sanctioning mechanism for integrity violations in the Senate is worrying, especially in light of recent events. Membership to the Senate is a part-time

70 Open State Foundation, 'Follow-up research: Despite improvement cabinet-Schoof scores insufficiently on transparency' (*Vervolgonderzoek Open State Foundation: Ondanks verbetering scoort kabinet-Schoof nog steeds onvoldoende op transparantie*), 14 November 2024, <https://openstate.eu/nl/2024/11/english-vervolgonderzoek-open-state-ondanks-verbetering-scoort-kabinet-schoof-nog-steeds-onvoldoende-op-transparantie/>.

71 Council of Europe, CM/Rec(2017)2, 22 March 2017, <https://search.coe.int/cm?i=0900001680700a40>.

72 Transparency International Nederland, 'Ten questions about the lobby register answered' (*Tien vragen over het lobbyregister beantwoord*), 9 May 2024, <https://www.transparency.nl/nieuws/2024/05/we-moeten-het-hebben-over-een-verplicht-lobbyregister/> and Transparency International Nederland, *Lifting the lid on Lobbying*, 1 February 2023, <https://www.transparency.nl/wp-content/uploads/2023/02/Lifting-the-Lid-on-Lobbying-Formatted-31-01-2023.pdf>.

73 Ibid.

occupation, so ancillary functions of its members are inherent to its character. Based on the code of conduct (*Gedragcode integriteit*), senators must report their ancillary functions and personal interests. The process of reporting is, however, the responsibility of the senators themselves. Currently, 40% of senators (29 of 75) have incomplete declarations of ancillary functions according to research on the resemblance between the register of ancillary functions of senators and the register of the Dutch Chamber of Commerce.⁷⁴ The oversight is currently in the hands of the Presidium of the Senate, which is too small and has too little investigative capacity to investigate violations of the integrity standards.

We also recommend making public affairs and lobbying positions incompatible in the Senate. In 2024, a pressing example came to light. Senator Gert-Jan Oplaat is the chairman of the agricultural committee in the Senate for the party Farmer Citizens Movement (*Boer Burger Beweging* or BBB). Yet, at the same time, he is chairman of *Nepluvi*, an interest

group of Dutch poultry butchers, and chairman of AVEC (Association of Poultry Processors and Poultry Trade in the EU countries), the European umbrella organisation of the poultry industry. Other senators have warned that this raises a conflict of interest and questioned this dual role — even officials of the Ministry of Agriculture have raised their concerns.⁷⁵ The code of conduct⁷⁶ prescribes that members should refrain from activities that create the appearance of a conflict of interest, which is the case for Oplaat. Therefore, we recommend rules that make a lobbying position incompatible with being a senator, instituting an independent oversight body at an appropriate distance from day-to-day politics. This body should be able to administer sanctions and investigate breaches provided by citizens.

The Law for Political Parties (*Wet op de politieke partijen*, or WPP) is a bill containing rules on the financing of political parties and transparency rules regarding their internal organisation, finances and political advertisements, which is currently waiting

74 *Volkskrant*, ‘Senators struggle with registering their ancillary functions: ‘Do I have to report something like that?’ (*Senatoren worstelen met het opgeven van hun nevenfuncties: Moet ik zoiets ook melden?*), 30 April 2024, <https://www.volkskrant.nl/politiek/senatoren-worstelen-met-het-opgeven-van-hun-nevenfuncties-moet-ik-zoiets-ook-melden~bc30124e/>.

75 *Follow the Money*, ‘Public officials on dual function of BBB-senator and poultry lobbyist Oplaat: ‘Don’t feel free to discuss things with him’ (*Ambtenaren over dubbele pet van BBB-senator en pluimveelobbyist Oplaat: Voel me niet vrij om dingen met hem te bespreken*), 12 January, 2024, <https://www.ftm.nl/artikelen/onrust-onder-ambtenaren-over-dubbelrol-bbb-senator-en-pluimveelobbyist-oplaat?share=T2geOyvGt2Md3EPKQIXcDux5O3yjrHPxb9D7BcJkeCktRUPbeD2G1Sb6Gy0a7g%3D%3D>.

76 First Chamber (Eerste Kamer der Staten-Generaal), Code of Conduct (*Gedragcode Integriteit*), 11 June 2019, https://www.eerstekamer.nl/id/vkz9gbzhm5wp/document_extern/gedragcode_integriteit_geldend/f=/vkz9gc-g6q4oi.pdf.

to be submitted to the Parliament after the Council of State recently issued their opinion on the bill.⁷⁷ This is especially important in light of Russia's recent operation to influence European politics, which was discovered by the Czech Intelligence Service. Payments to Dutch Parliament members were made by the Czech website Voice of Europe.⁷⁸ Measures that prevent these types of bribes are needed, and we therefore consider the WPP a mark of good progress.

We argue that the Authority on the Law for Political Parties (Autoriteit Wet op de politieke partijen) that is to be installed with the adoption of the WPP should proactively seek ways to disclose all information in formats readable by computers. The government already publishes donations to political parties in Excel Format, and this should also apply to other information on political parties. An Application Programming Interface (API) should be connected to the information to make political finances easily accessible to the public. Furthermore, the government should involve relevant actors in the area of open data, investigation and the fight against corruption from civil society and academics in the implementation of the law. A drawback of the current law

is that the Ultimate Beneficial Owner (UBO) registers have been closed following a ruling by the ECJ.⁷⁹ This will likely mean, in practice, that the UBO cannot be traced. It remains to be seen in practice to what extent donations from legal entities will be prohibited.

Measures in place to ensure whistleblower protection and encourage reporting of corruption

There is a loophole in the new Whistleblower Protection Act (Wet bescherming klokkenluiders), namely the requirement that there must be a 'public interest' at stake before someone has the right to receive whistleblower protection. This completely unnecessary provision creates uncertainty and undermines the law in various ways. For example, how does a whistleblower know in advance whether something will be labelled as a 'wrongdoing with public interest'? Isn't every case of corruption or abuse a wrongdoing? It is precisely on this point that the court now also seems to agree. In October, the court of appeal in Den Bosch ruled that a whistleblower in a nursing home had been wrongfully dismissed on the spot. Previously, the subdistrict court judge had found this to be correct because there was no 'patron', ergo, no

77 Council of State (Raad van State), 'Advise on the Law of political parties' (*Advisering Wet op de politieke partijen*), 18 October 2024, <https://www.raadvanstate.nl/adviezen/@143141/w04-24-00070/>.

78 NRC, 'What can the House of Representatives do against bribery of Dutch parliamentarians?' (*Wat kan de Tweede Kamer doen tegen omkoping van Nederlandse parlementariërs?*), 1 April 2024, <https://www.nrc.nl/nieuws/2024/04/01/ongeruste-kamer-staat-met-lege-handen-in-debat-over-russische-omkoping-a4194788>.

79 Transparency International, 'EU court ruling on beneficial ownership registers: One year on, need for harmonised approach is clear', 22 November 2023, <https://www.transparency.org/en/blog/eu-court-ruling-on-beneficial-ownership-registers-legitimate-access>.

‘public interest’, so no whistleblower case and protection. The court of appeal in Den Bosch has now confirmed that the whistleblower was wrongfully dismissed. The whistleblower suspected a homicidal offence, and the court of appeal found that this is, by definition, a public interest, even if it is not structural.⁸⁰ While the purpose of the Whistleblower Protection Act (Wet bescherming klokkenluiders) is to give whistleblowers certainty, the public interest requirement does exactly the opposite and creates uncertainty for (potential) whistleblowers and, therefore, an unnecessary burden on courts. In order to provide much-needed certainty to potential whistleblowers and to not miss out on any opportunity to prevent or solve issues at an early stage, Transparency International Nederland recommends broadening the legal definition of wrongdoing by removing the restrictive requirement that the public interest must be at stake.

Following an adopted amendment by Dutch Parliamentarian Pieter Omtzigt to enable anonymous reporting of suspicions of wrongdoing, the government published a proposal

in the spring of 2024. However, that proposal does not fully implement the amendment. Transparency International Nederland believes that the government must provide safeguards so that those who report wrongdoing have more guarantees that their report can truly remain anonymous and respond critically to the government’s proposal. This enables people to actually stand up against wrongdoing without fear of negative consequences. This significantly increases the chance that wrongdoing will be addressed, which will benefit everyone.⁸¹

Under the current law, an employer cannot be sanctioned for harming a whistleblower, while the whistleblower can be sanctioned by the employer for breach of confidentiality or libel or slander when spreading incorrect information. We emphasise the importance of dissuasive sanctions for organisations that harm whistleblowers and for organisations that have failed to establish an internal reporting procedure or have set up incomplete procedures to be in breach of the law. After all, if there are no dissuasive sanctions, the law is pointless.⁸²

80 Court of Appeal ‘s-Hertogenbosch (Gerechtshof ‘s-Hertogenbosch), ‘Whistleblowers nursing home unfairly fired’ (*Klokkenluiders verpleegtehuis onterecht ontslagen*), 10 October 2024, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Gerechthoven/Gerechtshof-s-Hertogenbosch/Nieuws/Paginas/Klokkenluiders-verpleegtehuis-onterecht-ontslagen.aspx>.

81 Transparency International Nederland, ‘TI-NL calls on government to enable truly anonymous reporting of wrongdoing’ (*TI-NL roept regering op écht anonieme melding van misstand mogelijk te maken*), 15 July 2024, <https://www.transparency.nl/nieuws/2024/07/ti-nl-roept-regering-op-echt-anonieme-melding-van-misstand-mogelijk-te-maken/>.

82 Transparency International Nederland, ‘How well does the Netherlands protect its whistleblowers in comparison to other EU countries?’ (*Hoe goed beschermt Nederland haar klokkenluiders tegenover andere EU-landen?*), 8 November 2023, <https://www.transparency.nl/nieuws/2023/11/hoe-goed-beschermt-nederland-haar-klokkenluiders-tegenover-andere-eu-landen/>.

In line with the EU Whistleblower Directive (in Art. 23), which calls on Member States to take effective sanctions, competent authorities should be given the power to impose sanctions. This is also in line with the new OECD guidelines, which recommend “providing effective, proportionate and dissuasive sanctions for those who retaliate against whistleblowers”. The Dutch government should comply with all requirements of the EU Whistleblower Directive and give the Dutch Whistleblowers Authority, without further delay, the sanctioning power to impose administrative sanctions on those who break or fail to comply with the Whistleblower Protection Act.⁸³

List the sectors with high-risks of corruption in your country and list the relevant measures taken/envisaged for preventing corruption and conflicts of interest in these sectors. (e.g. public procurement, health-care, other)

All Dutch branches of the Big Four accounting firms — EY, Deloitte, KPMG, and

PwC — have been implicated in exam fraud. This type of fraud is particularly problematic because these firms, among other things, check whether large companies and institutions have their accounts in order to uncover carelessness, corruption and fraud. The fraud case involved employees in the Netherlands who shared answers to mandatory tests amongst themselves. In response, these firms have introduced measures to prevent such malpractice, including eliminating the reuse of identical exam questions. Beyond the Big Four, two additional accounting firms operating in the Netherlands, BDO and Mazars, are also under investigation for potential exam fraud.⁸⁴

Corruption and fraud in the Dutch healthcare sector remain pressing issues. In a recent interview, the Public Prosecution Service (PPS) said it is unable to combat the increasing crime in healthcare. According to the PPS, €10 billion is defrauded annually.⁸⁵ Last year, we drew the Commission’s attention to a whistleblower case in the Dutch healthcare sector.⁸⁶ A recent report uncovered that the hospital in question

83 Ibid.

84 Volkskrant, ‘Cheating at tests at all major accounting firms: EY also discloses exam fraud’ (*Gesjoemel met toetsen bij alle grote accountantskantoren: ook EY maakt examenfraude bekend*), 1 November 2024, <https://www.volkskrant.nl/economie/gesjoemel-met-toetsen-bij-alle-grote-accountantskantoren-ook-ey-maakt-examenfraude-bekend~bb-f6e00e/>.

85 Pointer, ‘20% profit, hours in health sector falsely billed and yet healthcare fraud remains difficult to prove’ (*20 procent winst, zorguren vals in rekening brengen en toch blijft fraude in zorgsector moeilijk te bewijzen*), 12 November 2024, <https://pointer.kro-ncrv.nl/zorgverzekeraars-fraude-zorgsector-moeilijk-opsporen-bewijzen>.

86 Omroep West, ‘Research: top LUMC knew about fraud for years but did nothing’ (*Onderzoek: top LUMC wist al jaren van fraude maar deed niks*), 11 November 2024, <https://www.omroepwest.nl/nieuws/4775713/onderzoek-top-lumc-wist-al-jaren-van-fraude-maar-deed-niks>.

has still not taken sufficient action to prevent this type of fraud in the future.⁸⁷ In addition, at the beginning of 2024, a case involving a cardiologist who supposedly received bribes also gained widespread attention.⁸⁸ It shows that the healthcare sector remains prone to fraud and corruption.

Any other relevant measures to prevent corruption in public and private sector

As a result of a European Court of Justice ruling⁸⁹ in November 2022, the Dutch Beneficial Ownership (BO) registers closed. Since September 2024, these registers have only been partially accessible to financial institutions. Access to supervised institutions is being restored in stages, but many are still unable to consult the BO register as part of their customer due diligence obligations under the Money Laundering and Terrorist Financing (Prevention) Act (Wet witwassen en terrorismefinanciering). This poses significant challenges, as financial institutions play a critical

gatekeeping role in combating money laundering and adhering to the Sanctions Act through BO investigations.⁹⁰

Together with Malta and Cyprus, the Netherlands is the only country within Europe whose BO register is still not fully accessible two years after the European Court of Justice ruling. The register is now entirely off-limits to journalists and civil society organisations, despite the court's explicit recognition that these groups have a legitimate interest in accessing BO information. Such access is deemed essential for investigations into money laundering and terrorist financing. However, the Dutch government has consistently denied access to these groups, even when they demonstrate their legitimate interest. This refusal severely hampers their ability to conduct thorough investigations into issues such as money laundering or tax evasion. In this context, the Dutch government should fully implement the strengthened EU rules on anti-money laundering without further delay and specifically grant journalists

87 National Broadcaster (NOS), 'LUMC does too little against fraud, academic status at risk' (*LUMC doet te weinig tegen fraude, academische status in gevaar*), 26 January 2024, <https://nos.nl/artikel/2506299-lumc-doet-te-weinig-tegen-fraude-academische-status-in-gevaar>.

88 NRC, 'Corruption research on cardiologists and German cardiac equipment expands' (*Corruptieonderzoek naar cardiologen en Duitse hartapparatuur breidt zich uit*), 24 January 2024, <https://www.nrc.nl/nieuws/2024/01/24/corruptieonderzoek-naar-cardiologen-en-duitse-hartapparatuur-breidt-zich-uit-a4188052#/krant/2024/01/25/%23102>.

89 Transparency International, 'EU court ruling on beneficial ownership registers: One year on, need for harmonised approach is clear', 22 November 2023, <https://www.transparency.org/en/blog/eu-court-ruling-on-beneficial-ownership-registers-legitimate-access>.

90 Transparency International Nederland, 'TI-NL calls for improved access Ultimate Beneficial Owner-register' (*TI-NL roept op tot verbeterde toegang UBO-register*), 16 May 2024, <https://www.transparency.nl/nieuws/2024/05/ontwikkelingen-omtrent-wetgeving-ubo-register/>.

and activists generalised access to information about real estate ownership (BO register).⁹¹

Investigation and prosecution of corruption

Criminalisation of corruption and related offences

There is no clear definition of ‘foreign bribery’; strictly speaking, the law makes no distinction between bribery and facilitation payments. Although both are punishable, the Public Prosecution Service does not consider it necessary to focus its investigation and prosecution policy, in addition to bribery, on tackling facilitation payments. Companies are generally not prosecuted for this. Furthermore, when ratifying the UN Anti-Corruption Convention, in which influence peddling is punishable, the Netherlands negotiated an exception for trading in influence. As a result, this was never included in the Criminal Code, with the argument that the existing definition of bribery is sufficient to prosecute influence trading. However, the opposite is true. Although it occurs very regularly in the Netherlands, where there is a strong lobby culture, it has never

been criminally prosecuted. Influence trading should be criminalised; it is now almost impossible to prosecute.⁹²

Effectiveness of investigation and application of sanctions for corruption offences (including for legal persons and high-level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds. Please provide data where available.

The Netherlands has been criticised by the OECD Working Group on Bribery and several others for an inadequate level of investigative activity and a low level of enforcement concerning corruption, particularly given the size and risk profile of the Dutch economy.⁹³ Exporting Corruption, a bi-annual report of Transparency International that looks into the levels of enforcement against foreign bribery, confirms this: the Netherlands has a notoriously poor track record when it comes to prosecuting Dutch companies involved in bribery abroad.⁹⁴ Prosecutions rarely or never take place, despite international treaties to which our country has committed itself. The Netherlands has committed itself to the OECD

91 Idem.

92 Transparency International Nederland, *Position Paper: European Anti-Corruption Package (Position Paper: Europees anti-corruptiepakket)*, 25 January 2024, <https://www.transparency.nl/wp-content/uploads/2024/01/Position-paper-Reactie-TI-NL-op-NL-standpunt-m.b.t.-EU-anti-corruptiepakket.pdf>.

93 OECD Anti-Bribery Convention, *The Netherlands Phase 4 Monitoring Report*, 19 October 2022, https://www.oecd.org/en/publications/implementing-the-oecd-anti-bribery-convention-phase-4-follow-up-report-netherlands-phase-4-two-year-follow-up-report_8035e87a-en.html.

94 Transparency International Nederland, ‘Historic low in fight against foreign bribery’, *Netherlands stagnates (Historisch dieptepunt in strijd tegen buitenlandse omkoping, Nederland stagneert*, 11 October 2022, <https://www.transparency.nl/nieuws/2022/10/historisch-dieptepunt-in-strijd-tegen-buitenlandse-omkoping-nederland-stagneert/>.

obligation to actively combat bribery abroad, but does so only to a very limited extent. Last year, two Dutch companies (Philips and Frank International) were prosecuted in the United States for bribery, partly because enforcement in the Netherlands is too weak.

Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

Between 75% and 90% of all bribery and corruption occurs via intermediaries.^{95,96} However, this appears to be quite difficult to prosecute in the Netherlands because the Public Prosecution Service must demonstrate that a third party is deliberately used to facilitate a bribe, which is not easy to prove. This transpired in cases such as Damen Shipyards and IHC.⁹⁷ Improvement is needed in this area in the Netherlands.

Prosecution shouldn't be limited to bribery by management or employees who are allowed to represent the company, and should be broadened to include any employee. A real

game-changer for combating corruption is the personal liability of managers. Making top management liable would lead to more anti-corruption action as the CEO or CFO risks going to jail or receiving a large personal fine. For example, the previous CEO of the Dutch SBM Offshore was sent to jail in the United States, not in the Netherlands, because our country had no jurisdiction due to the foreign nationality of the CEO and the fact that the bribery took place abroad. In the Netherlands, not a single CEO or CFO has gone to jail. Tackling individuals is important because someone is less likely to consciously engage in a corrupting act if there is a serious chance of individual prosecution. Moreover, the fact that there are virtually no personal consequences in the Netherlands for involvement in bribery demotivates companies to invest in an effective compliance program and, therefore, has an inhibiting effect on the prevention and combating of corruption.⁹⁸

This could be counteracted through an obligation to have an 'accurate system of internal (accounting) controls' similar to the Foreign Corrupt Practices Act (FCPA) of the United

95 OECD, *OECD Foreign Bribery Report*, 2 December 2014, <https://www.oecd.org/corruption/oecd-foreign-bribery-report-9789264226616-en.htm>.

96 White & Case LLP, 'Global compliance risk benchmarking survey: Third-party management', 13 June 2023, <https://www.whitecase.com/insight-our-thinking/2023-global-compliance-third-party-management>.

97 Transparency International Nederland, 'Research focusses on suspicion corruption intermediaries Damen Shipyards' (Onderzoek richt zich op verdenking corruptie tussenpersonen Damen Shipyards), 24 October 2018, <https://www.transparency.nl/nieuws/2018/10/onderzoek-mogelijke-corruptie-tussenpersonen-damen-shipyards/>.

98 For a full review see: Transparency International Nederland: *Position Paper: European Anti-Corruptionpackage (Position Paper: Europees anti-corruptiepakket)*, 25 January 2024, <https://www.transparency.nl/wp-content/uploads/2024/01/Position-paper-Reactie-TI-NL-op-NL-standpunt-m.b.t.-EU-anti-corruptiepakket.pdf>.

States, the ‘failure to prevent bribery/adequate procedures’ from the UK Bribery Act of the United Kingdom, or implementing an anti-corruption program such as the Loi Sapin II in France.^{99 100 101} This would make it a lot easier to tackle companies that pay suspiciously high commissions in high-risk countries and cannot explain why they do so and what measures they have taken to prevent corruption. In such a case, it is easier to argue and prove that their control measures/compliance program are/is inadequate.

Having such a program should not only apply to a legal entity established in the Netherlands; the Dutch head office should also roll it out globally and be held accountable if the compliance program (especially in certain high-risk countries) does not work. In 2023, for example, Philips NV (for bribery in China) and Frank International NV — two Dutch companies — were prosecuted by the US authorities for bribery abroad rather than the Netherlands because Dutch anti-corruption legislation is inadequate. If the Dutch head office is

unaware of the bribery, has not been involved, and no Dutch people are involved, then the Netherlands has no jurisdiction. The Netherlands believes this should be prosecuted in the relevant foreign country, but this often does not happen. In the United States, the United Kingdom and France, however, one can argue that the control measures/compliance program from the head office did not work well enough or that there is an error in the consolidated annual accounts.¹⁰²

Other

The European Anti-Corruption Package offers the ultimate opportunity to take a major step forward in the fight against corruption, as it can provide a better legal basis for combating corruption, stronger enforcement with dissuasive sanctions, more effective cooperation of anti-corruption activists in Europe through harmonised rules and encouragement for governments to take an active and leading role. Instead of watering down anti-corruption

99 U.S. Department of Justice, *The FCPA Resource Guide*, consulted on 12 December 2024, p. 38: <https://www.justice.gov/criminal/criminal-fraud/fcpa-resource-guide>.

100 Government of France, *Notice on the French Anti-Corruption Agency Guidelines to help Public and Private Sector Entities to Prevent and Detect Bribery, Influence Peddling, Extortion by Public Officials, Illegal Taking of Interest, Misappropriation of Public Funds and Favouritism*, consulted on 12 December 2024: <https://www.agence-francaise-anticorruption.gouv.fr/files/files/French%20AC%20Agency%20Guidelines%20.pdf>.

101 U.K. government, *Guidance on UK Bribery Act*, consulted on 12 December 2024, p. 15: <https://assets.publishing.service.gov.uk/media/5d80cfc3ed915d51e9aff85a/bribery-act-2010-guidance.pdf>.

102 Transparency International Nederland, *Position Paper: European Anti-Corruption Package (Position Paper: Europees anti-corruptiepakket)*, 25 January 2024, <https://www.transparency.nl/wp-content/uploads/2024/01/Position-paper-Reactie-TI-NL-op-NL-standpunt-m.b.t.-EU-anti-corruptiepakket.pdf>.

measures, we call on the government to work hard for, among other things.¹⁰³

- Strengthening the legal basis for combating corruption, including appropriate instruments;
- Strong enforcement of corruption with dissuasive sanctions;
- Harmonisation of rules and definitions within the EU and effective international cooperation;
- Sound whistleblower protection for effective combating of corruption;
- A leading role for governments in combating corruption through the establishment of a central anti-corruption authority.

MEDIA ENVIRONMENT AND MEDIA FREEDOM



Key recommendations

- *Ensure adequate implementation of the Anti-SLAPP Directive:*

Include the definition and indicators to assess a SLAPP case from the Directive into Dutch legislation;

Provide for legislative changes regarding early dismissal and full compensation for costs as outlined in the Directive so that the minimum standards of the Directive are met;

Extend the application of the safeguards from the Directive to domestic SLAPP cases.

- *Safeguard access to information by maintaining adequate funding for the public broadcasting network and annulling the VAT increase on media.*
- *We call upon Members of Cabinet and politicians to recognise the harmful effects of political rhetorics that target media and journalists. We urge politicians and parties not only to take their own responsibility in perpetuating rhetoric that undermines trust in the media, but also to keep each other accountable for the harmful effects this has.*

103 For full list of recommendations see: Transparency International Nederland: *Position Paper: European Anti-Corruption Package (Position Paper: Europees anti-corruptiepakket)*, 25 January 2024, <https://www.transparency.nl/wp-content/uploads/2024/01/Position-paper-Reactie-TI-NL-op-NL-standpunt-m.b.t.-EU-anti-corruptiepakket.pdf>.

Media and telecommunications authorities and bodies

Existence and functions of media councils or other co- and self-regulatory bodies

The main self-regulatory body for the media is the Council for Journalism (Raad voor de Journalistiek). This is an independent body to which interested parties can submit complaints about journalistic activities. The Council assesses whether a journalist has done his work carefully and whether a publication has exceeded the boundaries of journalistic ethics. The Council can only provide an opinion; they do not have the ability to impose rectifications or sanctions.

The council was criticised by several media outlets for ‘juridification’ and being abused by some complainants as a ‘gateway’ for a real trial.¹⁰⁴ To address these concerns, in November 2023, the Council announced that they will no longer handle complaints from parties that also go to court or have started other legal procedures. These rules were enforced in 2024. For example, in October 2024, a complaint against GooiTV and its editor-in-chief was not reviewed by the Council as the complainant also filed a police complaint and sent a demand letter.¹⁰⁵ Nonetheless, some concerns about

‘juridification’ remain. In 2024, there are still several instances where lawyers accompany complainants to the Council.

Pluralism and concentration

Levels of market concentration

On a yearly basis, the Dutch Media Authority publishes a Media Monitor. In 2023, the Dutch Media Authority already signalled that there is an increasing market share with fewer media companies, a trend which continued into 2024. Together with RTL Nederland and Talpa Network, the public broadcasting system holds over three-quarters of the television market.¹⁰⁶ The online news offering is highly concentrated among websites owned by DPG Media, Mediahuis and RTL Nederland.¹⁰⁷ According to the Media Monitor, media companies see consolidation as a solution that offers resistance to large international players such as Google and Meta.

Rules governing and safeguarding the pluralistic media market, and their application (including regulating mergers, acquisitions and other ownership changes)

At the end of 2023, DPG Media announced its intention to acquire RTL Group. RTL

104 Council for Journalism (Raad voor de Journalistiek), ‘Raad voor de Journalistiek wordt minder ‘juridisch’’, 21 November 2023, <https://www.rvdj.nl/over-de-raad/berichten/raad-voor-de-journalistiek-wordt-minder-juridisch>.

105 Council for Journalism (Raad voor de Journalistiek), ‘Ruling 2024/29’ (Uitspraak 2024/29), <https://www.rvdj.nl/2024/29>.

106 Dutch Media Regulator, *Mediamonitor 2024*, p. 8.

107 Dutch Media Regulator, *Mediamonitor 2024*, pp. 8-9.

Nederland is still the largest private broadcasting company, with a market share of 25.1%.¹⁰⁸ This raises concern about the highly concentrated media landscape in the Netherlands, as this acquisition would lead to even further media concentration. On 17 May 2024, the Dutch Authority for Consumers and Markets (Autoriteit Consument & Markt) decided to further investigate the acquisition of RTL Nederland by DPG Media, indicating that based on market research, the size, quality and pluriformity of media outlets to consumers could be negatively affected. The acquisition could lead DPG Media to reduce the quality and accessibility of news outlets, for example by spreading the same news across several channels or reducing unpaid news. Also, it would render it more cumbersome for other media companies to compete with DPG Media when it comes to advertising. Furthermore, DPG Media's position vis-a-vis the General Dutch Press Agency (Algemeen Nederlands Persbureau) could be such that it could effectively influence the press agency's media range and, henceforth, the news supply generally.

Finally, the acquisition could negatively influence their journalists' position versus their employer.¹⁰⁹ The Dutch Journalist Association (Nederlandse Vereniging van Journalisten) has repeated its concerns, particularly for journalists' job security and bargaining power.¹¹⁰

Fairness and transparency of licensing procedures (including allocation of licences, fines and penalties)

Following the public broadcasting system's request to revoke Ongehoord Nederland's license, which the Ministry of Culture declined in December 2023, two fines imposed for insufficient collaboration and lack of adherence to journalistic standards were withdrawn in March 2024. A prior fine for lack of adherence to journalistic standards was not withdrawn.¹¹¹

Other

The president of the board of Ongehoord Nederland, Arnold Karskens, was forced to resign in October 2024 following an internal

108 Dutch Media Regulator, *Mediamonitor 2024*, p. 8.

109 Autoriteit Consument & Markt, 'Further Research Needed on RTL Takeover by DPG' (*Meer onderzoek nodig naar overname RTL door DPG*), 17 May 2024, Authority Consumer & Market, <https://www.acm.nl/nl/publicaties/acm-meer-onderzoek-nodig-naar-overname-rtl-door-dpg>.

110 Nederlandse Vereniging van Journalisten (NVJ), 'NVJ Warns About Media Concentration Consequences in RTL Takeover by DPG Media' (*NVJ waarschuwt voor gevolgen mediaconcentratie bij overname RTL Nederland door DPG Media*), 2024, <https://nvj.nl/actueel/nvj-waarschuwt-gevolgen-mediaconcentratie-overname-rtl-nederland-dpg-media>.

111 NOS, 'NPO Withdraws Two Fines for Ongehoord Nederland' (*NPO trekt twee boetes voor Ongehoord Nederland in*), NOS Nieuws, 28 March 2024, <https://nos.nl/artikel/2514588-npo-trekt-twee-boetes-voor-ongehoord-nederland-in>.

investigation carried out by the media outlet itself.¹¹² This investigation concluded, inter alia, that Karskens had expressly ordered the outlet to refrain from any critical reporting vis-a-vis the four political parties in the process of forming a government (e.g. political interference). Furthermore, Karskens intervened in the editorial process by removing critical references to Geert Wilders and Prime Minister Dick Schoof.¹¹³

Furthermore, in May 2024, the Coalition government published their policy agreement announcing a VAT increase from 9% to 21% on print and online media, which would make news a lot more expensive. Independent research into the effect of this measure showed that it would have serious consequences for access to independent information, as turnover from subscriptions and single-copy sales would shrink by 10%, meaning that 270,000 households would end their news subscriptions. Declining subscriber numbers will also have an impact on employment, which means that, collectively, news organisation would have to reduce by approximately 377 full-time employees. Moreover, this VAT increase would be at odds with developments in the broader

European region, as in most countries, there is a zero VAT rate in order to stimulate journalism. Bulgaria is the only country in the EU where a high VAT rate is applicable to print and online media.

The Council of State (De Raad van State) strongly criticised the proposed VAT increase, noting that the consequences of the VAT measure for citizens are hardly substantiated. The Council of State stated that the cabinet did not pay sufficient attention to the negative side effects of this measure, such as on the plurality of the press. The Council of State explicitly mentions the risks to freedom of expression and information, as laid down in the Constitution and the European Convention of Human Rights (ECHR).¹¹⁴

Opposition parties filed a motion asking the government to reverse the decision, which was accepted by a majority of Parliament. In the coming months, the cabinet, in consultation with Parliament, will have to find an alternative to the VAT increase. If that process were to fail for whatever reason, the VAT increase would still go ahead.

112 Algemeen Dagblad, ‘Dismissed Broadcaster Boss Karskens Also Accused of Sexual Misconduct: “Nice Bum, Right?”’ (*Ontslagen omroepbaas Karskens ook beschuldigd van seksueel wangedrag: ‘Lekker kontje hè?’*), Algemeen Dagblad (AD), 11 October 2024, <https://www.ad.nl/show/ontslagen-omroepbaas-karskens-ook-beschuldigd-van-seksueel-wangedrag-lekker-kontje-he~afdc70285/>.

113 SVISION B.V. (External Investigation Report), “Unheard: Silence Around Unwanted Workplace Behaviour” at ON! (*‘Ongehoord: Het Zwijgen Rond Ongewenst Gedrag op de Werkvloer’ bij ON!*), pp. 121, 125, <https://ongehoordnederland.tv/wp-content/uploads/2024/10/Rapport-en-bevindingen-ON-extern-onderzoek-final.pdf>.

114 Raad van State, ‘Further Report on Tax Plan 2025’ (*Nader rapport wetsvoorstel Belastingplan 2025*), 17 September 2024, <https://www.rijksoverheid.nl>.

Transparency and media ownership

There has been no update since the previous rule of law reporting cycle. A large portion of the objectives in the European Media Freedom Act (EMFA) have been identified to be compatible with existing Dutch media law, but some articles still require further implementation in Dutch policy and legislation. In March 2024, the state secretary of Education, Culture and Science identified the following provisions as requiring further implementation:¹¹⁵

- The establishment of an assessment mechanism for media pluralism and editorial independence in certain media market concentrations;
- The establishment of a database on ownership in the media sector;
- The right for users to easily adjust default settings on devices and interfaces according to their interests or preferences;
- Governmental transparency on spending on state advertising and the allocation of public contracts to media service providers.

The transparent allocation of state advertising (including any rules regulating the matter)

The Dutch Media Authority (Commissariaat voor de Media) annually allocates broadcasting time to political parties represented in the House of Representatives (Tweede Kamer) or the Senate (Eerste Kamer) to ensure a fair and balanced distribution. An independent notary oversees the lottery process for scheduling, while the NPO (Dutch Public Broadcasting) provides time slots, technical support, and subtitles. There are two types of broadcasting time: regular airtime for parties with seats in Parliament, and election airtime for parties participating in at least 19 electoral districts during national or European elections. This process supports media independence, diversity, and freedom of information.¹¹⁶

115 Senate of the Netherlands, Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market ('Media Freedom Regulation') and amending Directive 2010/13/EU (*Voorstel voor een Verordening van het Europees parlement en de Raad tot vaststelling van een gemeenschappelijk kader voor mediadiensten op de interne markt («verordening mediavrijheid») en tot wijziging van Richtlijn 2010/13/EU*), 36249 nr. K, 19 March 2024, <https://zoek.officielebekendmakingen.nl/kst-36249-K.html>.

116 Commissariaat voor de Media, 'Broadcasting time for political parties' (*Zendtijd politieke partijen*), <https://www.cvdm.nl/voor-medi makers/regelgeving/mediawet/zendtijd-politieke-partijen/>.

Public service media

Independence of public service media from governmental interference

In October 2024, Coalition party BBB (Boer Burger Beweging) submitted Parliamentary questions about the journalistic integrity and impartiality of ‘government-funded media’. These questions inquired how the government monitored whether media content conflicted with the Constitution and asked the Minister of Education, Culture and Science if he was willing to request the Dutch Media Authority to assess the journalistic standards and independence of the reporting of the public broadcaster NOS. BBB also asked the Minister to request the Dutch Media Authority to investigate the objectivity of public broadcasters and possible violations of the Media Act regarding reporting on Israel. On 2 December of 2024, BBB representative Claudia van Zantem emphasised she considers a “one sided view” to prevail within the public news media, and that the current system does not “reflect society”.¹¹⁷

In response to these parliamentary questions, the Minister stated that the government should not interfere in any way with the content of the reporting by the NOS, or other media, and underlined the independence of the Dutch Media Authority. Furthermore, the Minister referred to Freedom of Expression and Freedom of Speech as fundamental pillars of media independence, stating that censorship and prior supervision of the content of media expression are not permitted in the Netherlands.¹¹⁸

Although the Minister’s response to these questions is adequate and underlines the principles of the rule of law, this incident is indicative of a broader trend in the Netherlands, where prominent politicians and (government) parties use their positions to question the independence of media and to curtail Freedom of Expression.

For example, in July 2024, the PVV (Partij voor de Vrijheid) and FvD (Forum voor Democratie) attempted to condemn the contents of a newspaper article on behalf of the Provincial Council of Overijssel by submitting a motion claiming the article contained disinformation.¹¹⁹ The

117 Dutch House of Representatives, *Uncorrected Stenogram Media (Ongecorrigeerd Stenogram Media)*, 2024D47377, 2 December 2024, <https://www.tweedekamer.nl/kamerstukken/verslagen/detail?id=2024D47377&-did=2024D47377>.

118 House of Representatives (Netherlands), *Parliamentary Questions Regarding Media Matters (Kamervragen inzake mediakwesties)*, 2024, <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2024Z15183&-did=2024D41932>.

119 Trouw, ‘Overijssel PVV Labels Article on Wind Energy as “Disinformation” and Submits Motion’ (*Overijsselse PVV noemt krantenartikel over windenergie ‘desinformatie’ en dient een motie in*), 17 July 2024, <https://www.trouw.nl/politiek/overijsselse-pvv-noemt-krantenartikel-over-windenergie-desinformatie-en-dient-een-motie-in~bfe-6ba9f/>.

article in the local newspaper *Tubantia* refuted the position of these parties on the wind energy policy of the province. Moreover, in November, BBB stated that the account of CestMocro, a popular Dutch Instagram account with over a million followers, should be prohibited because the account “incites anti-Semitism”.¹²⁰ Experts pointed out that such a blanket prohibition is a very far-reaching measure that would curtail freedom of expression, and could pave the way for the prohibition of newspapers. NSC (Nieuw Social Contract) questioned the “proportionality” of a report by PowNed. In response to these events, the Dutch Media Authority stated that parliamentarians and cabinet members should not “try to influence the content of the media through the government, [...] Media services must always be able to operate independently of politics, in light of the constitutional prohibition of censorship”.¹²¹

Editorial standards (including diversity and non-discrimination)

Editorial standards in the Netherlands are generally robust and adequate. However, two instances where these standards faltered highlight the challenges of maintaining these values in fast-moving and politically or emotionally charged situations.

In November 2024, riots broke out after the Ajax-Maccabi Tel Aviv football match in Amsterdam. The media storm following the riots shows that not all media were equally diligent in their reporting. The news spread rapidly, and many major news media immediately embraced the frame that Jewish supporters were the victims of Muslim youth and antisemitism. Only after more journalists published their eyewitness accounts did it become clear that the context of the riots was more complex. Photographer Annet De Graaf published photos of Maccabi supporters molesting passers-by in Amsterdam, but several media sources suggested that the photos showed the opposite. This was rectified only after she refuted this framing. This framing was reinforced by Prime Minister Schoof during a press conference, even before the Amsterdam triad (Mayor Femke Halsema, the Public Prosecution Service and the police) had presented a factual overview. In times when emotions run high and framing can have a powerful impact, it is essential that the media rely on facts and show all sides of a story. Independent and unbiased journalism is possible, even in tense situations. In cases where multiple groups are involved in a conflict, it is crucial to prioritise facts over interpretation. Media must take their societal responsibility very seriously in this regard.

120 BBB, ‘Caroline van der Plas calls for tough approach to growing anti-Semitism in the Netherlands’ (Caroline van der Plas roept op tot harde aanpak van groeiend antisemitisme in Nederland), 13 November 2024, <https://boerbuerbeweging.nl/fractienieuws/caroline-van-der-plas-roept-op-tot-harde-aanpak-van-groeiend-antisemitisme-in-nederland/>.

121 Villamedia, Media watchdog: politicians should not influence media (Mediawaakhond: politici moeten geen invloed uitoefenen op media), 6 December 2024, <https://www.villamedia.nl/artikel/mediawaakhond-politici-moeten-geen-invloed-uitoefenen-op-media>.

Another example where the media followed dominant framing without diligently checking the facts is the recent reporting on the peace organisation PAX. An article in the *Jerusalem Post*, drawing on a report from Israel's Ministry of Diaspora Affairs and Combating Antisemitism, levelled false accusations against a Dutch staff member of PAX, insinuating that the organisation, as well as other Dutch organisations and human rights defenders, are part of an antisemitic and pro-Hamas network. Without investigation or consultation, Dutch newspapers *De Telegraaf* and *De Limburger* echoed these false accusations.

Financing (including transparency of financing)

The current government has announced cuts to the budget allocated to the public broadcasting network, totalling €116.6 million per year, starting in 2027. Similarly, regional broadcasters will receive less financial support.¹²² Further cuts of €50 million were approved in December of 2024.¹²³ Extra cuts have

been announced since then (going up to €1.1 billion).¹²⁴ The budget cuts on public service media are highly concerning for the public's access to information, and the pluriformity and independence of the media sector in the Netherlands.

When it comes to the regulation of advertising on public news channels, the media regulator (Commissariaat voor de Media) has passed a new policy, replacing the one dating from 2019, in 2024.¹²⁵ The new policy contains the following:

- Social media posts are also part of the public media assortment
- Max 15% of posts on the social media of a public media institution are allowed to consist of advertising and teleshopping messages
- No advertising and teleshopping messages may be included around national public media offerings

122 Villamedia, Media watchdog: politicians should not influence media (Mediawaakhond: politici moeten geen invloed uitoefenen op media), 6 December 2024, <https://www.villamedia.nl/artikel/mediawaakhond-politici-moeten-geen-invloed-uitoefenen-op-media>.

123 Villamedia, 'NPO-cuts possibly not able to be paid out of commercials' (NPO-bezuiniging mogelijk niet te betalen uit reclame), Villamedia, 13 December 2024, <https://www.villamedia.nl/artikel/npo-bezuiniging-mogelijk-niet-te-betalen-uit-reclame>.

124 AOb, 'AOb political deal on cuts unacceptable, prepare for strike' (AOb: politieke deal over bezuinigingen onacceptabel, voorbereiden op staking), 12 December 2024, <https://www.aob.nl/actueel/artikelen/aob-politieke-deal-over-bezuinigingen-onacceptabel-voorbereiden-op-staking/>.

125 Dutch Media Authority, 'Consultation Policy Rule Advertising Public Media Institutions 2024' (Consultatie Beleidsregel reclame publieke media-instellingen 2024), 2024, <https://www.cvdm.nl/voor-medi makers/regelgeving/beleidsregels/consultatie-beleidsregel-reclame-publieke-media-instellingen-2024/>.

Furthermore, the Minister of Education, Culture and Science has expressed his intention to present a draft bill that should support local and regional news media, as he acknowledges the societal importance of local and regional news (and as a crucial force to uphold the rule of law). Many local and regional news providers suffer financial issues. The bill should reinforce such media by assuring central funding (instead of regional), an additional annual investment of €16 million, scaling-up, better coordination by the NLPO, and clearer allocation rules per geographical area.¹²⁶

Online media

Competence and powers of bodies or authorities supervising the online ecosystem, including the digital services coordinators role

The Dutch government has appointed the Dutch Consumers & Market Authority (ACM, Autoriteit Consument & Markt) as Digital Services Coordinator under the Digital Service Act. The Dutch Data Protection Authority (Autoriteit Persoonssgegevens) will also be responsible for a small part of the supervision related to personalised advertisements. However, until the Dutch Parliament

has approved the bill to transpose the Digital Services Act, the ACM cannot yet exercise all its powers as the Digital Services Coordinator. For example, the ACM is not yet authorised to appoint ‘trusted flaggers’, which are entities under the DSA with expertise in the detection of harmful content and are trusted to report such content.¹²⁷ Although the ACM is not yet authorised to enact all its powers as the Digital Services Coordinator, they have already started working on some duties (for which they do not need authorisation by law); for instance, they published a DSA guideline for providers of online services.

Public trust in media

According to research conducted by Closer News (Dichterbij Nieuws),¹²⁸ Dutch citizens are strongly convinced of the importance of independent journalism. 76% of Dutch people believe that the Netherlands cannot do without independent, professional journalism. The same research found that 36% of Dutch people believe that regular news media outlets are influenced or controlled from outside the country, for example, by companies or the government, 44% think that most news from regular media is independent, and 40% have a ‘neutral’ stance. When asked for the levels of

126 Minister Bruins, *Letter to the House of Representatives (Brief aan de Tweede Kamer)*, 25 October 2024, <https://open.overheid.nl/documenten/dpc-fc98724b27ef30be9829c9570f0a9eb58d6a0e80/pdf>.

127 European Commission, *Trusted flaggers under the Digital Services Act (DSA)*, 14 January 2025, <https://digital-strategy.ec.europa.eu/en/policies/trusted-flaggers-under-dsa#:~:text=Trusted%20flaggers%20are%20special%20entities,it%20to%20the%20online%20platforms>.

128 Dichterbij Nieuws, *News Literacy Research Report (Nieuwswijsheid Onderzoeksrapportage)*, April 2024, <https://netwerkmediawijsheid.nl/wp-content/uploads/2024/04/DBN-onderzoeksrapport-4.pdf>.

trust in regular news media, 48% say they have a lot of confidence, while 17% do not have any confidence in regular news sources.

Worryingly, the research shows a decline in trust: 4 in 10 people state their trust in the media has decreased. According to *Dichterbij Nieuws*, these are largely the same people who think the media are not independent and find it much less important to follow the news. Research by the Dutch Media Authority shows a similar trend: although trust in media is, in principle, quite high — 54% of Dutch people trust the news they receive via television, social media, newspapers or radio — this trust is slightly dropping, and the general interest in news is decreasing.¹²⁹ According to this research, since 2018, the share of people who do not trust the news has increased from 11% to 19%. Moreover, the vast majority of Dutch people are at least a little concerned about mis- and disinformation and what it means for appraising whether the news they consume is actually true.

The Dutch Media Authority also conducted research focused specifically on news consumption by young people and found that 94% of Dutch young people trust the news (albeit in

varying degrees), although most consume their news via social media (78%).¹³⁰

Safety and protection of journalists and other media actors

Frequency of verbal and physical attacks

In 2020-2023, a total of 722 reports were received by *PersVeilig*. The majority of these concerned ‘threats’ (58%), followed by ‘physical violence’ (19%) and ‘stalking/harassment/intimidation’ (10%). Almost two-thirds of the reports were made by freelance journalists. *PersVeilig* reported 439 incidents in 2024, a marked increase compared to 2022 and 2023.¹³¹ The incidents consisted of 99 threats, 72 incidents of discrimination or intimidation, and 56 of physical violence.¹³² Photojournalists, in particular, were especially vulnerable in 2024, with a high number of physical attacks recorded.

2024 was marked by a large number of protests, especially due to the war in Gaza. This led to several incidents threatening the safety of journalists. For example, during the protests at the University of Amsterdam in May 2024, several journalists were threatened, attacked,

129 Commissariaat voor de Media (Netherlands), ‘Young People, News and Social Media: A Glimpse into the Future of News’ (*Jongeren, nieuws en sociale media: Een blik op de toekomst van het nieuws*), 1 October 2024, <https://www.cvdm.nl/nieuws/onderzoeksrapport-jongeren-nieuws-en-sociale-media-een-blik-op-de-toekomst-van-het-nieuws/>.

130 Ibid.

131 Persveilig, ‘249 incidenten gemeld bij PersVeilig in 2024’, Pers Veilig, 5 January 2025, <https://persveilig.nl/artikelen/249-incidenten-gemeld-bij-persveilig-in-2024>.

132 Ibid.

and intimidated.¹³³ In addition, on 10 November 2024, the police arrested a photographer during the banned pro-Palestinian demonstration on Dam Square in Amsterdam. The woman photographer was making film recordings for her work at the School of Journalism when she was arrested and detained for nine hours despite presenting a valid press card. On 14 November 2024, the Dutch Association of Journalists (NVJ) announced it would file a complaint with the police.¹³⁴

Rules and practices guaranteeing journalist's independence and safety

The Ministry of Education, Culture and Science decided to turn the temporary €500,000 yearly subsidy to PersVeilig into a permanent subsidy. Persveilig monitors and surveils journalists' safety. Furthermore, in 2025, the Ministry will grant a one-off subsidy of €300,000 to PersVeilig's initiative Balie Persvrijheid, which offers legal support to journalists.¹³⁵ Balie Persvrijheid offers free legal advice to

journalists whose (future) publications are legally challenged.¹³⁶ More than half of the advice and support provided between 2021-2023 by De Balie Persvrijheid related to freedom of press issues (53%), followed by unlawful publication (28%), criminal law, WOB-procedures and image rights.

The project PersVeilig (set up in 2019) has been evaluated in 2024. The evaluation concluded that PersVeilig has achieved a number of its key objectives: journalists have confirmed that they value the existence of PersVeilig's hotline, knowledge and skills sharing (as accommodated by PersVeilig) have reinforced journalists' position, journalists' are now granted preferential treatment by law enforcement in case of aggression, prosecutors now apply heavier sentence guidelines in case of aggression and violence against journalists, clearer process for each type of aggression against journalists, and finally the general awareness of aggression against journalists has been improved.¹³⁷ The evaluation report also contains a number of

133 Nederlandse Vereniging van Journalisten, 'Protestors Must Leave Journalists Alone, UvA Demonstration' (*Demonstranten UvA blijf van journalisten af*), 8 May 2024, <https://www.nvj.nl/nieuws/nvj-%E2%80%98demonstranten-uva-blijf-journalisten-af%E2%80%99>.

134 Het Parool, 'Journalist Arrested at Dam Demonstration, Police Claims She Was Protesting' (*Journalist zondag aangehouden bij demonstratie op de Dam, politie zegt dat ze aan het demonstreren was*), 13 November 2024, <https://www.parool.nl/amsterdam/journalist-zondag-aangehouden-bij-demonstratie-op-de-dam-politie-zegt-dat-ze-aan-het-demonstreren-was~b41ff1e3/>.

135 Rijksoverheid, 'Additional Investments in Press Safety' (*Extra investeringen in persveiligheid*), 27 November 2024, <https://www.rijksoverheid.nl/actueel/nieuws/2024/11/27/extra-investeringen-in-persveiligheid>.

136 Nederlandse Vereniging van Journalisten, 'Free Legal Advice for Journalists' (*Gratis juridisch advies voor of na je publicatie*), <https://nvj.nl/diensten/persvrijheid>.

137 PersVeilig, *Evaluation Report: Towards a Sustainable Organisation (Evaluatie PersVeilig: naar een toekomstbestendige organisatie en financiering)*, 28 May 2024, <https://open.overheid.nl/documenten/dpc-77dfd2e3e1df16d8bfc76caf-8354c8b737d8ca31/pdf>.

recommendations to improve PersVeilig further going forward.¹³⁸

In June 2024, initiated by the Authors Union and the General Publishers Group and hosted by PersVeilig, the new platform SchrijversVeilig was launched. This platform aims to strengthen the position of writers against violence, aggression, and intimidation.

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists and media activists

Law enforcement's capacity to ensure journalists' safety and investigate attacks on journalists and media activists has seen some progress but remains inconsistent. A notable example occurred on 5 December 2023, when three journalists from the media platform *PowNed* were assaulted while covering the celebration of Sunneklaas on Ameland. Following this incident, legal action was taken, and the journalists involved are now being prosecuted, raising

concerns about the prioritisation of protecting journalists versus prosecuting them.¹³⁹

Furthermore, in December 2024, Jan Roos was arrested after publicly inciting violence against journalists who were set to cover the 2024 Sunneklaas celebrations. This arrest demonstrates the willingness of law enforcement to address threats of violence against journalists.¹⁴⁰ However, these incidents highlight a broader challenge: while authorities are taking steps to investigate and, in some cases, prevent violence, the overall safety of journalists and the ability to report freely without fear of intimidation, assault, or legal repercussions remains a point of concern.

Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse

In April 2024, Free Press Unlimited published a research report investigating the impact of legal pressure on Dutch journalism.¹⁴¹ The research shows that increasing legal pressure

138 Ibid., p. 5.

139 NOS, 'PP prosecutes two people from Ameland for harrassing journalists during Sunneklaas' (*OM vervolgt twee Amelanders voor belagen journalisten tijdens Sunneklaas*), 11 July 2024, <https://nos.nl/artikel/2528438-om-vervolgt-twee-amelanders-voor-belagen-journalisten-tijdens-sunneklaas>.

140 JOOP BNNVARA, 'Bully vlogger Jan Roos arrested for call to violence regarding Sunneklaas at Ameland' (*Treitervlogger Jan Roos aangehouden om oproep tot geweld rond Sunneklaas op Ameland*), 29 November 2024, <https://www.bnnvara.nl/joop/artikelen/treitervlogger-jan-roos-aangehouden-om-oproep-tot-geweld-rond-sunneklaas-op-ameland>.

141 Free Press Unlimited: *An Underestimated Problem: Legal Pressure on Dutch Journalism (Een onderschat probleem: disproportionele juridische druk op de Nederlandse journalistiek)*, 10 April 2024, <https://www.freepressunlimited.org/sites/default/files/documents/Een%20onderschat%20probleem%2C%20disproportionele%20juridische%20druk%20op%20de%20Nederlandse%20journalistiek.pdf>.

on media and individual journalists in the Netherlands leads to self-censorship, and psychological and financial pressure on freelance journalists and smaller media outlets. The legal pressure was, in some cases, severe: penalty payments of tens of thousands of euros and threats to seize a journalist's house.

The research shows that the impact of legal pressure is strongest among freelancers, local media and small titles. These groups are most vulnerable to the possible effects and are, therefore, more likely to resort to self-censorship. Journalists and titles of large publishers also experience the consequences of legal pressure. Despite the protection that larger titles offer, journalists experience many unspoken concerns about the coverage of legal costs if, for example, they retire or end up on sick leave.

In addition to the financial implications and the time investment, the research shows that the psychological impact on the individual journalist is underestimated. Journalists indicated that legal pressure can cause severe stress, anxiety and psychological burden. Journalists also indicate that they often feel like they are on their own and that they experience little solidarity from colleagues.

The report concludes that current Dutch legislation does not provide sufficient protection against SLAPP cases and recommends

creating special provisions in Dutch law to protect targets of SLAPPs.

Confidentiality and protection of journalistic sources (including whistleblower protection)

In August 2024, a journalist was summoned to be questioned as a witness in a criminal case against one of his sources. The case involved a journalist from the media outlet *Zembla*. The examining magistrate summoned *Zembla* investigative journalist Roelof Bosma to be heard as a witness in the criminal case against former Dordrecht municipal councillor Ruben Schilt. Bosma refused, citing the importance of source protection.¹⁴²

In general, regardless of this specific case, legally and publicly addressing sources and/or experts will always entail the risk of a chilling effect, making it more difficult for the media to find experts willing to speak out publicly about cases where legal action is threatened or expected. Journalists cannot effectively execute their role as the watchdogs of power when they cannot credibly protect the confidentiality of their sources. Sources and whistleblowers should be confident that journalists will treat the identity of the source and background information they share with journalists with care and, where necessary, confidentiality.

142 VillaMedia, 'Zembla Journalist Refuses Testimony to Protect Sources' (*Zembla-journalist weigert getuigenverhoor om bronnen te beschermen*), VillaMedia, 20 August 2024, <https://www.villamedia.nl/artikel/zembla-journalist-roelof-bosma-wil-bronnen-beschermen-en-weigert-getuigenverhoor>.

In October 2023, it was revealed that journalists from *De Correspondent* were wiretapped in 2022 by the Public Prosecution Office (OM) during a conversation with Sywert van Lienden and his business partners, who were being investigated by the OM. As a result of the scandal, the Public Prosecution office (OM) adjusted their rules around the wiretapping of suspects in conversation with journalists to always require prior permission from an Examining Magistrate.¹⁴³ In the case at hand, the examining magistrate had only approved the wiretapping of the location, and was uninformed that journalists would be present. The new rule became effective on 1 May 2024.

De Correspondent started a case against the Public Prosecution office (OM), which embarked on 9 December 2024. They argue that the OM's actions violated their journalistic source protection.¹⁴⁴ Although the OM argues that the wiretapping was incidental and targeted the suspect rather than journalists themselves, *De Correspondent* argues that the OM's actions contribute to a broader chilling effect by discouraging sources from coming forward, therefore hindering investigative reporting.

Access to information and public documents

Freedom of information is mentioned in Article 110 of the Dutch Constitution, but not guaranteed. The Open Government Act (Wet open overheid - WOO), which came into effect in 2022, provides the legal basis for the release of government information. The law recognises that all citizens have a right to government information without cause. In practice, however, access to information is obstructed by several factors. The government usually exceeds the deadline for processing Freedom of Information (FOI) requests. Investigations by NGOs show that the average response time by authorities at the level of the central government is 172 days, where the legal maximum is 42 days, including a 14-day extension from the initial period of 28 days.¹⁴⁵ The reasons for the delay are varied. The government points to outdated information management, but multiple NGOs also point to a culture within ministries. Civil servants are hesitant to share information, and FOI requests often go through multiple legal and political checks before release. Departments are afraid that

143 NU Nieuwsredactie, 'OM adjusts policy after wire-tapping Sywert van Lienden and Journalists' (OM pas beleid aan na af luisteren Sywert van Lienden en journalisten), Nu.nl, 29 April 2024, <https://www.nu.nl/binnenland/6310967/om-past-beleid-aan-na-af-luisteren-sywert-van-lienden-en-journalisten.html>.

144 De Correspondent, 'We were wiretapped. This is on the line in our case against the Public Prosecutor' (*Wij zijn afgeluisterd. Dit staat er op het spel in onze rechtszaak tegen het Openbaar Ministerie*) De Correspondent, 2 December 2024, <https://decorrespondent.nl/15735/wij-zijn-afgeluisterd-dit-staat-er-op-het-spel-in-onze-rechtszaak-tegen-het-openbaar-ministerie/1490c6c3-ab74-088f-0de7-c08360a3233b>.

145 Instituut Maatschappelijke Innovatie (Open State Foundation and the University of Amsterdam), *Leaves on the Track – Analysis of the Handling of WOO Requests 2023* (Blaadjes op het Spoor – Analyse afhandeling WOO-verzoeken 2023), February 2023, <https://www.imi.nu/userfiles/imi.nu/files/Blaadjes-op-het-spoor-rapport.pdf>.

releasing information might lead to difficult political questions for the leadership.¹⁴⁶

Concerns raised in a 2023 study to evaluate the functioning of The Open Government Act have not yet been adequately addressed. The results highlight some important concerns of journalists. They have indicated that active disclosure has not yet improved and that government cooperation is not satisfactory when it comes to WOO requests. Furthermore, journalists expect deliberate, politically motivated delays when the legal deadline to process a WOO request is not met and believe that the government does not always apply grounds for exception correctly.

We believe that independent entities within ministries should review the FOI requests and that political considerations should be taken out of the process. This would not only speed up the process, but would also make for a more objective application of the grounds for refusal. Recent years saw various attempts by government authorities to keep internal advice given by government officials out of the public's reach. For instance, the documents are classified as

drafts, unripe, personal opinions or a threat to the unity of the cabinet.¹⁴⁷ Governments should stop playing these legal and semantic games and give insight into the objective information on which political decisions are based.

Other

In February 2024, the Commission of Inquiry into Behaviour and Culture of Broadcasters (Onderzoekscommissie Gedrag en Cultuur Omroepen – OGCO), also known as the Van Rijn Committee, released its report on misconduct at public broadcasters.¹⁴⁸ The main conclusion of the report is that misconduct is widespread in the national public broadcasting system, contributing to an unsafe working environment. More than 1,484 employees (three out of four) indicated that they have been confronted with misconduct in the past year as either a target or a witness. Furthermore, the report concludes that broadcasters and the Dutch Public Broadcaster (NPO) did not respond effectively when receiving worrying signals about this. In March, the NPO launched a plan of action to address misconduct.¹⁴⁹ The Dutch Journalist Union (NVJ)

146 Ibid.

147 Expertisecentrum, 'Uitspraak conceptenprocedure: i-grond zonder betekenis bij concepten', 24 July 2024, <https://expertisecentrumspoon.nl/blog/uitspraak-conceptenprocedure-i-grond-zonder-betekenis-bij-concepten/>.

148 Onderzoekscommissie Gedrag en Cultuur Omroepen, 'Nothing Seen, Nothing Heard, Nothing Done – The Disappearing Responsibility' (*Niets gezien, niets gehoord en niets gedaan – De zoekgemaakte verantwoordelijkheid*), January 2024, <https://ogco.nl/actueel/niets-gezien-niets-gehoord-niets-gedaan-de-zoekgemaakte-verantwoordelijkheid>.

149 NPO, *Comprehensive Action Plan on Social Safety in Public Broadcasting – Towards a Different Workplace Culture (Overkoepelend plan van aanpak sociale veiligheid publieke omroep, naar een andere omgangscultuur)*, 28 March 2024, https://media.prod.cc.bijnpo.nl/Plan_van_Aanpak_2024_3b406b71e2.pdf.

welcomed the swift action by the NPO but argued that more is needed to ensure a safer working environment and formulated several recommendations.¹⁵⁰ The Minister of Education sought to allocate €3.6 million to support the efforts of the NPO to address the issues, but the funding was blocked by the House of Representatives following a resolution by the BBB.¹⁵¹

Furthermore, we see that the political rhetoric towards journalists and media is hardening, with politicians verbally attacking (individual) journalists or questioning their integrity. The most well-known example is that PVV leader Geert Wilders called journalists “scum of the earth” via X (former Twitter) in 2021. During the formation period in early 2024, when Wilders was one of the potential candidates to become Prime Minister, he refused to retract this statement. The normalisation of this rhetoric is worrying, and journalists indicate that they feel less safe to carry out their work.

Another example occurred when the Dutch Minister of Justice and Security, Dilan Yeşilgöz, posted critical tweets in response to journalist Tim Hofman’s call on X for evidence of police brutality. Hofman, in the context of widespread Pro-Palestinian protests at Dutch universities, had asked his followers to provide accounts and evidence of police brutality and mistreatment during demonstrations. The Minister responded scathingly, questioning Hofman’s journalistic integrity. Her comments prompted a flurry of online hate and intimidation towards Hofman, who had been subjected to a murder attempt months earlier.¹⁵² The incident drew criticism from various opposition party members, who pointed out that as Minister of Justice and Security, Yeşilgöz is responsible for the safety of journalists like Tim Hofman.¹⁵³ State Secretary of Culture and Media, Fleur Gräper, responded to the affair, saying, “Journalists should be able to freely do their work and ask all the questions they want.”¹⁵⁴ The incident prompted questioning

150 Nederlandse Vereniging van Journalisten, ‘NVJ: NPO Action Plan is a Start’ (*NVJ: plan van aanpak NPO is een begin*), 28 March 2024, <https://www.nvj.nl/nieuws/nvj-plan-aanpak-npo-begin>.

151 BoerBurgerBeweging, ‘Chamber supports BBB motion and blocks extra millions for NPO: “Do not reward bad behavior”’ (*Kamer steunt BBB-motie en blokkeert extra miljoenen NPO: “Slecht gedrag niet belonen”*), 9 December 2024, <https://boerbürgerbeweging.nl/fractienieuws/kamer-steunt-bbb-motie-en-blokkeert-extra-miljoenen-npo-slecht-gedrag-niet-belonen/>.

152 RTL, ‘Tim Hofman receives many hate responses after criticism Yesilgöz on X’ (*Tim Hofman ontvangt veel haatreacties na kritiek op X*), 15 May 2024, <https://www.rtl.nl/nieuws/artikel/5450526/tim-hofman-ontvangt-veel-haatreacties-na-kritiek-yesilgoz-op-x>.

153 Metro 25, ‘Dilan Yesilgöz lashes out fiercely to Tim Hofman and is reprimanded by colleagues’ (*Dilan Yesilgöz haalt fel uit naar Tim Hofman en wordt op haar vingers getikt door collega’s*), 14 May 2024, <https://www.metronieuws.nl/in-het-nieuws/binnenland/2024/05/dilan-yesilgoz-tim-hofman/>.

154 Trouw, ‘Criticism from Yeşilgöz on journalist Tim Hofman does not sit well with colleague Gräper’ (*Kritiek van Yeşilgöz op journalist Tim Hofman valt niet goed bij collega Gräper*), 15 May 2024, <https://www.trouw.nl/politiek/kritiek-van-yesilgoz-op-journalist-tim-hofman-valt-niet-goed-bij-collega-graper-b2fdc2bb7/?referrer=https://www.google.com/>.

of the minister in the Dutch House of Representatives, to which Yeşilgöz responded that she was in agreement with Gräper's statement and that she disapproves of violence towards journalists.¹⁵⁵

Do you consider the progress of the implementation of the Anti-SLAPP Directive in your country adequate? Have there been any positive developments you could attribute to the Anti-SLAPP Directive?

In early October 2024, the Ministry of Justice and Security published the draft law for implementing the European Anti-SLAPP Directive. The proposed implementation law does not provide sufficient protection for victims of SLAPPs in the Netherlands.

In some respects, the minimum standards outlined in the Directive are not met, let alone the best practices recommended by the Council of Europe. This is concerning, as research by Free Press Unlimited earlier this year highlighted that legal pressure and SLAPPs also affect journalists in the Netherlands, leading to self-censorship.¹⁵⁶

The most pressing concerns with the Draft Implementation Act are the following:

- The definition and indicators to assess a SLAPP have not been included in the draft Act. By not including SLAPP indicators in the law, Dutch judges are given little guidance when assessing potential SLAPP cases - a significant issue given the limited case law on this topic. In the interest of legal certainty, this guidance is crucial. The criteria from the Directive introduce indicators of a SLAPP that do not align with current Dutch jurisprudence on abuse of procedural law (Article 3:13 BW), further underscoring the need to enshrine them in law.
- With the exception of the provision on securities, the Explanatory Memorandum states that the safeguards for early dismissal and full compensation for costs as outlined in the Directive are already provided for in Dutch law. However, by not making specific safeguards available for SLAPP targets, the Draft Act does not offer effective access and hereby does not meet the minimum standards of the Directive.

155 Dutch House of Representatives, Responses parliamentary questions about the message “Yeşilgöz haalt uit naar Tim Hofman na X-bericht over ME” (Antwoorden Kamervragen over het bericht “Yeşilgöz haalt uit naar Tim Hofman na X-bericht over ME”) Doc nr. 2 0 24Z08238, 25 June 2024, <https://open.overheid.nl/documenten/dpc-436dba7b10c243769e5d37475f5d059d1205493a/pdf>.

156 Free Press Unlimited, *FPU Research: Increasing Legal Pressure on Dutch Media Underestimated (Onderzoek FPU: toenemende juridische druk op Nederlandse media wordt onderschat)*, 10 April 2024, <https://www.freepressunlimited.org/nl/actueel/onderzoek-fpu-toenemende-juridische-druk-op-nederlandse-media-wordt-onderschat>.

Regarding early dismissal, the Draft Act creates a barrier to effective access to this remedy. The Explanatory Memorandum states that no legal change is needed in Dutch law because SLAPP targets can start separate summary proceedings to request the dismissal of the case. This does not align with the Directive's mandate, as this would increase the costs for SLAPP targets. A specific legal provision for (an expedited handling of) a request for early dismissal in the same procedure in cases of SLAPPs would better reflect the Directive.

Secondly, the effective access to the full compensation for costs is concerning as the Explanatory Memorandum states that it is already possible to recover the full costs of legal representation. However, this remedy is rarely awarded, even when courts do find abuse of process. Only statutory fees are awarded in the vast majority of cases, which is problematic as the gap between the actual costs and the awarded costs can be very large. Without a specific remedy for full compensation in SLAPP cases, there are strong concerns about the effective access to this safeguard and, therefore, compliance with the Directive.

- The draft Act focuses solely on cross-border cases. While the European Directive targets cross-border SLAPPs, the EU encourages member states to extend these safeguards to domestic SLAPP cases as well (in line with the Council of Europe's anti-SLAPP recommendations). The fact that the draft Act does include domestic cases is highly concerning, as many SLAPP cases in the Netherlands lack a cross-border element, meaning these safeguards will not apply to such cases.¹⁵⁷

Support of the defendant by associations, organisations, trade unions or other entities also interested in the protection of public participation

In June 2024, the supervisory authority for the legal profession opened a reporting point for journalists who are victims of legal intimidation and SLAPPs. The reporting point is seated with the local bar president of Amsterdam. The reporting point is available to both lawyers and directly affected parties who suspect they are targeted with a SLAPP. The purpose of the reporting point is to provide information and to document reports. Where necessary, further investigation into a report can be conducted. If the report concerns a lawyer from another district, this will be done in consultation with the relevant bar president.¹⁵⁸

157 Free Press Unlimited, *FPU Research: Increasing Legal Pressure on Dutch Media Underestimated (Onderzoek FPU: toenemende juridische druk op Nederlandse media wordt onderschat)*, 10 April 2024, <https://www.freepressunlimited.org/nl/actueel/onderzoek-fpu-toenemende-juridische-druk-op-nederlandse-media-wordt-onderschat>.

158 *Advocatenblad*, 'Dekens openen meldpunt voor juridische intimidatie journalisten', 20 June 2024, <https://www.advocatenblad.nl/2024/06/20/dekens-openen-meldpunt-voor-juridische-intimidatie-journalisten/>.

CHECKS AND BALANCES

Key recommendations

- *Safeguard legislative transparency: Avoid misuse of emergency powers by enhancing parliamentary and judicial oversight, ensuring proportionality and necessity in emergency or fast-track legislation.*
- *Strengthen oversight of algorithmic decision-making: Establish legal safeguards in administrative law for algorithmic transparency, effective legal remedies, and human intervention in line with GDPR standards.*
- *Ensure electoral integrity: Regulate political microtargeting, combat disinformation, and protect voters' rights to balanced, reliable information, particularly during campaigns.*

Process for preparing and enacting laws

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

In September 2024, the Minister of Asylum and Migration proposed declaring an asylum crisis to activate emergency powers under the Dutch Aliens Act, which would allow her to limit family reunification and end indefinite asylum grants. Such emergency measures can lead to misuse, as seen historically with authoritarian regimes. State emergency law should only be invoked when a vital interest is threatened, and normal legal powers are insufficient. The Dutch parliament and judiciary must rigorously scrutinise the necessity and proportionality of the proposed measures

to ensure that they align with constitutional principles and do not undermine the rule of law. The parliament's oversight and the potential judicial review are crucial to prevent the misuse of emergency powers.

After much public push-back, the Minister has changed proceedings from invoking state emergency law towards fast-track proceedings. In the beginning of December 2024, the Council of State had one week to review the fast-tracked Asylum Emergency Measures Act and the Two-Status System Act.

Regime for constitutional review of laws

The government is preparing a constitutional amendment proposal to establish a constitutional court that can review laws, regulations, and decisions against the Constitution by partially lifting the prohibition in Article 120 of the Dutch Constitution, allowing for

the constitutional review of laws against fundamental rights provisions. The framework for this court will be outlined in 2024, with the legislative proposal expected in 2025. The government is also considering whether inter-institutional provisions will be subject to review. The previous cabinet had excluded inter-institutional provisions from its plans.¹⁵⁹

Independent authorities

In the coalition program, the Cabinet announced ‘de Wet op de rijksinspecties’ (the Framework Law on State Inspections). This bill went into consultation in January 2025. As part of the improvement of governance within the national government, this bill aims to legally guarantee the independent performance of the tasks of the national inspectorates. The bill also contributes to further strengthening the social orientation and responsiveness of the inspectorates, reflecting more effectively on the effects of policy in practice and, more generally, connecting policy with implementation practice. In addition, it will examine how the supervisory tasks of other authorities and supervisors can be improved.

The idea behind this law is understandable. However, the enforceability of the law is questioned. The Netherlands has many different regulators, which are increasing in number. The need for supervision is stressed by the government but capacity is lacking. Organisations

are underfunded, and there is too little staff. Therefore, the Cabinet has to properly examine the feasibility of this law.

Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (including their publication and the availability and publicity of data concerning administrative decisions)

NJCM has responded in a letter to the government regarding an online consultation about the increasing use of algorithms by the government. The letter addresses whether it is necessary and desirable to legally establish certain standards for algorithmic decision-making in the Dutch General Administrative Law Act (Awb). In the letter, NJCM advocates for a fundamental reconsideration of the Awb in light of the impact of algorithmic decision-making and artificial intelligence on administrative law and emphasises the importance of effective legal protection and transparency in government actions, highlighting that the general principles of proper administration are currently not guaranteed when algorithms are applied in administrative decision-making. NJCM advises equipping citizens, judges, and lawmakers with (technological) tools and resources to challenge or limit algorithmic decision-making early on, thereby enhancing effective legal protection. Furthermore, the

159 Ministry of Internal Affairs and Ministry of Justice (The Netherlands), Letter to the Second Chamber of Parliament on the Framework for Constitutional Review (Brief toetsingskader constitutionele toetsing), number 2024-0000194928, 2 April 2024.

group asserts the necessity of a right to human intervention in algorithmic decision-making by administrative bodies, in line with Recital 71 of the General Data Protection Regulation (GDPR). The NJCM considers the protection of human rights in the context of increasing algorithmic decision-making to be of paramount importance and calls for ensuring that the legal framework provides sufficient safeguards for legal protection and transparency.¹⁶⁰

Electoral framework

Enabling environment for the exercise of the right to vote: voter registration systems, accessibility of polling stations, remote/e-voting arrangements, threats and intimidation

Currently, only voters who cannot vote independently due to a physical disability can receive assistance in the voting booth. In a positive development, the Minister of Internal Affairs wants assistance to be possible for everyone who asks for it, including people with a mental disability or people with low literacy. A polling station member will offer help to these voters. The premise of the bill is that voters who wish to receive assistance in the voting booth will be

assisted by a poll worker. People with physical disabilities will additionally retain the right to bring someone of their choice for assistance in the voting booth. This may be a polling station member, but it may also be a family member or acquaintance. However, this law proposal has not yet been sent to the parliament.¹⁶¹

Rules on political advertising and their enforcement

Dutch political parties are doing extensive microtargeting on social media in election campaigns in the Netherlands. This means sending targeted ads to potential voters based on personal information, such as their search history. The Personal Data Authority (AP) speaks of effects that could lead to unfair election results. “Secretly manipulating voters on the basis of prohibited profiles is very dangerous in a democracy,” said chairman Aleid Wolfsen. “You should not want this as a political party, it is an unlawful violation of fundamental rights.”¹⁶²

160 NJCM, Algorithmic decision making and the Awb (*Algoritmische besluitvorming en de Awb*), 30 April 2024, <https://njcm.nl/wp-content/uploads/2024/05/Internetconsultatie-Algoritmische-besluitvorming-en-de-Awb-Reactie-Nederlands-Juristen-Comite-voor-de-Mensenrechten-NJCM-30-april-2024-1.pdf>.

161 Overheid, Bill for support while voting (*Wet bijstand in het stembokje*), WGK010153, <https://wetgevingskalender.overheid.nl/Regeling/WGK010153>.

162 NOS, (Political microtargeting in advertising: ‘dangerous for democracy (Politieke microtargeting in advertenties: ‘gevaarlijk voor democratie’), 5 November 2023, <https://nos.nl/artikel/2496760-politieke-microtargeting-in-advertenties-gevaarlijk-voor-democratie>.

Eligibility criteria and restrictions to be a candidate:

People with dual nationality should not be considered for political office, according to the Party for Freedom (Partij voor de Vrijheid - PVV), the biggest party in the Netherlands.¹⁶³ For years, this party has also urged that people with dual nationality be deprived of their right to vote. The 'Afdeling advisering' concludes that excluding persons from the right to vote and from certain offices because of dual nationality violates the prohibition of discrimination. Despite the fact that the largest party in the Netherlands wants this plan to be introduced, so far, there is no support for this initiative proposal.

Access to balanced and reliable information online and offline during electoral campaign: campaigning, media coverage, disinformation and misinformation:

Many thousands of fake accounts influenced public opinion on X during the European election campaign. Organised networks were active in France and Germany, but voters in the Netherlands, Italy, and the English-speaking public were also played by the troll network. The networks probably originated in Russia. This is the result of an independent investigation commissioned by the Group of European Socialists in the European Parliament (S&D) and Green Left-PvdA. The Public Prosecutor's Office in Belgium has launched a criminal investigation into Russia's influence on the elections. However, this is not only a national problem, voters in the Netherlands were also affected by disinformation.

163 Parlementaire Monitor, Initiative proposal Expansion of exclusion from voting rights and ban on multiple nationality for certain office holders (Constitution, 1st reading) (*Initiatiefvoorstel Uitbreiding kiesrechtuitsluiting en verbod op meervoudige nationaliteit bij bepaalde ambtsdragers (Grondwet, 1e lezing)*), 18 February 2019, 35144, <https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vkw4kwyo5gx5>.

CIVIC SPACE

Key recommendations

- *Look into the practical and procedural difficulties that the Act on Collective Damages in Class Actions (Wet afwikkeling massaschade collectieve actie, or WAMCA) has introduced and try to take these away through different guidelines (in accordance with the PILP/BCW report recommendations).*
- *Do not limit the access to justice of public interest cases any further.*
- *Actively defend the benefits public interest litigation brings to democracy.*
- *Repeal the law on transparency of civil society organisations (WTMO).*
- *Ensure better compliance with national and international norms and standards on freedom of assembly and refrain from measures that can further restrict the right to protest.*

Freedom of association

Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations

WTMO: As reported previously, the draft law on transparency of civil society organisations (Wet Transparantie en tegengaan ondermijning door Maatschappelijke Organisaties, or WTMO)¹⁶⁴ is still on the parliamentary agenda. Despite widespread criticism, including from the Council of State, the law was

included in the new government's coalition agreement. While the law has been revised based on earlier criticism and the debate on the law has been rescheduled multiple times, the criticism and concerns raised both by civil society as well as the Council of State remain.

The law can oblige organisations to publish information on funding coming from third countries when there is a suspicion that a CSO implements activities that undermine the rule of law. However, the necessity of the law in addition to already existing legislation in place related to countering money laundering,

164 Tweede Kamer, Transparency and Countering Undermining by Civil Society Organisations Act (*Wet transparantie en tegengaan ondermijning door maatschappelijke organisaties*), 20 November 2020, 35646, <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorstel&qry=wetsvoorstel%3A35646>.

terrorism financing and malign influence is not sufficiently justified and the law could disproportionately infringe on freedom of association and right to privacy.

The draft law does not offer sufficient safeguards against the risk of selective implementation and stigmatisation of CSOs due to vague and unclear definitions. For example, it is not clear when a CSO is deemed to have undermined the rule of law. If organisations do not comply, far-reaching sanctions can be imposed, such as fines, or the public prosecutor can even request the suspension of activities for up to two years. For many CSOs, this would jeopardise the existence of the whole organisation, and it is unclear how CSOs can appeal against these decisions. The law also increases the administrative burden on CSOs as they are required to save a lot of additional information about donations, which can also include volunteering, for up to seven years. This also includes personal data, raising concerns around privacy and cybersecurity. This can also have a chilling effect on the willingness of people to donate or volunteer.

Budget cuts and additional restrictions on state funding affecting funding for civil society

The new government has announced plans to significantly cut the budgets for civil society in different sectors. A massive cut of 70% of the development aid budget will have a significant effect on the civil society sector in the Netherlands. Even more so, this will be combined with a new requirement that NGOs can only apply for funding from these budgets if at least

50% of their income comes from sources other than state funding. In an already shrinking funding landscape, this is posing immense pressure on many organisations.

The Minister is arguing that the 50% restriction is necessary to make CSOs less dependent on the government and push them towards raising other income, such as direct donations from citizens.

However, at the same time, the government has tried to reduce the tax benefits on corporate and individual donations in their new tax plan and is trying to introduce new rules around funding from third countries through a transparency act. Different parties in parliament have also been attacking the National Postcode Lottery, an important funder of CSOs in the Netherlands because of some of the organisations they supported, putting pressure on them to stop funding relations with certain CSOs.

Although the Parliament voted against the reduction in tax benefits for donations, all of these actions put together can lead to a dangerous cocktail that could significantly restrict access to funding for CSOs in the Netherlands. At the same time, we see a shift in the political narrative on the role of CSOs. Where traditionally these were seen as partners, often playing a significant role in the execution of the foreign policy of the Netherlands, they are now often presented as a source of concern to the Netherlands' interests.

Moreover, it's not just the cuts for internationally operating NGOs. Cuts in the education, cultural and health care budgets will also

affect the funding of CSOs that are providing important services, especially those providing services and advocating for the rights of certain underrepresented groups such as undocumented migrants, people without housing and people who use drugs.

Other

The current cabinet wants to investigate whether there are further options to prevent ideational litigation in the public interest. The coalition programme of 13 September 2024 states that the cabinet will investigate whether and how further requirements should be imposed on the representativeness of public interest organisations with a non-commercial objective that can litigate under Article 3:305a of the Civil Code.¹⁶⁵

Criminalisation of activities, including humanitarian or human rights work

The authorities are criminalising the activities of a specific smaller, radical NGO. This NGO speaks out against the state of Israel and calls for the release of all Palestinian prisoners. The authorities want to ban this organisation.¹⁶⁶ Seeing as this group has not been prosecuted or convicted of any criminal activities and

organisations that celebrate Israeli violence are not targeted by the government, this criminalisation appears politically motivated, and therefore a risk to the rule of law.

Access to justice, including rules on legal standing, capacity to represent collective interest at court, and access to legal aid

WAMCA: As reported in previous years, the adoption of the Act on Collective Damages in Class Actions (Wet afwikkeling massaschade collectieve actie, or WAMCA) in January 2020 has introduced the possibility to instigate class actions. The provisions regarding collective actions have been amended, which has led to more obstacles for non-governmental organisations and public interest initiatives. More specifically, a more stringent admissibility regime is sometimes used with respect to public interest proceedings; the introduction of the requirement of representation for public interest proceedings has created an extra obstacle to public interest litigation; and the final authority of a judgement extends to individuals that were involved in the collective action.¹⁶⁷ Although inadvertent, these restrictions place a heavier burden on non-governmental organisations to launch a collective action, as these proceedings have become more complex, costlier,

165 Regeerprogramma, Uitwerking van het hoofdlijnenakkoord door het kabinet, 13 September 2024, page 85.

166 NOS, 'Cabinet Hopes for Quick Decision by Public Prosecutor on Ban of Pro-Palestinian Samidoun' (*Kabinet hoopt op snel besluit van het OM over verbod van pro-Palestijns Samidoun*), 11 October 2024, <https://nos.nl/artikel/2540442-kabinet-hoopt-op-snel-besluit-van-het-om-over-verbod-van-pro-palestijns-samidoun>.

167 P. Veerman, L. Bryk, M.B. Hendrickx, *The obstacles of the WAMCO for idealistic actions (De obstakels van de WAMCA voor ideële acties)*, Bureau Clara Wichmann/Stichting PILP: Amsterdam, 2024, https://pilp.nu/wp-content/uploads/2024/10/De-Obstakels-van-de-WAMCA-voor-Ideele-Acties-_BCW_PILP_Rapport_2024.pdf.

and lengthier.¹⁶⁸ In our written submission on 27 March 2024, we voiced our concern with the parliamentary motion to introduce even stricter criteria.

In the country chapter of the 2024 Rule of Law Report, the following is mentioned on page 30 regarding the concern of civil society organisations: “They also expressed fear that their access to the court system will be made more difficult in the future due to the imposition of stricter admissibility require.” In our view, this does not do justice to the significance of the problem posed by introducing more stringent criteria in the WAMCA.

With a national government ready to use emergency legislation in certain areas, local governments relying more on algorithms and profiling in combating ‘fraud’ and the right to demonstrate being curtailed, civil society organisations play a crucial role in upholding the rule of law through collective legal action. In turn, this is exactly why the government seeks to introduce obstacles to those (successfully) challenging the legality of state action.

The plan to introduce new obstacles to public interest proceedings in the WAMCA would cause more than a mere nuisance to civil society organisations. It is a key indicator of the government’s attitude towards checks and balances and the rule of law.

Hence, we call upon the drafters of the Rule of Law Report 2025 and the EU to recommend that the Netherlands not introduce any additional obstacles to those challenging the legality of its actions individually or collectively via WAMCA proceedings.

Legal Aid: In the 2024 country chapter on the Netherlands, the persistent calls to make the Dutch system of legal aid viable and sustainable are recognised. As the Bar Association has pointed out many times, the fee structure, as well as the age of most lawyers providing legal aid, result in more and more lawyers quitting the legal assistance system. As of now, the system is barely working. In a fact sheet published in November 2024, the Bar Association stresses that the number of lawyers providing legal aid continues to decrease and that there is a real shortage of lawyers in a number of provinces, leading to citizens being unable to find a lawyer that will take their case.¹⁶⁹ In fact, this means that the measures taken by the government are insufficient and that the government must structurally and substantially increase funding to keep the system from collapsing.

168 Ibid.

169 Dutch Bar Association, *Fact Sheet on Shortage of Social Lawyers: Access to Justice at Risk (Fact Sheet Tekort Aantal Sociaal Advocaten, Toegang tot het Recht in Gevaar)*.

Freedom of peaceful assembly

Rules on organisation, authorisation of and participation to assemblies

The freedom of peaceful assembly in the Netherlands is generally well-regulated in accordance with human rights treaties. But in practice, numerous mayors (the competent authorities) seem to violate this right, as voiced by the National Ombudsman in 2018.¹⁷⁰

In April 2024, the Dutch Ministers of Internal Affairs and of Justice and Security announced an investigation into the right to freedom of peaceful assembly, more specifically asking whether the legal framework concerning the right to demonstrate still corresponds with current developments.¹⁷¹ Especially disruptive demonstrations and demonstrations which endanger national security or the rights of others are the main subjects of this investigation. Explicit references are made to the roadblocks of Extinction Rebellion and farmers' protests, as well as protests "in the context of the

Israel-Palestine conflict".¹⁷² The motive behind this study is to investigate "the possibilities of strengthening the action perspective of all parties involved and the durability of the legal framework" to strengthen and maintain the right to demonstrate.¹⁷³

Amnesty International reports that this security-oriented focus on the right to demonstrate endangers compliance with international human rights standards. Shocking expressions and non-criminal protest signs are often banned, which constitutes a form of censorship; restrictive measures are imposed on the organisation of protests to avoid traffic disruptions, which is not a lawful restriction of the right to demonstrate; notification procedures before the municipality can be unnecessarily complicated and differ per municipality.¹⁷⁴ Furthermore, emergency legislation (*noodwetgeving*) is sometimes used to prohibit or disband protests, while this is not the object and purpose of this legislation; participants in a demonstration are often asked to identify themselves without an actual need to do so, and protesters are

170 Nationale Ombudsman, 'Research Demonstrating a Frictional Fundamental Right' (*Demonstreren: een schurend grondrecht*), 14 March 2018, <https://www.nationaleombudsman.nl/publicaties/onderzoeken/2018015-demonstreren-een-schurend-grondrecht>.

171 Rijksoverheid, 'Cabinet Orders Independent Investigation into Right to Protest' (*Kabinet laat onafhankelijk onderzoek doen naar demonstratierecht*), 19 April 2024, <https://www.rijksoverheid.nl/actueel/nieuws/2024/04/19/kabinet-laat-onafhankelijk-onderzoek-doen-naar-demonstratierecht>.

172 Ministry of Internal Affairs, Consolidated Letter on the Right to Protest (*Verzamelbrief demonstratierecht*), 19 April 2024, <https://open.overheid.nl/documenten/14d4c321-0294-430a-bcd6-0ab0bc0fdb06/file>.

173 Ibid., p. 19.

174 Amnesty International, *Right to Protest Under Pressure: Rules and Practices in the Netherlands Need Improvement* (*Demonstratierecht onder druk: regels en praktijk in Nederland moeten beter*), 2022, https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf?x84346.

arrested or subjected to unlawful and excessive violence.¹⁷⁵

Bans on protests

The municipality of Amsterdam effected a week-long general ban on protests: after the riots that took place in Amsterdam on 7 November 2024, the municipality instituted a week-long ban on all demonstrations in the city. Legal experts agree that this measure interferes with relevant provisions of the Dutch Constitution and the European Convention on Human Rights.¹⁷⁶

Similarly, the organisers of a university protest in Utrecht cancelled their demonstration after the municipality of Utrecht informed them that there were indications that the protest would be overshadowed by (violent) pro-Palestine protesters. According to some organisers, it was unclear what precise risks were predicted and which (groups of) people would come to disrupt their manifestation.¹⁷⁷

Bans on the use of symbols/slogans in protests

There have been examples of bans on symbols and slogans in the past. The most recent example was a very small Extinction Rebellion protest in the city of Hengelo, where the restriction was that no mention should be made of the developments in the Middle East. The restriction was withdrawn by the mayor after it came to light in the media.¹⁷⁸

Policing practices, including dispersion of protests, use of force

Excessive use of force after a pro-Palestine demonstration in Amsterdam occurred on 17 November 2024. Protesters who participated in a pro-Palestine demonstration reported excessive violence used by police task forces, both in the city centre as well as at a remote dock area after having been administratively displaced. An investigation into this incident

175 Ibid.

176 De Volkskrant, 'Extension of Amsterdam Protest Ban Likely to be Overturned', *Experts Say (Verlenging Amsterdams demonstratieverbod houdt waarschijnlijk geen stand, denken experts)*, 11 November 2024.

177 Landelijke Studenten Vakbond (Netherlands), Statement on Cancellation of Protest on 14 November: An Alternative for Students to Protest (*Statement Landelijke Studenten Vakbond Afbazen Protest 14 Nov: Er Komt Voor Studenten Een Alternatief Om Alsnog Te Protesteren*), 13 November 2024, <https://lsvb.nl/2024/11/13/statement-landelijke-studentenvakbond-afblazen-protest-14-nov-er-komt-voor-studenten-een-alternatief-om-alsnog-te-protesteren/>.

178 1Twente, 'Ban on Discussing Gaza During Climate Activists' Flyer Action in Hengelo Found to Be an Error in Municipality's Letter' (*Verbod om over Gaza te praten bij flyeractie klimaactivisten XR Twente in Hengelo blijkt fout in brief van de gemeente*), 27 June 2024, <https://www.1twente.nl/artikel/4486764/verbod-om-over-gaza-te-praten-bij-flyeractie-klimaactivisten-xr-twente-in-hengelo-blijkt-fout-in-brief-van-de-gemeente>.

was launched after online footage circulated on social media.¹⁷⁹

Excessive use of water guns (*waterkanonnen*) to break up demonstrations can constitute excessive violence. Water guns are only to be used to break up a group and are not to be used against individuals. Furthermore, they are only to be used if there are no other suitable means to disperse a crowd of protesters.¹⁸⁰

Criminalisation of protesters

Among many other European countries, the Netherlands has used criminal measures against protesters. Several members of Extinction Rebellion have been preventively arrested before the start of a climate demonstration and were eventually prosecuted for sedition.¹⁸¹

Surveillance of protests

Amnesty has written a report on the surveillance of protests.¹⁸² Amnesty reports “on the

use of ID checks by the Dutch police as a surveillance tool. Through unlawful ID checks, the police process personal data from peaceful protesters in police databanks. This practice violates the right to privacy, has a chilling effect on the right to peaceful assembly and may have a discriminatory effect.”¹⁸³ There has also been surveillance of Extinction Rebellion protesters: the Dutch police infiltrated group chats of Extinction Rebellion in order to prosecute these activists for sedition (see above).¹⁸⁴

Imposition of fines and other administrative sanctions

‘*Bestuurlijk verplaatsen*’ (so-called ‘administrative moving’) could be seen as a potential violation of the right to freedom and security. The mayor of Haarlem tried to use a specific fine system to keep climate justice activists from further peaceful civil disobedience actions. The activists were fined thousands of euros. The district court decided these fines violated

179 Steven Ramdharie, *Investigation into Police Violence Against Protesters in Amsterdam: “These Images Look Serious”* (Onderzoek naar politiegeweld tegen betogers in Amsterdam: ‘Deze beelden zien er ernstig uit’), *De Volkskrant*, 14 November 2024.

180 Amnesty International (Netherlands), ‘Police Violence in the Netherlands’ (*Politiegeweld in Nederland*), <https://www.amnesty.nl/politiegeweld-in-nederland>.

181 NRC, ‘Is Climate Activism Being Criminalised in Europe?’ (*Wordt klimaatactivisme in Europa gecriminaliseerd?*), 1 August 2023.

182 Amnesty International, *Unchecked Power: ID Checks and Collection of Data from Peaceful Protesters in the Netherlands* (*Unchecked Power: ID Checks and Collection of Data from Peaceful Protesters in the Netherlands*), 31 March 2023, <https://www.amnesty.org/en/documents/eur35/6650/2023/en/>.

183 Ibid.

184 Investico, ‘Police Secretly Monitored Chat Groups of Extinction Rebellion’ (*Politie keek heimelijk mee in chatgroepen van Extinction Rebellion*), 22 March 2023, <https://www.platform-investico.nl/onderzoeken/onderzoek-demonstratierecht-in-de-knel/politie-keek-heimelijk-mee-in-chatgroepen-van-extinction-rebellion>.

the right to protest and the Public Demonstrations Act.¹⁸⁵

Freedom of expression and information

Rules on hate speech and their enforcement

On 12 November 2024, the bill *Wet toezicht informeel onderwijs* (Law on Supervision of Informal Education) went under consultation. With the law, the government wants to protect children from 4 to 17 years old from lessons that incite them to hatred, discrimination or violence. The government wants the power to intervene if harmful teaching practices occur at institutions of informal education. Examples of informal education include: tutoring institutes, Chinese weekend schools, Koranic schools, youth clubs and Sunday schools.

The bill allows suspected abuses to be reported to the Onderwijs Inspectie (Education Inspectorate) and the Inspectorate can eventually visit the institution and observe. If there are legitimate concerns and an institution violates the law, the Minister can impose a designation

and, for example, ban specific teaching materials or close the organisation in question.

The positive development of this bill is that the law is intended to curb the proliferation of distorted material, which benefits the fight against hate speech and disinformation. The downside is that the broad scope of the bill can open the door to unwanted surveillance of ordinary activities of these institutions, which seriously infringes on the freedom of religion, education and association. It is therefore logical that there is great concern that this law sets a dangerous precedent, with institutions of informal education losing the freedom to inform children of their beliefs without reservation.

The bill fits within the thinking of several governing parties that religion should be practised behind closed doors and does not belong in public life. This is worrisome and goes against the human right of freedom of religion.

Criminalisation of speech

Some speakers have been refused entry into the Netherlands because the authorities believed they would spread messages of hate. This

185 Rechtbank Noord-Holland, Judgment of 12 August 2024, No Fine or Penalty for Extinction Rebellion Protesters in Haarlem (*Geen last onder dwangsom voor demonstranten Extinction Rebellion in Haarlem*), <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Noord-Holland/Nieuws/Paginas/Geen-last-onder-dwangsom-voor-demonstranten-Extinction-Rebellion-in-Haarlem.aspx#:~:text=Geen%20last%20onder%20dwangsom%20voor%20demonstranten%20Extinction%20Rebellion%20in%20Haarlem,-Haarlem%2C%2015%20augustus&text=De%20burgemeester%20van%20de%20gemeente,oordeelt%20de%20rechtbank%20Noord%2DHolland>.

happened to an Islamic preacher from Australia,¹⁸⁶ a famous conspiracy theorist,¹⁸⁷ and a Palestinian radical activist.¹⁸⁸ All speakers were able to speak to crowds through digital means, so the question can be raised about what effect the banning of these people had.

Attacks and harassment

Intimidation / negative narratives / smear campaigns / disinformation campaigns

The political discourse surrounding watchdog organisations, NGOs, civic activists, and protest groups is becoming increasingly negative. Instead of being recognised as essential contributors to a healthy democracy, critical NGOs are often portrayed as adversaries advancing foreign or political agendas. Their legitimacy is frequently questioned by politicians, including ministers and Members of Parliament.

The Minister of Development Aid, for instance, has repeatedly raised doubts about NGOs engaging in strategic litigation and advocacy. Geert Wilders, leader of the PVV party, has called for halting state funding to NGOs in response to specific actions, such as a lawsuit opposing the delivery of F-35 jet parts to Israel. Despite their longstanding partnership with the Dutch Ministry of Foreign Affairs and their valuable expertise, these organisations face growing challenges to their credibility.

Some politicians and media outlets exacerbate these issues by fuelling or initiating smear campaigns against NGOs and individual activists. For example, misinformation spread by Forum for Democracy MPs about a sexual education week in primary schools led to intimidation against Rutger Institute staff.¹⁸⁹ Similarly, baseless accusations against a PAX staff member, stemming from an Israeli state report, were uncritically echoed by Dutch political parties

186 NOS, 'Controversial Islamic preacher denied entry to the Netherlands' (Omstreden islamitische prediker toegang tot Nederland geweigerd), 18 January 2024, <https://nos.nl/artikel/2505407-omstreden-islamitische-prediker-toegang-tot-nederland-geweigerd>.

187 Rechtspraak, 'David Icke's entry ban remains in force' (*Inreisverbod David Icke blijft van kracht*), 26 September 2023, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Noord-Holland/Nieuws/Paginas/Inreisverbod-David-Icke-blijft-van-kracht.aspx#:~:text=De%20staatssecretaris%20van%20Justitie%20en,vormt%20van%20de%20openbare%20orde>.

188 NOS, 'Banned pro-Palestinian activist Khatib speaks via video connection in Wageningen' (*Geweerde pro-Palestijnse activist Khatib spreekt via video in Wageningen*), 25 November 2024, <https://nos.nl/artikel/2545940-geweerde-pro-palestijnse-activist-khatib-spreekt-via-video-in-wageningen>.

189 KRO-NCRV, 'How misinformation fuelled the online hate machine against the Week of Lentekriebels' (*Hoe misinformatie de online haatmachine tegen de Week van de Lentekriebels op gang trok*), 23 March 2023, <https://pointer.kro-ncrv.nl/ho-misinformatie-de-online-haatmachine-tegen-de-week-van-de-lentekriebels-op-gang-trok>.

and media, enabling an unprecedented attack on local NGOs by a foreign state.¹⁹⁰

These developments coincide with the increasing criminalisation of peaceful protests, signalling a shift toward suppressing dissent and narrowing the space for independent and critical civil society voices. Instead of supporting civic activism, the narrative now favours selective approval of certain perspectives while undermining others.

On 7 October 2023, the mayor of Amsterdam received a death threat after facilitating a pro-Israeli commemoration and a pro-Palestinian counter-demonstration escalated. Following the death threat, the mayor filed a police report.

Legal harassment, including Strategic Lawsuits Against Public Participation (SLAPPs), prosecutions and convictions of civil society actors

The Coalition against SLAPPs in Europe published a report in November 2024 that mentioned 12 SLAPP cases in the Netherlands

in previous years.¹⁹¹ See also the FPU report mentioned in the media chapter.

Online civic space

Doxing: Since 1 January 2024, doxing—the online sharing of someone’s personal information for intimidation purposes—has been punishable by law in the Netherlands. Offenders can face fines, community service, or prison sentences, depending on the severity and recurrence of the offence. Harsher penalties will apply when targeting politicians, journalists, or police officers.

While the new law sends a clear signal about the seriousness of doxing, the Public Prosecution Service emphasised that this societal problem cannot be solved through criminal law alone. They highlight the role of social media companies in preventing such offences by better monitoring their platforms.¹⁹²

The two-year maximum prison sentence for doxing offences can be increased by a third¹⁹³ if the target of the offence is a journalist or part of another specified vulnerable profession. The

190 PAX, ‘Criticism on Israel should be allowed’, 12 November 2024, <https://paxforpeace.nl/news/criticism-on-israel-should-be-allowed/>.

191 ¹⁴⁵ CASE - Coalitions against SLAPPs in Europe, *2024 Report on SLAPPs in Europe: Mapping Trends and Cases*, November 2024, https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf.

192 Openbaar Ministerie, ‘Doxing punishable by law from 1 January 2024 onwards’ (*Doxing vanaf 1 januari 2024 strafbaar*), 19 December 2023, <https://www.om.nl/actueel/nieuws/2023/12/19/doxing-vanaf-1-januari-2024-strafbaar>.

193 Rijksoverheid, ‘Doxing’, <https://www.rijksoverheid.nl/onderwerpen/privacy-en-persoonsgegevens/doxing#:~:text=Een%20adres%20of%20telefoonnummer%20delen,persoonsgegevens%20om%20iemand%20te%20intimideren>.

first doxing case in the Netherlands was adjudicated in April of 2024,¹⁹⁴ which clarified that the new law is only applicable to cases in which

the act itself (e.g. posting on social media) took place after the 1st of January 2024.

DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT

Key recommendations

- *The Netherlands should take active measures to prevent genocide in Gaza, in line with its international obligations under the Genocide Convention and Article 90 of the Dutch Constitution. This includes promoting the development of international legal order and utilising all means available to influence states, such as Israel, to comply with international human rights and humanitarian laws. Specifically, the Netherlands should reconsider its stance on funding the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and avoid actions that could undermine efforts to prevent genocide, such as endorsing the dismantling of UNRWA or cutting its funding.*
- *Reconsider the repeal of the Spreidingswet (Municipal Duty Act): The Dutch government should reconsider its intention to repeal the Spreidingswet, which ensures a more balanced distribution of asylum seekers across municipalities. Maintaining this law is critical to addressing the current asylum reception crisis and safeguarding the fundamental rights of refugees, particularly children.*
- *Prioritise the enforcement of the Spreidingswet: The Dutch government should prioritise the enforcement of the Spreidingswet to prevent further deterioration of conditions in emergency shelters. This would help ensure that refugees, especially vulnerable children, are provided with adequate living conditions, access to education, and appropriate medical and psychological care in line with international human rights obligations.*

194 Rotterdam District Court, Acquittal of the charge of doxing, 4 December 2024, <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBROT:2024:12023>.

- *The Dutch government should prioritise an in-depth, critical reflection on the current patterns in youth care, youth protection, and educational legislation. This reflection should lead to progressive and sustainable changes to ensure that children, young people, and students receive adequate care, education and support, enabling them to fully develop into healthy and well-rounded adults.*

Systemic human rights violations

In 2023, one in seven (13%)¹⁹⁵ of Dutch children (up to 18 years old) received one or more forms of youth care services support. Such services include child and family assistance, child protection, and youth probation.¹⁹⁶ Recently, a governmental ambition was announced to decrease the number of children in youth care to 10% by 2028.¹⁹⁷ Although there are many ongoing projects to improve youth care and legal (protection) procedures, the results show

counterproductive effects.¹⁹⁸ Responsible ministers have not fulfilled their role sufficiently for their responsibility within the system, which leads to an unworkable situation for many involved.¹⁹⁹ Through research, it appears that policy has operated for the last 40 years as a ‘boomerang policy’,²⁰⁰ where thinking and action patterns responsible for the origin of the policy problems are repeated to fix those problems. As a result, both policy fields evolve, but underlying social issues persist and worsen.

195 Central bureau for Statistics, ‘More young people with youth aid, especially more teen girls’ (*Meer jongeren met jeugdhulp, vooral meer tienermeiden*), 30 April 2024, https://www.cbs.nl/item?sc_itemid=0983a7fc-863f-42f8-a5b8-537001b3b5f1&sc_lang=nlnl.

196 R. de Boer and Mariëlle R. Bruning, *Administrative Vulnerability of Families with Youth Assistance Needs in the Netherlands* (*Kwetsbaarheid tegenover de overheid van gezinnen met een jeugdhulpvraag*), *Tilburg Law Review* (2024) 29(1), pp. 35–55.

197 Jeugdzorg Nederland, ‘Youth debate: cabinet wants to return to 1 in 10 children in youth care by 2028’ (*Jeugddebate: kabinet wil terug naar 1 op de 10 kinderen in jeugdzorg in 2028*), 12 November 2024, <https://www.jeugdzorgnederland.nl/actueel/jeugddebate-kabinet-wil-terug-naar-1-op-10-kinderen-in-de-jeugdzorg-in-2028/>.

198 Ibid.

199 Algemene Rekenkamer, ‘Organised powerlessness: about the role of the central government in youth protection’ (*Georganiseerde onmacht: over de rol van de Rijksoverheid bij de jeugdbescherming*), 13 April 2023, <https://www.rekenkamer.nl/publicaties/rapporten/2023/04/13/georganiseerde-onmacht>.

200 S.D. Rodriguez Rivas-Stellaard, *Boomerangpolicy: about ongoing tragic in appropriate education- and youth care policy* (*Boemerangbeleid: over aanhoudende tragiek in passend onderwijs- en jeugdzorgbeleid*), 9 March 2023, <https://research.vu.nl/en/publications/boemerangbeleid-over-aanhoudende-tragiek-in-passend-onderwijs-en->.

The focus on immediate concerns in youth care should shift to a long-term analysis.²⁰¹

This occurs regarding the Youth Act legislation, where district-oriented and preventive care is combined with budgetary cuts.²⁰² Additionally, the the central government shifted most of its responsibilities to the municipalities. Since 2015, municipalities have been responsible for all forms of youth care, providing children and young people with necessary support and (in)voluntary care.²⁰³ However, according to various reports, the state unchangingly fails to protect children with youth care or youth protection measures.²⁰⁴ There are major concerns about incorrect and incomplete reports²⁰⁵ from

the Dutch Child Protection Counsel and certified institutions (authorised to carry out youth protection measures), while courts decide on those invasive measures on the grounds of these reports. In addition, in practice, voluntary or preventive youth protection measures are often imposed without legal basis, which exacerbates the administrative vulnerability of parents and children and young individuals when they interact with Dutch government agencies seeking youth care assistance within the youth care framework.²⁰⁶

Children in youth protection care face long waiting lists, inadequate care, and a lack of specialised workers. They are at high risk of

201 Vrije Universiteit Amsterdam, 'Reforms of appropriate education and youth care are counterproductive' (Hervormingen passend onderwijs en jeugdzorg werken averechts), Vrije Universiteit Amsterdam, 6 March 2023, <https://vu.nl/nl/nieuws/2023/hervormingen-passend-onderwijs-en-jeugdzorg-werken-averechts>.

202 Regelhulp.nl, 'What is youth aid?' (*Wat is jeugdhulp?*), <https://www.regelhulp.nl/onderwerpen/jeugdwet/wat-is>.

203 Ibid.

204 J. Bhugwandass, *Solitary confinement: investigation ZIKOS by Jason* (*Eenzaam gesloten: onderzoek ZIKOS van Jason*), 11 March 2024, https://www.expex.nl/wp-content/uploads/2024/03/06032024_Jason_Gesloten-jeugdzorg_drukker2.pdf; also A. de Jong, A. Sabahoglu & M. Hopman, *In front of me: Children about how the conflict between their parents and the government influences their own lives and their trust in the government* (*Waar ik bij ben: Kinderen over hoe het conflict tussen hun ouders en de overheid hun eigen leven en vertrouwen in de overheid beïnvloedt*), Kinder Ombudsman, 12 September 2023, <https://www.kinderombudsman.nl/system/files/publications/2024-/Rapport%20Waar%20ik%20bij%20ben%20Kinderombudsman.pdf>.

205 Advisory committee on Legal Protection and the Rule of Law, *Children and parents rightly well protected* (*Kinderen en ouders met recht goed beschermd*), January 2024, <https://open.overheid.nl/documenten/f2c28101-c5aa-4928-be3d-56c3bf3bd7bc/file>; See also: Scientific Research- and DataCenter, *Actionplan droeg nauwelijks bij aan verbetering kwaliteit feitenonderzoek door jeugdbescherming*, June 2023, <https://repository.wodc.nl/handle/20.500.12832/3289>; Inspection Youth and Healthcare, *Vulnerable children insufficiently protected* (*Kwetsbare Kinderen onvoldoende beschermd*), 5 July 2021, <https://www.igj.nl/binaries/igj/documenten/rapporten/2019/11/08/kwetsbare-kinderen-onvoldoende-beschermd/Kwetsbare+kinderen+onvoldoende+beschermd.pdf>.

206 See footnote 196.

abuse and often placed far from home institutionalised wherever there is capacity instead of nearby to preserve continuity, disrupting family life. According to a report from a formerly out-of-home-placed youngster, children are structurally unsafe in ZIKOS closed care facilities, which are more similar to a detention-regime than a care facility.²⁰⁷ The facilities are euphemistically named ‘JeugdzorgPlus’. After the aforementioned report, the government decided to accelerate the reduction of out-of-home-placement of children and youngsters in JeugdzorgPlus facilities. However, reduction of these facilities is stagnating, due to financial funding and a lack of (development of) alternatives for these closed care facilities.²⁰⁸ Recently, seven locations with JeugdzorgPlus-facilities

were placed under increased supervision, as the quality of the care does not comply with the standards for good and safe youthcare.²⁰⁹ Additionally, children lack knowledge of their rights, remedies and effective complaint mechanisms. Existing complaint mechanisms do not provide sufficient corrective action,²¹⁰ and children face insufficient involvement in their care decisions.²¹¹

This occurs additionally with the outcomes of the Appropriate Education Act (*passend onderwijs*) in 2013,²¹² where appropriate education should be available for each child in each district, and schools should offer additional help and aid for children with special educational needs, for example children with

207 J. Bhugwandass, 2024. See footnote 204.

208 Jeugdzorg Nederland, ‘National management is inadequate: reduction JeugdzorgPlus is stagnating’, (*Landelijke regie schiet tekort: afbouw JeugdzorgPlus stagneert*), 29 February 2024, <https://www.jeugdzorgnederland.nl/actueel/landelijke-regie-schiet-tekort-afbouw-jeugdzorgplus-stagneert/>.

209 IGJ, ‘Follow-up supervision JeugdzorgPlus: 7 locations under enhanced supervision’, (*Vervolgtoezicht JeugdzorgPlus: 7 locaties onder verscherpt toezicht*), 13 January 2025, <https://www.igj.nl/actueel/nieuws/2025/01/13/vervolgtoezicht-jeugdzorgplus-7-locaties-onder-verscherpt-toezicht>.

210 JeugdStem, *Research report “Solitary Confinement” (Onderzoeksrapport Eenzaam gesloten)*, 12 March 2024, <https://jeugdstem.nl/over-jeugdstem/nieuws/onderzoeksrapport-eezaam-gesloten-onderzoek-naar-de-ervaringen-van-jongeren-met-zikos>.

211 Dutch section of the International Commission of Jurists, ‘NJCM Youth law working group contributes to Draft General Comment no. 27 of the Child’s Rights Committee’ (*NJCM-werkgroep Jeugdrecht levert bijdrage aan conceptversie van General Comment 27 van het VN-Kinderrechtencomité*), p.4-5, 28 August 2024, <https://njcm.nl/actueel/njcm-werkgroep-jeugdrecht-levert-bijdrage-aan-conceptversie-van-general-comment-27-van-het-vn-kinderrechtencomite/>; Nationale Ombudsman and Children’s Ombudsman, *Participation from sideline (Participatie vanaf de zijlijn)*, 6 November 2024, <https://www.kinderombudsman.nl/publicaties/participatie-vanaf-de-zijlijn#:~:text=Kinderen%20en%20ouders%20aan%20de%20zijlijn&text=Dat%20voorkomt%20dat%20de%20problemen,steeds%20complexere%20en%20duurdere%20jeugdhulpverlening>.

212 Central government website, ‘Goals appropriate education’ (*Doelen passend onderwijs*), <https://www.rijksoverheid.nl/onderwerpen/passend-onderwijs/doelen-passend-onderwijs>.

learning disabilities or behavioural problems. This legislation aims to guarantee that each student should receive an education that is as appropriate as possible at the school of their registration and choice (this is called ‘*zorgplicht*’ and is translated as the duty of care).²¹³ If a school cannot provide this, it must offer parents and students an alternative within their educational partnership. However, in practice, the outcome contradicts this goal. A recent report showed that at least 70.000 children dropped out of school (*thuiszitters*)²¹⁴ and 280.000 children are deprived of fully-fledged education.²¹⁵ The Kinderombudsman Rotterdam reported that the rights of dropped-out children/students are insufficiently respected. Many of them did not receive any education at all, and they were not involved in the solution or were insufficiently involved.²¹⁶

The current educational system is based on ‘compulsory education’ (*leerplicht*) rather than the ‘right to learn’ (*leerrecht*), leading to

different approaches in policies and enforcement, focusing on obligations instead of rights.

Stellaard argues that minor adjustments and short-term policy focus will only pass on problems, as seen in the past 40 years. She concludes that youth care, youth protection, and education require critical reflection to address the unintended consequences of previous reforms.²¹⁷

Widespread human rights violations and/or persistent protection failures

There is a persistent frame regarding highly conflictive divorces, which are referred to as ‘fighting divorces’ (*vechtscheidingen*). The starting point for professionals is that both parents continue to argue fiercely, that they keep fighting each other equally and that they have no contact whatsoever with each other, which may lead to (emotional) neglect and possibly to maltreatment or abuse of

213 Netherlands Youth Institute, ‘Education and youth help connection’ (*Verbinding onderwijs en jeugdhulp*), <https://www.nji.nl/verbinding-onderwijs-en-jeugdhulp/wet-passend-onderwijs>.

214 Children/students are considered dropped-out of school, when they do not attend school for a period longer than 4 weeks and/or are not registered at a school/ institution for education. Netherlands Youth Institute, ‘Call to next cabinet to improve the position of children’ (*Oproep aan volgend kabinet tot het verbeteren van de positie van kinderen*), 8 February 2024, <https://njcm.nl/actueel/njcm-werkgroep-jeugdrecht-roept-op-tot-het-verbeteren-van-de-positie-van-kinderen-in-nederland/>.

215 Parental Association Balans, *Report: Counting school drop-outs, another light at appropriate education Rapport: Thuiszitters tellen 2024, een ander licht op passend onderwijs*, 9 December 2024, <https://balansdigitaal.nl/thuiszitters-tellen>.

216 Children’s Ombudsman Rotterdam, ‘School drop-outs, who cares?’ (*Thuiszitters, wie zit ermee?*), October 2024, <https://orr.nl/thuiszitters-wie-zit-ermee/>.

217 Social Issues, ‘Youth care policy does not have to be boomerang policy’ (*Jeugdzorgbeleid hoeft geen boemerangbeleid te zijn*), 28 March 2023, <https://www.socialevraagstukken.nl/jeugdzorgbeleid-hoeft-geen-boemerangbeleid-te-zijn/>.

their children.²¹⁸ Many misconceptions seem to exist, which might have consequences for professional actions regarding decisions that have to be made in conflictive divorces.²¹⁹ In 2022, a senior judge from an administrative court published in her individual capacity an opinionated contribution about ‘vechtscheidingen’ on LinkedIn, in which she wrote that the government and family court perpetuate and maintain a serious form of one-sided violence against women and children, for which a reprimand was imposed and upheld by her president of the court.²²⁰ Earlier, in 2021 a professor of juvenile law recognised that fact-finding in youth care and family court remains a persistent problem, as well as the way the system responds to these conflictive divorces.²²¹

Although the government holds a different position, there are more and more reports that parents and children cannot always count on a fair trial in family courts - for example, these courts decide upon documents and reports that parents and their lawyers cannot view in advance of the sitting — especially regarding custody and visitation rights and youth protection measures.²²² There are concerns about the parallels in youth care and family courts with the Child Benefits Affaire.²²³

According to the latest data,²²⁴ 40,087 parents and 101,639 children have been recognised as victims of the Child Benefits Affaire, and there have been at least 3,104 out-of-home-placed children.²²⁵ In 2023, a reflection commission

-
- 218 Huiselijk geweld, ‘Domestic violence/theme/conflictive divorces’ (*Huiselijk geweld/thema/vechtscheidingen*), <https://www.huiselijkgeweld.nl/themas/vechtscheidingen>.
- 219 Bjtijdschriften, Prof. C. de Ruiter & B. van Pol, *Myths about conflictive-divorces: the knowledge of judicial and social professionals* (*Mythes over conflictscheidingen: de kennis van juridische en sociale professionals*), Family & Law, May 2017, <https://www.bjtijdschriften.nl/tijdschrift/fenr/2017/05/fenr-d-16-00007>.
- 220 Mr Online, ‘Reprimand judge upheld after advice’ (*Berisping rechter blijft in stand na advies*), 28 August 2023, <https://www.mr-online.nl/berisping-van-rechter-blijft-in-stand-na-advies/>.
- 221 Mr Online, ‘Professor: story judge Van Waterschoot very recognisable’, (*Hoogleraar: ‘verhaal rechter Van Waterschoot heel herkenbaar’*), 12 May 2021, <https://www.mr-online.nl/hoogleraar-verhaal-rechter-van-waterschoot-aangrijpend-en-herkenbaar/>.
- 222 FTM, ‘Parents cannot count on a fair trial at the juvenile court’ (*Ouders kunnen bij de kinderrecht niet rekenen op een eerlijk proces*), 9 January 2025, <https://www.ftm.nl/artikelen/geen-eerlijk-proces-kinderrechter>.
- 223 Mr Online, ‘Youth protection and family law: parallels with Child Benefits Affaire’ (*Jeugdbescherming en familierecht: parallellen met de Toeslagenaffaire*), 25 January 2021, <https://www.mr-online.nl/jeugdbescherming-en-familierecht-parallellen-met-de-toeslagenaffaire/>.
- 224 Herstel Toeslagen, ‘Facts and Figures’ (*Feiten en cijfers*), 3 January 2025, <https://herstel.toeslagen.nl/dashboard-kinderopvangtoeslag/>.
- 225 Rijksoverheid, ‘Progress letter out-of-home-placements Child benefits affair UHT KOT december 2023’, (*Voortgangsbrief uithuisplaatsingen kinderopvangtoeslagaffaire UHT KOT december 2023*), 18 December 2023, <https://open.overheid.nl/documenten/dpc-5ab8cd46e014a9008d20e870e7e5a25697a20415/pdf>.

investigated the working methods of family- and juvenile courts and came to the conclusion that parents didn't feel sufficiently heard by these courts.²²⁶ Research has shown that fact-finding prior to out-of-home-placements of children is not careful enough in all aspects, as professionals in youth protection do not provide sufficient oral or written substantiation.²²⁷ According to a different report, 17 out of 20 families have been affected by wrongful accusations of misappropriating child benefit payments which led to a child protection measure, although these families had more problems than these wrongful accusations and chargebacks.²²⁸ The possibility that families had youth protections imposed was not equal for every family and certain socio-economic conditions increased this chance, however, it cannot be

excluded that affected families faced problems to such an extent that youth protection measures had to be deployed.²²⁹ However, there is no research or data available about the exact number of children with 'voluntary and involuntary' youth protection measures.²³⁰ Although there is some data about out-of-home-placements, it remains uninvestigated how many children were placed under State care, how many parents lost (permanent or temporarily) custody over their children. The death of 482 children still remains unclarified.²³¹

-
- 226 Rechtspraak, 'Research in response to Child Benefits Affaire', (*Onderzoek naar aanleiding van Kinderopvangtoeslagaffaire*), February 2023, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Kwaliteit-van-de-rechtspraak/Paginas/Onderzoek-naar-aanleiding-van-toeslagenaffaire.aspx>.
- 227 IGJ, 'Fact-finding prior to out-of-home-placements', (*Feitenonderzoek voorafgaand aan uithuisplaatsing van kinderen*), 27 June 2022, <https://www.igj.nl/publicaties/rapporten/2022/06/27/feitenonderzoek-voorafgaand-aan-uithuisplaatsingen-van-kinderen>.
- 228 Kinderbescherming, 'Inspection report benefits affair and youth protection appeared' (*Inspectierapport toeslagenaffaire en jeugdbescherming verschenen*), 19 September 2023, <https://www.kinderbescherming.nl/actueel/nieuws/2023/09/13/inspectierapport-toeslagenaffaire-en-jeugdbescherming-verschenen>.
- 229 InspectieVenJ, 'Child to foot the bill', (*Kind van de rekening*), September 2023, <https://www.rijksoverheid.nl/documenten/rapporten/2023/09/13/tk-bijlage-inspectierapport-het-kind-van-de-rekening>.
- 230 Dutch Section of the International Commission of Jurists, 'NJCM Youth law working group makes 9 recommendations for the Advisory committee Progress Recovery operation Benefits', (*NJCM Werkgroep Jeugdrecht doet 9 aanbevelingen voor de Adviescommissie Voortgang Hersteloperatie Toeslagen*), p. 5-6, 16 December 2024, <https://njcm.nl/actueel/njcm-werkgroep-jeugdrecht-doet-aanbevelingen-voor-de-adviescommissie-voortgang-hersteloperatie-toeslagen/>.
- 231 Rijksoverheid, 'Numer of deceased children of affected parents' (*Aantal overleden kinderen van gedupeerde ouders*), 13 June 2023, <https://www.rijksoverheid.nl/documenten/kamerstukken/2023/06/13/kamerbrief-aantal-overleden-kinderen-van-gedupeerde-ouders>.

Implementation of decisions by supranational courts, such as the Court of Justice of the EU and the European Court of Human Rights

The International Court of Justice (ICJ) has issued several orders, namely on 26 January 2024, 28 March 2024 and 24 May 2024, on the war in Gaza, stressing that a real risk exists of genocide being committed. The measures ordered by the ICJ seek to mitigate the risk of genocide being committed. The State of Israel has not obeyed the orders of the ICJ thus far. In its opinion of 19 July 2024, the ICJ called upon Israel to obey its obligations under international Human rights and humanitarian law. Furthermore, the International Criminal Court issued arrest warrants for Benjamin Netanyahu, the prime minister of Israel, Yoav Gallant, the former defence minister of Israel and Mohamad Deif, military leader of Hamas, for violations of international humanitarian law.

According to international law, it is the duty of the signatories of the Genocide Convention to take measures to prevent genocide from happening. The ICJ specified that states have the responsibility “to employ all means reasonably available to them, so as to prevent genocide so far as possible” (*Bosnia v Serbia*, para. 430), particularly those states with “the capacity to influence effectively the action of persons likely

to commit, or already committing, genocide” (para. 431). Moreover, Article 90 of the Dutch Constitution states that “[T]he Government shall promote the development of the international legal order”.

It is in this respect highly troubling that the head of the largest faction of parliament seems to openly endorse the dismantling of UNRWA and pays visits to Benjamin Netanyahu. It is further not in line with the international obligations of the Netherlands that the government intends to cut funding to UNRWA and that it does not take any kind of steps or measures at its disposal to prevent genocide in Gaza from happening.

Other systemic issues

On 2 July 2024, the Schoof cabinet was sworn in. This new cabinet consists of right-wing (and partly extremist) parties.²³² The cabinet’s coalition agreement includes a proposal for a temporary asylum crisis law to address the influx of asylum seekers and the reception crisis for a maximum duration of two years.²³³ With this law, the cabinet aimed to tackle overcrowding in asylum shelters and regain control over the situation. This proposal would result in the strictest asylum regime the Netherlands has ever known. For example, the law would allow the government to deviate from

232 Parties including the Party for Freedom (PVV), the People’s Party for Freedom and Democracy (VVD), New Social Contract (NSC), and the Farmer–Citizen Movement (BBB).

233 Rijksoverheid, ‘Ruleproblem cabinet-Schoof’ (*Regeerprogramma kabinet-Schoof*), 2024, <https://www.rijksoverheid.nl/regering/regeerprogramma/2-grip-op-asiel-en-migratie>.

the Immigration Act through emergency legislation.²³⁴

In October 2024, UNICEF warned that emergency legislation could harm children in asylum shelters, recalling how children's interests were neglected during the COVID-19 pandemic. This risk could resurface, further destabilising vulnerable refugee children.²³⁵ Ultimately, the initiative did not proceed, as the Senate refused to approve using state emergency law to tighten asylum policy.²³⁶ These developments, however, illustrate that the current cabinet intends to implement strict measures which appear to come at the expense of vulnerable groups such as refugee children.

The Netherlands is also currently facing significant challenges in providing adequate shelter for refugee children, both with and without families. An October 2024 report

by the Kinderrechtencollectief revealed that the number of children in emergency shelters increased by 65% within a year, reaching a total of 5,566 children.²³⁷ Despite warnings from government inspections and children's rights organisations, including the Working Group Kind in AZC, children continue to suffer in emergency shelters. Overcrowded reception centres, long waiting times, and budget cuts have forced thousands of asylum seekers, including children, into substandard emergency shelters.

Children in emergency shelters face violations of their rights, including multiple relocations, lack of education, and insufficient privacy and safety. These shelters often fail to meet basic needs, such as rest, space, and adequate medical and psychological care, hindering children's development.²³⁸

234 Rijksoverheid, 'Minister Faber: The Netherlands will receive the strictest asylum policy ever' (*Minister Faber: Nederland krijgt strengste asieregime ooit*), 13 September 2024, <https://www.rijksoverheid.nl/actueel/nieuws/2024/09/13/minister-faber-nederland-krijgt-strengste-asieregime-ooit#:~:text=De%20minister%20van%20Asiel%20en,herhaalde%20asielaanvragen%20worden%20strenger%20getoetst>.

235 UNICEF, 'UNICEF warns: emergency legislation poses a major risk for children' (*UNICEF waarschuwt: noodwetgeving asiel vormt groot risico voor kinderen*), 22 October 2024, <https://www.unicef.nl/nieuws/2024-10-22-unicef-waarschuwt-noodwetgeving-asiel-vormt-groot-risico-voor-kinderen>

236 NOS, 'First Chamber against the use of emergency law for asylum measures' (*Eerste Kamer tegen gebruik van noodrecht voor asielmaatregelen*), 9 October 2024, <https://nos.nl/artikel/2540112-eerste-kamer-tegen-gebruik-van-noodrecht-voor-asielmaatregelen>.

237 Kinderrechtencollectief, *Children's Rights Collective: 65% more children in emergency care is unacceptable* (*Kinderrechtencollectief: 65% meer kinderen in noodopvang is onacceptabel*), 22 October 2024, <https://www.kinderrechten.nl/kinderrechtencollectief-65-meer-kinderen-in-noodopvang-is-onacceptabel/#:~:text=Ondanks%20alle%20onderzoeken%20en%20oproepen,twee%20jaar%20meer%20dan%20verdubbeld>.

238 NjI, 'More children in asylum emergency shelters' (*Meer kinderen in asielnoodopvang*), 23 October 2024, <https://www.nji.nl/nieuws/meer-kinderen-in-asielnoodopvang#:~:text=Kinderen%20krijgen%20in%20de%20noodopvang,voor%20kinderen%20in%20de%20noodopvang>.

The Hague Court of Appeal previously criticised the government for insufficient reception conditions for unaccompanied minors in emergency shelters in Ter Apel. The ruling, based on reports from the Health and Youth Care Inspectorate and the Justice and Security Inspectorate, highlighted inadequate care due to the high influx of minors, overburdening the Centraal Orgaan opvang asielzoekers (COA - the Central Agency for the Reception of Asylum Seekers) and Nidos. The living conditions in the reception facilities at the registration centre in Ter Apel were found to be substandard.²³⁹ This was made clear during a visit to the decentralised reception facility in Ter Apel by the Health and Youth Care Inspectorate and the Justice and Security Inspectorate on 8 September 2022.²⁴⁰

A solution seems to lie in the Spreidingswet (also known as the Municipal Duty Act) that has come into effect since 1 February 2024. The goal of this law is to create sufficient reception places and ensure a more balanced distribution of asylum reception across provinces and municipalities.²⁴¹ The previous government sought to reduce COA's reliance on voluntary municipal cooperation for reception centres, while municipalities called for more opportunities to implement small-scale reception facilities.²⁴² However, the current government announced in its coalition agreement that it intends to repeal the Distribution Act as part of its strategy to address the reception crisis differently.²⁴³

239 The Hague (the Netherlands), Judgment of 20 December 2022, ECLI:NL:GHDHA:2022:2429, <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHDHA:2022:2429>.

240 Inspectorate Justice and Safety, Letter: 'Children in emergency shelter and crisis shelter' (*Brief Kinderen in de noodopvang en crisisnoodopvang*), 19 April 2024, <https://www.inspectie-jenv.nl/binaries/inspectie-venj/documenten/brieven/2023/05/03/brief-kinderen-in-de-noodopvang-en-crisisnoodopvang/Brief+Kinderen+in+de+noodopvang+en+crisisnoodopvang.pdf>.

241 Rijksoverheid, 'Spreidingswet to Come into Effect on 1 February' (*Spreidingswet treedt per 1 februari in werking*), 31 January 2024, <https://www.rijksoverheid.nl/actueel/nieuws/2024/01/31/spreidingswet-treedt-per-1-februari-in-werking>.

242 House of Representatives (Netherlands), Distribution Law (Spreidingswet), 2023, <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?qry=wetsvoorstel%3A36333&cfg=wetsvoorsteldetails>.

243 House of Representatives (Netherlands), Coalition Agreement, Elaboration of the Outline Agreement by the Cabinet, 13 September 2024, Chapter 2, Point 2. Asylum Crisis Act (*Regeerprogramma, Uitwerking van het hoofdlijnenakkoord door het kabinet*, 13 September 2024, *Hoofdstuk 2, punt 2. Asielcrisiswet*), p. 20, *Tweede Kamer der Staten-Generaal*, [tweedekamer.nl](https://www.tweedekamer.nl).

FOSTERING A RULE OF LAW CULTURE

Efforts by state authorities

There are several initiatives by state authorities aimed at fostering a rule of law culture in the Netherlands. However, there appears to be a contradiction in some of these efforts. On the one hand, certain political parties are promoting plans that conflict with fundamental principles of the rule of law, such as proposals that undermine judicial independence or weaken democratic checks and balances. On the other hand, the Ministry of the Interior and Kingdom Relations (BZK) is actively supporting initiatives like the Democracy Monitor, which monitors and assesses the health of democracy in the Netherlands and conducts research on vulnerabilities within the system.

Additionally, various reports, such as those by the State Commission on the Rule of Law and the Advisory Committee on the Management of Public Administration, address these challenges and offer recommendations for strengthening the rule of law.²⁴⁴ However, there is limited progress in implementing these recommendations, which indicates a gap between recognition of the issues and concrete action.

Furthermore, initiatives like the Exploration of Democratic Erosion and Response in the Netherlands (a study commissioned by BZK) highlight the importance of addressing these issues, but the underlying problems persist, requiring more effective action.

While there are positive initiatives underway, it is crucial that the government addresses the critical challenges identified in these reports to ensure a strong and sustainable rule of law culture.

244 See for this and the above the websites of these organisations: <https://www.staatscommissierechtsstaat.nl/> and <https://adviescommissie-vwdr.nl/>; Ministry of the Interior and Kingdom Relations (the Netherlands), *Exploration and deepening democracy, erosion and response in the Netherlands (Verkenning en verdieping democratische erosie en respons in Nederland)*, 12 April 2024, <https://www.kennisopenbaarbestuur.nl/documenten/rapporten/2024/04/12/verkenning-en-verdieping-democratische-erosie-en-respons-in-nederland>.

CONTACTS

Dutch section of the International Commission of Jurists (NJCM, Nederlands Juristen Comité voor de Mensenrechten)

NJCM is the abbreviation for Nederlands Juristen Comité voor de Mensenrechten (Netherlands Committee of Jurists for Human Rights). The organisation works to promote and protect human rights in the Netherlands. NJCM is the Dutch section of the International Commission of Jurists (ICJ) and was founded in Leiden in 1974, where it is still based.

Postbus 778
2300 AT Leiden
The Netherlands
NJCM@law.leidenuniv.nl
www.njcm.nl

The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 21 national civil liberties NGOs from across the EU.

c/o Publix, Hermannstraße 90
12051 Berlin
Germany
info@liberties.eu
www.liberties.eu

Photo by Luke Braswell on Unsplash



**Co-funded by
the European Union**

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the granting authority - the European Education and Culture Executive Agency (EACEA). Neither the European Union nor the granting authority can be held responsible for them.