

Franet National contribution to the Fundamental Rights Report 2022

THE NETHERLANDS

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p>First National Coordinator against Discrimination and Racism:</p> <p>In September 2021, the Dutch government nominated Rabin Baldewsingh as the first National Coordinator against Discrimination and Racism. The Coordinator is an independent government commissioner operating under the responsibility of the Minister of the Interior and Kingdom Relations and has one goal: to strengthen the government approach to discrimination.,</p>
EU Charter of Fundamental Rights	No development in 2021.
Equality and non-discrimination	<p>New Civic Education Act obliges to teach knowledge and respect for differences:</p> <p>In August 2021, a New Civic Education Act took effect which obliges schools in primary education and secondary education to teach pupils and students' knowledge of and respect for differences in religion or belief, political opinion, ethnic origin, gender, disability or sexual orientation as well as the value of equal treatment</p>
Racism, xenophobia & Roma integration	<p>Dutch Border police to stop using ethnic profiling:</p> <p>In November 2021, the Dutch border police (Royal Netherlands Marechaussee) announced in a position paper made for parliament for that is will cease to use using ethnicity as a criterion in its stop and search actions. In September 2021, a Dutch court ruled that the use of ethnicity in stop and searches by the Royal Netherlands Marechaussee is not discriminatory.</p>
Asylum & migration	<p>High influx of asylum applicants puts pressure on reception capacity:</p> <p>In December 2021, the Dutch government took the decision to mandate the local authorities in four regions to create extra reception places for asylum applicants. The Dutch government</p>

	has taken this decision because of the high influx of asylum applicants in the second half of 2021.
Data protection and digital society	<p>Dutch Tax and Customs Administration violated GDPR:</p> <p>In October 2021 the Dutch DPA concluded in a report that the Dutch Tax and Customs Administration violated core principles of the General Data Protection Regulations (GDPR) for several years through processing personal data in a fraud management system.</p>
Rights of the child	No development in 2021.
Access to justice, including victims of crime	<p>Administrative Jurisdiction Division of the Council of State admits failing to offer legal protection in childcare benefits scandal:</p> <p>In November 2021, the Administrative Jurisdiction Division of the Council of State (the highest administrative court in the Netherlands) admitted in a report reflecting on its own position in the childcare benefits scandal that it should have offered better legal protection to the parents. It apologised to the victims of the childcare benefit scandal. Between 2013 and 2019, authorities falsely accused an estimated 26,000 parents of filing fraudulent benefit claims, requiring them to repay the benefits they received in full.</p>
Convention on the Rights of Persons with Disability	<p>Dutch sign language recognized by law as official language:</p> <p>On 1 July 2021, Dutch Sign Language Recognition Act (Wet erkenning Nederlandse gebarentaal) took effect. With this Act, Dutch Sign Language of the Netherlands becomes an official language in the Netherlands, next to Dutch and Frisian.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

On 19 January 2021, an initiative bill on hate crimes was submitted to the House of Representatives.¹ Members of the House of Representatives took the initiative for this bill, which introduces in article 44bis of the Criminal Code a general aggravated ground for criminal offenses that are committed with a discriminatory motivation on the grounds of race, religion, sex, sexual orientation and/or disability. When a crime with such motivation is committed, the penalty is increased by one third. The House of Representatives has not yet voted on the bill.

The bill 'Supervision of equal opportunities in recruitment and selection' is under review of the House of Representatives since December 2020. The House of Representatives has not yet voted on the bill. This bill amends the Working Conditions Act (*Arbo-wet*) and the Placement of Personnel by Intermediaries Act (*Wet allocatie arbeidskrachten door intermediairs*).² This bill requires every employer to implement a working method which indicates how discrimination will be prevented during the recruitment process. The bill refers to the following non-discrimination grounds: age, gender, race, nationality, religion, marital status, political preferences, sexual orientation and disability. If an intermediary, such as an employment agency, is involved, the employer must check whether this agency has such a working method. Under the new law, the Inspectorate SZW (labour inspection) will have the authority to check whether employers have a working method aimed at prevention of discrimination. If the employer does not implement such a working method, the Inspectorate SZW can impose a fine.

On 23 March 2021, the Senate (*Eerste Kamer der Staten-Generaal*) established a special Committee of Enquiry that will investigate the relationship between anti-

¹ The Netherlands, House of Representatives (*Tweede Kamer der Staten-Generaal*) (2020), Bill by Members Buitenweg en Segers amending the Criminal Code in order to introduce discriminatory motivation as a ground of aggravation [*Voorstel van wet van de leden Buitenweg en Segers tot wijziging van het Wetboek van Strafrecht in verband met de invoering van het discriminatoir oogmerk als strafverzwarringsgrond*], available at: <https://www.tweedekamer.nl/downloads/document?id=8ac96e1c-95b2-4ef6-b877-6138922e6a15&title=Voorstel%20van%20wet.pdf>

² The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2020), Bill on supervision of equal chances in recruitment and selection [*Wet toezicht gelijke kansen bij werving en selectie*], available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/12/11/wetsvoorstel-toezicht-gelijke-kansen-bij-werving-en-selectie/wetsvoorstel-toezicht-gelijke-kansen-bij-werving-en-selectie.pdf>

discrimination legislation and its effects in practice.³ The Commission focuses on four major domains, the labour market, education, social security, and the police. The methodology of the Committee of Enquiry consists of desk research and legal analysis using a grounded theory methodology.

On 4 May 2021, the Minister for Legal Protection submitted a bill to the House of Representatives that aims to simplify the Transgender Act.⁴ The House of Representatives has not yet voted on the bill. Under this bill, persons whose gender identity does not correspond to the sex established at birth can, under certain conditions, change their gender in the birth certificate. Those conditions were already relaxed in 2014 with the Transgender Act, and the procedure is now being further simplified following an evaluation of the Act. The bill contains four amendments to Book 1 of the Dutch Civil Code. First of all, the expert statement, in which a doctor or psychologist establishes that there is a lasting conviction of belonging to the opposite sex, is abolished. Instead, the procedure will be divided into two steps: a written submission of the wish to change gender registration, and a confirmation of this wish four to twelve weeks later. Secondly, the age limit will be abolished, so that children under the age of sixteen can change their gender registration. This is done through a request to the court. The third change is the possibility of starting the administrative procedure to change gender registration in the municipality of residence instead of the municipality of birth. The fourth change is that the sex reassignment procedure also applies by analogy to people with an intersex condition.

On 1 August 2021, a new Civic Education Act took effect. This Act obliges schools in primary education and secondary education to teach pupils and students' knowledge of and respect for differences in religion or belief, political opinion, ethnic origin, gender, disability or sexual orientation as well as the value of equal treatment.⁵

³ The Netherlands, Senate ((Eerste Kamer der Staten-Generaal) (2021), 'Parlementaire onderzoekscommissie effectiviteit antidiscriminatiewetgeving', Webpage, available at: <https://www.eerstekamer.nl/commissies/poc>

⁴ The Netherlands, Minister voor Rechtsbescherming (*Minister for Legal Protection*) (2021), Amendment to Book 1 of the Civil Code in connection with amending the conditions for changing the indication of gender in the birth certificate [*Wijziging van Boek 1 van het Burgerlijk Wetboek in verband met het veranderen van de voorwaarden voor wijziging van de vermelding van het geslacht in de akte van geboorte*], available at: <https://www.tweedekamer.nl/downloads/document?id=a3b3539a-841c-4399-b33c-e52ea5326736&title=Voorstel%20van%20wet.pdf>

⁵ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (Staatsblad van het Koninkrijk der Nederlanden) (2021), 'Wet van 23 juni 2021 tot wijziging van een aantal onderwijswetten in verband met verduidelijking van de burgerschapsopdracht aan scholen in het funderend onderwijs'. Vol. 2021, No. 320, available at: <https://zoek.officielebekendmakingen.nl/stb-2021-320.html>

The draft Bill for good landlordship (*Wetsvoorstel goed verhuurderschap*), has been made available for internet consultation from 5 July 2021 to 1 September 2021 by the Minister of Interior and Kingdom Relations.⁶ This bill gives municipalities the option to introduce nationally uniform rules to promote good landlordship (including rules aimed at preventing of discrimination).

On 28 September 2021, the Minister of the Interior and Kingdom Relations informed the House of Representatives that the first National Coordinator against Discrimination and Racism, is nominated and will start to work on 15 October 2021.⁷ The recruitment of the National Coordinator against Discrimination and Racism went through an open recruitment and selection procedure. On 11 June 2021, the Minister of the Interior and Kingdom Relations sent the job profile and assignment of the National Coordinator against Discrimination and Racism (NCDR) to the House of Representatives.⁸ The NCDR will be an independent government commissioner operating under the responsibility of the Minister of the Interior and Kingdom Relations and has one goal: to strengthen the government approach to discrimination (on all grounds). No tasks will be transferred from the ministries or other government organisations to the NCDR.

In addition to the National Coordinator against Discrimination and Racism (NCDR), the Minister of the Interior and Kingdom Relations intends to establish a State Commission for four years.⁹ The mandate of this State Commission is to provide the political debate with new (scientific) insights and recommendations that the NCDR, together with various civil society organisations and the national ministries involved, will take up.

⁶ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Draft Bill for good landlordship [*Wetsvoorstel goed verhuurderschap*], available at:

<https://www.internetconsultatie.nl/goedverhuurderschap/document/7152>

⁷ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Start National Coordinator against Discrimination and Racism [*Start Nationaal Coordinator tegen Discriminatie en Racisme*], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 28 September 2021, available at:

<https://www.tweedekamer.nl/downloads/document?id=f942d529-7e2d-4d4f-bef1-be094b515ee5&title=Start%20Nationaal%20Co%C3%B6rdinator%20tegen%20Discriminatie%20en%20Racisme.pdf>

⁸ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Job profile National National Coordinator against Discrimination and Racism [*Functieprofiel Nationaal Coordinator tegen Discriminatie en Racisme*], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 11 June 2021, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/06/11/aanbiedingsbrief-bij-functieprofiel-nationaal-coordinator-tegen-discriminatie-en-racisme/kamerbrief-functieprofiel-nationaal-coordinator-tegen-discriminatie-en-racisme.pdf>

⁹ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Letter on progress approach discrimination and racism [*Voortgangsbrief aanpak discriminatie en racisme*], Letter to the House of Representatives

(*Tweede Kamer der Staten-Generaal*), 24 June 2021, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/06/24/kamerbrief-voortgang-aanpak-discriminatie-en-racisme/kamerbrief-over-aanpak-discriminatie-en-racisme.pdf>

On 25 November 2021, the Dutch DPA has imposed a €2.75 million fine on the Tax and Customs Administration.¹⁰ The fine was imposed because for many years the Tax Administration processed data on the (dual) nationality of childcare benefit applicants in an unlawful, discriminatory and therefore improper manner. This constituted serious violations of the General Data Protection Regulation (GDPR). In May 2018, some 1.4 million people were still registered as dual nationals in the system of the Tax and Customs Administration. By unnecessarily retaining nationality data in its systems, the Tax Administration acted in a discriminatory way.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

On 1 February 2021, the Minister of Education, Culture and Science sent the very first study¹¹ into the attitude and knowledge about intersex people in the Dutch and Flemish population was sent by to the House of Representatives¹². This study has two objectives: (1) to develop a questionnaire to map knowledge and views on intersex people and (2) to carry out a baseline measurement in the Dutch and Flemish population. During the baseline measurement the questionnaire was submitted to a sample from an ISO certified panel, both in the Netherlands and in Flanders. In total, 2004 respondents participated in the survey (1003 in the Netherlands and 1001 in Flanders). The research focused on the question of what is known about the term intersex and people's attitude towards intersex people. Moreover, the study maps out the factors that may play a role in this (e.g., gender views, familiarity with intersex people, and socio-demographic factors). The study concludes that the scale reflecting the average attitudes towards rights, acceptance, and physical integrity of intersex people is fairly positive: an average of 3.7 on a scale of 1-5, with 1 strongly disagree and 5 strongly agree.

¹⁰ The Netherlands, Dutch Data Protection Authority (Autoriteit Persoonsgegevens) (2021), 'Besluit tot boeteoplegging', Letter to the Minister of Finance, 25 November 2021, available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/boetebesluit_belastingdienst.pdf

¹¹ Motmans, J. & Van Ditzhuijzen (2020), Knowledge and views on intersex. A baseline measurement in the Netherlands and Flanders [Kennis en opvattingen over intersekse. Een nulmeting in Nederland en Vlaanderen], Utrecht / Gent, Rutgers / UZ Gent, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/02/01/rapport-kennis-en-opvattingen-over-intersekse-eeen-nulmeting-in-nederland-en-vlaanderen/rapport-kennis-en-opvattingen-over-intersekse-eeen-nulmeting-in-nederland-en-vlaanderen.pdf>

¹² The Netherlands, Minister of Education, Culture and Science (Minister van Onderwijs, Cultuur en Wetenschap) (2021), 'Aanbieding rapport nulmeting intersekse', Letter to the House of Representatives, 1 February 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/02/01/rapport-nulmeting-intersekse/rapport-nulmeting-intersekse.pdf>

Respondents therefore feel that intersex people should have equal rights, should be accepted, and that they should decide for themselves whether to intervene medically (e.g., sex surgery). A number of important factors strongly related to the attitudes towards intersex people emerged: level of education, importance of religion, male gender or registered gender at birth, minority status, gender attitudes (attitude towards gender non-conformity), and prior knowledge about intersex. Age, country, cisgender, and personal familiarity with intersex people were not related to views on intersex people.

Real estate agents and intermediaries often cooperate in the request to exclude persons with a Polish or Moroccan sounding name from a rental property. This emerged from the first national study on discrimination in the Dutch housing market.¹³ The study investigated the first steps of the rental process, such as mediation, viewing and selection. The researchers conducted 3,166 correspondence tests using fictional home seekers who responded to advertisements. In a correspondence test, researchers respond in writing to real-life advertisements and present landlords with (at least) two substantially equal and thus interchangeable candidate tenants, who differ only in the characteristic to be studied, such as ethnicity. In this study the profiles of the home seekers or prospective tenant., The profiles of the home seekers were almost identical: only the name differed. Some of them sounded Dutch, Polish or Moroccan. The aim was to be invited for a viewing of the rental property. The conclusion of this study is that prospective tenants with a Polish or Moroccan-sounding male are invited for a viewing less often than persons with a Dutch-sounding name. A woman with a Moroccan sounding name is also less often invited. Due to a lack of times, it was not possible to test with Polish women's names as well. The correspondence tests show no discrimination based on sexual orientation. Homosexual couples were not invited more often or less often for a viewing of a rented house than heterosexual couples.

In June 2021, a report was published compiling all discrimination-incidents in the Netherlands as registered by the Dutch police and by the Dutch antidiscrimination services in 2020.¹⁴ In this study, the year 2020 is compared with the year 2019. The police registered 6,141 discrimination-incidents in 2020. 32% of these incidents related to sexual orientation (in 2019 this figure was 29%).

¹³ Hoogenbosch, A. & Fiere, B. (2021), Equal opportunities for a rental home in the Netherlands? Monitor discrimination in the housing market [*Gelijke kansen op een huurwoning in Nederland? Monitor discriminatie bij woningverhuur*], Rotterdam, Art.1 - RADAR, available at: <https://radar.nl/download/6949/>

¹⁴ Van Bon, S., Fiere, B. & De Wit, N. (2021), Discrimination figures in 2020 : A report on registrations of reports of discrimination in the Netherlands by the police, antidiscrimination bureaus and other organisations [*Discriminatiecijfers in 2020 : Een rapport over registraties van meldingen van discriminatie-incidenten door de politie, en meldingen bij antidiscriminatievoorzieningen en andere organisaties in Nederland*], Rotterdam / The Hague, Art.1 / Nationale Politie, available at: <https://discriminatie.nl/files/2020-04/Discriminatiecijfers%20in%202019.pdf>

The Dutch antidiscrimination services registered 9,575 discrimination-incidents in 2020. 5% of these incidents related to sexual orientation, 2% to nationality and 2% to gender identity. In 2019, these numbers were respectively 9%, 2% and 2%. With regard to discrimination based on nationality, the report does not provide any information as to whether it concerns discrimination against EU or third country nationals.

The Mulier Institute, a sport-research institute in the Netherlands, conducted a study into the acceptance of homosexuality in professional men's football.¹⁵ A questionnaire was sent to all professional football players in the Netherlands: 11% of them completed the questionnaire. Professional football players rate the general acceptance of homosexuality in professional football as quite unsatisfactory (4,6, on a scale of 1 to 10), especially with regard to acceptance by supporters. A vast majority of the male professional footballers who participated in this study have no problem with homosexuality themselves and would openly support a gay teammate. There is a lot of support among players for discussing gay negativity and measures to increase gay acceptance. But players see only a role limited role for themselves and their clubs in discussing and fighting gay negativity.

A large-scale study among persons with a bisexual orientation was conducted by researchers of the University of Groningen and research institute Rutgers among 2,934 bisexual people aged 16-55.¹⁶ This study was commissioned by emancipation organisation Bi+ Netherlands. It is the first time that research on this scale has been conducted into this group in the Netherlands. The data was collected by an online questionnaire between November and December 2020. The research results show that this often-invisible group suffers from various prejudices. 47.5% of bisexual persons reported that people ask inappropriate questions about sexual orientation. More than 17% of the bi+ participants indicate that they have been scolded or called names because of their sexual orientation.

An opinion poll of the television programme 'EenVandaag' showed that 58% of the LGBTQ+ persons who participated in this poll indicated to have consciously changed their behaviour in the past year to avoid reactions.¹⁷ This survey, held from 14 to 27 July 2021, included 25,022 people, of whom 3,817 were LGBTQ+ persons. 42% of the LGBTQ+ participants indicated that they had experienced

¹⁵ Cremer, R. & Elling, A. (2021), Gay acceptance in professional men's football [*Homo-acceptatie in het betaald mannenvoetbal*], Utrecht, Mulier Instituut, available at:

<https://www.kennisbanksportenbewegen.nl/?file=10366&m=1622807291&action=file.download>

¹⁶ Braam, L. et al (2021), Bi+ in the Netherlands. Underexposed and many prejudices [*Bi+ in Nederland: Onderbelicht en veel vooroordelen*], Bi+ Onderzoekconsortium, available at:

<https://biplus.nl/wp-content/uploads/2021/03/Rapport-Hoe-is-het-om-biplus-te-zijn-maart-2021.pdf>

¹⁷ Kester, J. & Kamphuis, L. (2021), LGBTI-acceptance and Pride [LHBTI-acceptatie en Pride. EenVandaag Opiniepanel Rapport], 31 July 2021, available at:

https://eenvandaag.assets.avrotros.nl/user_upload/PDF/2021_07_31_pride_2021.pdf

negative behaviour in the past year, because of their sexual orientation or gender identity. This mainly concerns nasty comments and being called out or scolded.

A national study shows differences in victimisation experiences for sexual and gender minority (SGM) adolescents compared with heterosexual, cisgender adolescents.¹⁸ SGM adolescents are more likely to be victimised by school staff and in private locations, feel more unsafe reporting victimisation, and receive less support. Participants in this nationally representative study were 29,879 students (mean age 14.1) from 136 Dutch middle/high schools across grades 7-12 (14.5% sexual minority, 2.7% gender minority) who completed a survey about their school-related experiences.

The Mulier Institute, a sport research institute, has conducted on how amateur sport clubs tackle discrimination.¹⁹ The study is based on an online questionnaire completed by 2,237 sports clubs in the summer of 2021. The conclusion is that 30% of the sport clubs have a policy against discrimination. 22% of the sport clubs have a specific policy against discrimination of LGBTI people.

¹⁸ Kaufman, T. & Baams (2021), 'Disparities in Perpetrators, Locations, and Reports of Victimization for Sexual and Gender Minority Adolescents', *Journal of Adolescent Health*, Published online 23 August 2021, available at: [https://www.jahonline.org/article/S1054-139X\(21\)00337-2/pdf](https://www.jahonline.org/article/S1054-139X(21)00337-2/pdf)

¹⁹ Cremers, R. & Elling, A. (2021), LGBTI acceptance on the sport club [Homoacceptatie op de sportvereniging], Utrecht, Mulier Instituut, available at: <https://www.kennisbanksportenbewegen.nl/?file=10579&m=1638959650&action=file.download>

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In June 2021, a report was published compiling all discrimination-incidents in the Netherlands as registered by the Dutch police and by the Dutch antidiscrimination services in 2020.²⁰ This study compares the year 2020 with the year 2019. The police registered 6,141 discrimination-incidents in 2020. 43% of these incidents related to ethnic discrimination (in 2019 this figure was 39%). The Dutch antidiscrimination services registered 9,575 discrimination-incidents in 2020. 52% of these incidents related to ethnic discrimination (in 2019 this figure was 44%).

In June 2021, the research institute Verwey-Jonker published a study into internship discrimination faced by students of secondary vocational education institutions.²¹ The study focuses on the following non-discrimination grounds: gender, ethnic origin and religion. Study was carried out by a questionnaire among students and correspondence tests. The correspondence tests (577 applications sent to 288 vacancies) show that students with a migration background have less chance of an internship than students without a migration background.

The Platform Integration & Society published an exploratory study into the discrimination experiences during the Covid-19 pandemic among Dutch people with an East Asian background.²² For this study four focus groups were conducted among people with an East Asian background to collect experiences with discrimination. It is concluded that more discrimination is experienced during the pandemic than before the pandemic and there is a fear of an increase of violence.

²⁰ Van Bon, S., Fiere, B. and De Wit, N. (2021), Discrimination figures in 2020 : A report on registrations of reports of discrimination in the Netherlands by the police, antidiscrimination bureaus and other organisations [*Discriminatiecijfers in 2020 : Een rapport over registraties van meldingen van discriminatie-incidenten door de politie, en meldingen bij antidiscriminatievoorzieningen en andere organisaties in Nederland*], Rotterdam / The Hague, Art.1 / Nationale Politie, available at: <https://discriminatie.nl/files/2020-04/Discriminatiecijfers%20in%202019.pdf>

²¹ Andriessen, I., Van Rooijen, M., Van den Berg, A., Mienis, E. and Verweij, N. (2021), [Ongelijke kansen op de stagemarkt : Onderzoek naar objectief vastgestelde en ervaren stagediscriminatie in het mbo in Utrecht], Utrecht, Verwey-Jonker Instituut, available at: https://www.verwey-jonker.nl/wp-content/uploads/2021/06/220330_Ongelijke_kansen_op_de_stagemarkt-WEB.pdf

²² Broekroelofs, R. & Poerwoatmodjo, J. (2021), Beyond the silence : Exploring the experience of discrimination during the Covid-19 pandemic among Dutch people with an East Asian background [De stilte voorbij : Verkenning over ervaring van discriminatie tijdens de Covid-19 pandemie onder Nederlanders met een Oost-Aziatische achtergrond], Utrecht, Platform Integration & Society, available at: <https://www.kis.nl/sites/default/files/de-stilte-voorbij-discriminatie-oost-aziatische-nederlanders.pdf>

Real estate agents and intermediaries often cooperate in the request to exclude persons with a Polish or Moroccan sounding name from a rental property. This has emerged from the first national study on discrimination in the Dutch housing market.²³ The study investigated the first steps of the rental process, such as mediation, viewing and selection. The researchers conducted 3,166 correspondence tests using fictional home seekers who responded to advertisements. The profiles of the home seekers were almost identical: only the name differs. Some of them sounded Dutch, Polish or Moroccan. The aim was to be invited for a viewing of the rental property. The conclusion of this study is that prospective tenants with a Polish or Moroccan-sounding male name are invited for a viewing less often than persons with a Dutch-sounding name. A woman with a Moroccan sounding name is also less often invited. The correspondence tests show no discrimination based on sexual orientation. Homosexual couples are not invited more often or less often for a viewing of a rented house than heterosexual couples.

The Platform Integration & Society has published a literature study on the prevalence of institutional racism in the Netherlands in the areas of labour market, housing market, education and policing.²⁴ This study concludes that there is clear evidence of structural ethnic discrimination in recruitment and selection on the Dutch labour market and clear evidence for ethnic discrimination on the housing market. As for policing e, various studies show that ethnic profiling occurs in the police force. This is a form of institutional racism. How structural this is, however, remains unclear due to a lack of transparency within the police and research into this. Less research has been done into education, which means that no conclusion can be drawn whether institutional racism exists in education.

A study commissioned by the Police Academy into the pilot proactive policing of the National Police concludes that the framework on proactive policing which aims to prevent ethnic profiling by police officers, is barely known to police officers.²⁵ This framework contains guidelines for police officers in order to prevent ethnic profiling during police stops. For this study, 110 police officers were questioned. 63 of the interviewed police officers say they were not aware of the framework,

²³ Hoogenbosch, A. & Fiere, B. (2021), Equal opportunities for a rental home in the Netherlands? Monitor discrimination in the housing market [*Gelijke kansen op een huurwoning in Nederland? Monitor discriminatie bij woningverhuur*], Rotterdam, Art.1 - RADAR, available at: <https://radar.nl/download/6949/>

²⁴ Felten H., De Winter-Koçak, S., Does, S., Asante, A., Donker, R. & Brock, A. (2021), Institutional racism in the Netherlands. Literature study into the indications of institutional racism in the labour market, housing market, education and police [*Institutioneel racisme in Nederland : Literatuuronderzoek naar de aanwijzingen voor institutioneel racisme op de domeinen arbeidsmarkt, woningmarkt, onderwijs en politie*], Utrecht, Platform Integration & Society, available at: <https://www.kis.nl/sites/default/files/de-stilte-voorbij-discriminatie-oost-aziatische-nederlanders.pdf>

²⁵ Police Academy (2021), Proactive policing. A study into the effects of pilot 1 Proactive policing [Professioneel controleren. Een onderzoek naar het effect van de pilot 1 Proactief controleren], Apeldoorn, Police Academy, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/04/12/tk-bijlage-professioneel-controleren/tk-bijlage-professioneel-controleren.pdf>

while 56 officers state they know of its existence. Of these 56 officers only 5 know the actual content of the framework. One of the conclusions of this study is that there is too little guidance from above. Another outcome of the study is that the app used for proactive policing (the 'ProCo' app) is hardly used. In this app, police officers can see, by entering a registration number or address, whether a vehicle or address they want to check has already been checked recently. This information can help them decide whether or not to check the vehicle again.

A survey study was conducted by researchers of the Erasmus University Rotterdam on the attitudes of young people (aged 12-18 years) and adults in the Netherlands towards people of African descent and how these attitudes cause discrimination of people of African descent.²⁶ Data were collected by an online questionnaire conducted among a sample of young people. A reference group of adults was also questioned. The sample was: 2,037 youngsters aged 12-18 years and 1,059 adults. Data were collected in December 2020 and January 2021. The study found that people who have personal contacts and a (mixed) group of friends including Dutch people of African origin, seem less inclined to exhibit discriminatory behaviour. At the same time, the study found that people who themselves have little or no contact with Dutch people of African origin are more inclined to display discriminatory behaviour.

The Mulier Institute, a sport research institute, has conducted a study on racism in professional men's football.²⁷ The study is based on a questionnaire that was completed by 118 football players in the Netherlands. Four out of ten of the respondents say that racism and other forms of discrimination occur regularly in professional football. 14% have had to deal with it themselves. Among players with a migration background, this is even a quarter. A quarter of the players also says that jokes or negative remarks are sometimes made within their team about skin colour, origin or religion. One fifth of the players indicate that there is a taboo within professional football on discussing prejudice and stereotypes based on skin colour and origin. This opinion is more common among players with a migration background (31%).

²⁶ Wolff, R., Van Leeuwen, R., Van den Heerik, A.R., Seidler, Y., Van Sterkenburg, & De Boom, J. (2021), Discrimination in Context: A study of backgrounds, causes and trigger factors of discrimination of Dutch citizens of African origin by young people and adults in the Netherlands [*Discriminatie in Context : Een onderzoek naar achtergronden, oorzaken en triggerfactoren van discriminatie van Nederlanders van Afrikaanse herkomst door jongeren en volwassenen in Nederland*], Rotterdam, Risbo - Erasmus Universiteit Rotterdam, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/08/09/discriminatie-in-context/Risbo+Discriminatie+in+Context+DEF.pdf>

²⁷ Cremers, R. & Elling, A. (2021), Racism in professional men's football [*Racisme in het betaald mannenvoetbal*], Utrecht, Mulier Instituut, available at: <https://www.kennisbanksportenbewegen.nl/?file=10434&m=1628671474&action=file.download>

The Mulier Institute, a sport research institute, has conducted a study on racism in amateur sport.²⁸ The study is based on an online questionnaire that was completed by 977 respondents with a migration background. 37% of the respondents experienced negative expressions (37%) in the past two years; among respondents who are member of a sport club this is 47%. These negative expressions vary from general and personally oriented jokes/comments (24% and 21% respectively) and incomprehension (19%) to more explicitly negative experiences such as name calling (16%), exclusion (15%) and /or threat/physical violence (15%).

In September 2021, the Dutch government informed the UN Human Rights Committee²⁹, that on the basis of the 2020 study "Special needs of victims of hate crime in criminal proceedings and in victim support"³⁰, the Ministry of Justice and Security initiated consultations with the police, Victim Support Netherlands and the antidiscrimination services to discuss the procedure the police follow when referring people who report or file criminal complaints of hate crimes. The aim of these consultations is to identify any problems and, if necessary, to implement changes.

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

On 19 January 2021, an initiative bill on hate crimes was submitted to the House of Representatives.³¹ Members of the House of Representatives took the initiative for this bill, which introduces a general aggravated ground in article 44bis of the

²⁸ Cremers, R. & Elling, A. (2021), Sports behavior and perceived racism of ethnic minorities [*Sportgedrag en ervaren racisme etnische minderheden*], Utrecht, Mulier Instituut, available at: <https://www.kennisbanksportenbewegen.nl/?file=10585&m=1639146543&action=file.download>

²⁹ Kingdom of the Netherlands (2021), Follow-up information supplied by the Kingdom of the Netherlands in response to concluding observations CCPR/C?NLD/CO/5 of the Human Rights Committee, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/09/10/tk-bijlage-afschrift-follow-up-report-ccpr-kingdom-of-the-netherlands-2021/tk-bijlage-afschrift-follow-up-report-ccpr-kingdom-of-the-netherlands-2021.pdf>

³⁰ Aa, S. van der, Claessen, J.F.M. and Hofmann, R. (2020), Special needs of victims of hate crime in criminal proceedings and in victim support [*Speciale behoeften van slachtoffers van hate crime ten aanzien van het strafproces en de slachtofferhulp*], Maastricht, Maastricht University, available at: https://repository.tudelft.nl/assets/uuid:449a5af3-e1ad-4af1-8aa6-2e6f4b31ab64/2922_volledige_tekst_tcm28-431295.pdf

³¹ The Netherlands, House of Representatives (*Tweede Kamer der Staten-Generaal*) (2020), Bill by Members Buitenweg en Segers amending the Criminal Code in order to introduce discriminatory motivation as a ground of aggravation [*Voorstel van wet van de leden Buitenweg en Segers tot wijziging van het Wetboek van Strafrecht in verband met de invoering van het discriminatoir oogmerk als strafverzwaringsgrond*], available at: <https://www.tweedekamer.nl/downloads/document?id=8ac96e1c-95b2-4ef6-b877-6138922e6a15&title=Voorstel%20van%20wet.pdf>

Criminal Code for criminal offenses that are committed with a discriminatory motive on the grounds of race, religion, sex, sexual orientation and/or disability. When a crime is committed with such a motivation, the penalty is increased by one third. The House of Representatives has not yet voted on the bill.

The bill 'Supervision of equal opportunities in recruitment and selection' is under review of the House of Representatives since December 2020. The House of Representatives has not yet voted on the bill. This bill amends the Working Conditions Act (*Arbo-wet*) and the Placement of Personnel by Intermediaries Act (*Wet allocatie arbeidskrachten door intermediairs*).³² This bill requires every employer to implement a working method that indicates how discrimination will be prevented during the recruitment process. The bill refers to the following non-discrimination grounds: age, gender, race, nationality, religion, marital status, political preferences, sexual orientation and disability. If an intermediary, such as an employment agency, is involved, the employer must check whether this agency has such a working method aimed at preventing of discrimination. Under the new law, the Inspectorate SZW (labour inspection) will have the authority to check whether employers have a working method. If the employer does not implement such a working method, the Inspectorate SZW can impose a fine

On 23 March 2021, the Senate (*Eerste Kamer der Staten-Generaal*) established a special Committee of Enquiry which will investigate the relationship between anti-discrimination legislation and its effects in practice.³³ The Commission focuses on four major domains, the labour market, education, social security, and the police. The methodology of the Committee of Enquiry consists of desk research and legal analysis using a grounded theory methodology. The Committee of Enquiry has not published any reports yet.

On 30 March 2021, the National Ombudsman published a report on complaints about ethnic profiling.³⁴ The report is both a practical guide for complaint handlers and an overview of what citizens can expect, and claim. For this report, the Ombudsman opened a five-week hotline in March 2020 where citizens could report their experiences with ethnic profiling in the past five years. This resulted in 160

³² The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2020), Bill on supervision of equal chances in recruitment and selection [*Wet toezicht gelijke kansen bij werving en selectie*], available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/12/11/wetsvoorstel-toezicht-gelijke-kansen-bij-werving-en-selectie/wetsvoorstel-toezicht-gelijke-kansen-bij-werving-en-selectie.pdf>

³³ The Netherlands, Senate (*Eerste Kamer der Staten-Generaal*) (2021), 'Parlementaire onderzoekscommissie effectiviteit antidiscriminatie wetgeving', Webpage, available at: <https://www.eerstekamer.nl/commissies/poc>

³⁴ The Netherlands, National Ombudsman (*Nationale Ombudsman*) (2021), Coloured images: How should the government deal with complaints about ethnic profiling? [Verkleurde beelden: Hoe moet de overheid omgaan met klachten over etnisch profileren? Rapportnummer: 2021/030], available at: https://www.nationaleombudsman.nl/system/files/bijlage/Verkleurde%20Beelden-%20klachtbehandeling%20etnisch%20profilieren%20DEF_1.pdf

responses. 75% of the citizens with an experience of ethnic profiling do not file a complaint with the government agency, because according to them it is pointless to complain against the State because you will not be successful. The National Ombudsman states in the report that the government and government agencies must take complaints by citizens who face ethnic profiling far more seriously.

On 1 April 2021, a National Coordinator Anti-Semitism Netherlands (NCAB) was appointed.³⁵ The primary task of the coordinator is to advise the government for one year on how to tackle anti-Semitism from a legal perspective and on how to guarantee the safety of the Jewish community in the Netherlands. Moreover, the coordinator advises on strengthening cooperation between the police, the Public Prosecution Service and municipalities in the combat against anti-Semitism.

On 28 September 2021, the Minister of the Interior and Kingdom Relations informed the House of Representatives that the first National Coordinator against Discrimination and Racism is nominated and will start to work on 15 October 2021.³⁶ The recruitment of the National Coordinator against Discrimination and Racism went through an open recruitment and selection procedure. On 11 June 2021, the Minister of the Interior and Kingdom Relations sent the job profile and assignment of the National Coordinator against Discrimination and Racism (NCDR) to the House of Representatives.³⁷ The NCDR will be an independent government commissioner operating under the responsibility of the Minister of the Interior and Kingdom Relations and has one goal: to strengthen the government approach to discrimination (on all grounds). No tasks will be transferred from the ministries or other government organisations to the NCDR

³⁵ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), 'Aanstelling van de Nationaal Coördinator Antisemitismebestrijding en afdoening moties en toezeggingen inzake antisemitisme', Letter to House of Representatives, 10 March 2021, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/03/10/tk-aanstelling-van-de-nationaal-coordinator-antisemitismebestrijding-en-afdoening-moties-en-toezeggingen-inzake-antisemitisme/tk-aanstelling-van-de-nationaal-coordinator-antisemitismebestrijding-en-afdoening-moties-en-toezeggingen-inzake-antisemitisme.pdf>

³⁶ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Start National Coordinator against Discrimination and Racism ['Start Nationaal Coördinator tegen Discriminatie en Racisme'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 28 September 2021, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/09/28/kamerbrief-start-nationaal-coordinator-tegen-discriminatie-en-racisme/kamerbrief-over-start-nationaal-coordinator-tegen-discriminatie-en-racisme-ncdr.pdf>

³⁷ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Job profile National National Coordinator against Discrimination and Racism ['Functieprofiel Nationaal Coördinator tegen Discriminatie en Racisme'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 11 June 2021, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/06/11/aanbiedingsbrief-bij-functieprofiel-nationaal-coordinator-tegen-discriminatie-en-racisme/kamerbrief-functieprofiel-nationaal-coordinator-tegen-discriminatie-en-racisme.pdf>

On 9 June 2021, the European Commission sent the Netherlands a letter of formal notice, because the EU rules on combating racism and xenophobia through criminal law (Council Framework Decision 2008/913/JHA) in Dutch law have not been fully or properly transposed into Dutch legislation..³⁸ In the opinion of the European Commission the Dutch legal system still fails to criminalise the specific forms of hate speech mentioned in the Framework Decision, namely the public condoning, denial or gross trivialisation of international crimes and the Holocaust. On 7 September 2021, the Minister of Justice and Security stated in a letter to House of Representatives that the Dutch government had responded to this letter of formal notice by the European Commission.³⁹ The Dutch government saw the European Commission's view as a reason to prepare a bill that aims to include in the text of Article 137c of the Criminal Code an explicit reference to public condoning, denial or gross trivialisation of crimes of genocide, crimes against humanity and war crimes and the Holocaust. Although case law of the Supreme Court case law confirms that Holocaust denial is already punishable under article 137c of the Criminal Code, this bill will explicitly specify Holocaust denial as a form of group insult punishable under Dutch criminal law. The bill is still in preparation and is not published yet.

In July 2021, the Netherlands Institute for Human Rights submitted a report to the Committee on the Elimination of Racial Discrimination (CERD) with information on the status of the implementation of the International Convention on the Elimination of all forms of Racial Discrimination in the Netherlands.⁴⁰ It covers the period from 2015 to 2020. The report concludes that there appears to be an increased awareness and recognition that (institutional) racism exists in the Netherlands. Racial discrimination continues to be a persistent problem in all domains, employment, education, housing, online, public space, and state institutions. On 25 August 2021, the CERD published its concluding observations on the combined twenty-second to twenty-fourth reports of the Kingdom of the Netherlands.⁴¹ The CERD concludes that Dutch government is making efforts to

³⁸ European Union, European Commission (2021), 'June infringements package: key decisions', Web page, available at: https://ec.europa.eu/commission/presscorner/detail/en/INF_21_2743

³⁹ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), 'Etnisch profileren en overige onderwerpen met betrekking tot discriminatie', Letter to House of Representatives, 7 September 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/09/07/tk-etnisch-profileren-en-overige-onderwerpen-met-betrekking-tot-discriminatie/tk-etnisch-profileren-en-overige-onderwerpen-met-betrekking-tot-discriminatie.pdf>

⁴⁰ The Netherlands, Netherlands Institute for Human Rights (College voor de Rechten van de Mens) (2021), Netherlands Institute for Human Rights Report. To the 104th Session of the Committee on the Elimination of Racial Discrimination (CERD) concerning the examination of the 22nd to 24th periodic reports of the Netherlands, available at: <https://mensenrechten.nl/nl/publicatie/611bd3435d726f72c45f9c71>

⁴¹ United Nations - Committee on the Elimination of Racial Discrimination (2021), *Concluding observations on the combined twenty-second to twenty-fourth reports of the Kingdom of the Netherlands*. ADVANCE UNEDITED VERSION. CERD/C/NLD/CO/22-24. 25 August 2021, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NLD/CERD_C_NLD_CO_22-24_46534_E.pdf

combat racial discrimination, but more needs to be done to eradicate this form of discrimination. The CERD makes several recommendations in various domains to improve compliance with anti-discrimination legislation and to combat ethnic profiling.

On 1 August 2021, a new Civic Education Act took effect. This Act obliges schools in primary education and secondary education to teach pupils and students' knowledge of and respect for differences in religion or belief, political opinion, ethnic origin, gender, disability or sexual orientation as well as the value of equal treatment.⁴²

On 22 September 2021, the District Court The Hague ruled in a case in which a civil society coalition summoned the Dutch state to appear in court for ethnic profiling by the Royal Netherlands Marechaussee (*Koninklijke Marechaussee*) which act as the border police in the Netherlands.⁴³ The plaintiffs include two private citizens, Amnesty International, Controle Alt Delete, anti-discrimination organisation RADAR and the Public Interest Litigation Project, part of the Dutch section of the International Commission of Jurists (PILP-NJCM). The plaintiffs demanded that the court draw a line and put an end to which the plaintiff saw as discriminatory border control activities. The Court decided in favour of the State. The Court ruled that the use of ethnicity in stop and searches by Royal Netherlands Marechaussee is not discriminatory. During border control operations, the Royal Netherlands Marechaussee select people on the basis of their appearance, skin colour or origin (ethnicity), amongst other things. This selection determines whether or not the authorities will stop an individual against whom there is no individual suspicion of any wrongdoing. The Royal Netherlands Marechaussee also uses general risk profiles that incorporate ethnicity, such as "men who walk fast, are well-dressed and don't 'look Dutch'". According to the Court, ethnicity is allowed to be used for stop-and-search practices during border controls, but ethnicity may never be the only criterion. The Royal Netherlands Marechaussee uses ethnicity as a possible indicator when making those concrete selection decisions. The Court ruled that the way this is done does not constitute discrimination. The checks are intended to determine the residence status. Nationality can play an important role in this, and ethnicity can be an objective indicator of someone's supposed nationality. Ethnicity may never be the only indicator and the selection decisions must be explainable.

⁴² The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (Staatsblad van het Koninkrijk der Nederlanden) (2021), 'Wet van 23 juni 2021 tot wijziging van een aantal onderwijswetten in verband met verduidelijking van de burgerschapsopdracht aan scholen in het funderend onderwijs'. Vol. 2021, No. 320, available at: <https://zoek.officielebekendmakingen.nl/stb-2021-320.html>

⁴³ The Netherlands, District Court The Hague (*Rechtbank Den Haag*) (2021), Case no. C-09-589067-HA ZA 20-235, 22 September 2021, ECLI:NL:RBDHA:2021:10283, available at: <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2021:10283>

The plaintiffs have appealed against the ruling.

In a position paper written for a round table discussion with members of parliament on 24 November 2021, the Royal Netherlands Marechaussee stated that it will stop using ethnicity as a criterion in their stop and search actions.⁴⁴ The plaintiffs have indicated that they will continue with their appeal.

On 15 December 2021, the District Court Amsterdam found member of parliament Thierry Baudet guilty of creating a breeding ground for anti-Semitism, because he posted on several social media texts in which he compared the government's coronavirus measures to the Holocaust.⁴⁵ "The comparison is flawed and you have spoken unnecessarily offensively and unlawfully of survivors of the Holocaust," the court ruled. Baudet, founder and leader of the far-right Forum for Democracy, was ordered to delete four social media posts within 48 hours or be fined €25,000 per day that they remain online. He was also banned from reposting any images linking the Holocaust and the coronavirus. In a series of social media posts in November 2021, Baudet compared those who are unvaccinated to victims of the Holocaust because of the Dutch government's COVID-19 restrictions, which restrict access to certain places for the unvaccinated. Two Jewish interest groups and four individuals filed a civil lawsuit against Baudet for what they described as "downplaying the Holocaust." Baudet appealed against the ruling.

⁴⁴ The Netherlands, Memorandum Royal Netherlands Marechaussee for the round table discussion on ethnic profiling with the standing committee for the Interior (TK) on 24 November 2021 [Gespreksnotitie Koninklijke Marechaussee ten behoeve van het rondetafelgesprek etnisch profileren met de vaste commissie voor Binnenlandse Zaken (TK) op 24 november 2021], available at: <https://www.tweedekamer.nl/downloads/document?id=8cc84d33-a982-4edc-8ff7-f728a7bbc071&title=Position%20paper%20KMar%20t.b.v.%20rondetafelgesprek%20Etnisch%20profileren%20d.d.%2024%20november%202021.pdf>

⁴⁵ The Netherlands, District Court Amsterdam (Rechtbank Amsterdam) (2021), Case no.C/13/710651 / KG ZA 21-989, 21 July 2021, ECLI:NL:RBAMS:2021:7392, available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2021:7392>

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regard to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	"Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti" ⁴⁶
Please add a hyperlink if the strategy is publicly available.	Dutch version: https://zoek.officielebekendmakingen.nl/blg-998839 attached to the accompanying letter by the Minister of Social Affairs and Employment, 1 October 2021, https://zoek.officielebekendmakingen.nl/kst-32824-344.html [English version published on 14 December 2021 by the European Commission Justice and Fundamental Rights, https://ec.europa.eu/info/files/policy-measures-netherlands-equality-inclusion-and-participation-roma-and-sinti_en]
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Other (please specify): in several forms in the previous period (2011-2020). In 2016, the ministry of Justice and Security commissioned the Centre for Criminality prevention and Safety to carry out a process evaluation for the main programme (2011-2016) during this period, titled "The combat of the exploitation of Roma-children" (2011-2016: implementation) ⁴⁷ , followed up by dissemination and

⁴⁶ The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie*) (2021), Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf> ; English version: https://ec.europa.eu/info/sites/default/files/policy_measures_in_the_netherlands_for_the_equality_inclusion_and_participation_of_roma_and_sinti.pdf

⁴⁷ The Netherlands, Letter to the House of Representatives by the Ministers of Justice and Safety, and of Social Affairs and Employment (*Brief van de Ministers van Justitie en Veiligheid, en van Sociale Zaken en Werkgelegenheid aan de Voorzitter van de Tweede Kamer*), 4 April 2017, Integration 32824-193, Human Trafficking 28638 [*Integratie 32824-193, Mensenhandel 28638*], <https://zoek.officielebekendmakingen.nl/kst-32824-193.html#ID-804503-d36e192>,

	<p>mainstreaming during 2017-2020.⁴⁸ The programme facilitated municipalities and institutions to counter long-lasting and complex multiproblems (school dropout, early marriage, unemployment, social services dependency, criminality and human trafficking).</p> <p>Also, in 2016, the ministry of Justice and Security commissioned the University of Utrecht to evaluate the programme focusing on the human trafficking part.⁴⁹ This department recently evaluated the results in terms of efficiency and output, as usual for all its programmes in the past few years.⁵⁰</p> <p>As far as the monitoring process in the first EU Framework period is concerned, four (qualitative) measurement were reported on the living conditions of Roma and Sinti in the Netherlands (2012-2020), carried out by the Erasmus University of Rotterdam under the responsibility of the National Roma Contactpoint (Ministry for Social Affairs and Employment).⁵¹ This department inserted a few evaluative observations in the new Dutch contribution⁵², pointing towards concerns about the Roma and Sinti</p>
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⁴⁸ Center for Criminality Prevention and Safety (*Centrum voor Criminaliteitspreventie and Veiligheid*) (2021), Multiproblem families with a Roma background [*Multiprobleemgezinnen met een Roma achtergrond*], Web page, available at:

<https://hetccv.nl/onderwerpen/multiprobleemgezinnen-met-een-roma-achtergrond/>

⁴⁹:

Bos, A., Loyens, K., Nagy, V., Oude Breuil, B. (2016), Exploitation of minors in criminality in the Netherlands. Research of signaling, combat and cooperation by professionals [*Uitbuiting van minderjarigen in de criminaliteit in Nederland, Onderzoek naar de signalering, aanpak en samenwerking door Professionals*], Universiteit Utrecht, Departement Bestuurs - en Organisatiewetenschap (USBO) en Willem Pompe Instituut voor Strafrechtswetenschappen, <https://repository.wodc.nl/handle/20.500.12832/2246>

⁵⁰ The Netherlands, Ministry of Justice and Security (Ministerie van Justitie en Veiligheid) (2021), Policy review Article 33 Beleidsdoorlichting artikel 33 Budget Ministry Justice and Security, begroting Justitie en Veiligheid, 8 June 2021, page 17 respectively 42,

<https://zoek.officielebekendmakingen.nl/blg-1003830>

⁵¹ Seidler, Y., Van Leeuwen, R., Koster L.A.J., Van Sam, M., Van Wensveen P. en Jorna, P. (2020), Monitor Social Inclusion: Fourth-Measurement. Third follow up measurement of on the housing and living conditions of Roma and sinti in the Netherlands [*Monitor Sociale Inclusie: meting 4. Derde vervolgmeting naar de woon- en leefomstandigheden Roma en Sinti in Nederland*], Rotterdam, Risbo - Erasmus Universiteit Rotterdam, available at:

<https://www.rijksoverheid.nl/documenten/rapporten/2020/02/29/monitor-sociale-inclusie-meting-4>

⁵² The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie*) (2021), Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at:

[https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf](https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf) ; English version:

https://ec.europa.eu/info/sites/default/files/policy_measures_in_the_netherlands_for_the_equality_inclusion_and_participation_of_roma_and_sinti.pdf

	inclusion in Dutch society as well as to certain positive developments and policy impacts based on the monitor. ⁵³ The living conditions of Sinti and Roma in the Netherlands have been monitored qualitatively as ethnic data are not available to this end in the Personal Data Registration (<i>Basisregistratie Persoonsgegevens</i>) and under the General Regulation of Dataprotection (<i>Algemene Verordening Gegevensbescherming/ AVG</i>).
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	No. The Dutch government states that, as no statistics are available and detailed EU-formulations of measures do not always match the Dutch context, working along such lines is not foreseen. ⁵⁴ In the current Dutch contribution no reference has been made to indicators. ⁵⁵ Monitoring the living conditions of Sinti and Roma is carried out qualitatively. However, another (new) periodic monitoring commissioned by the ministry for the Interior and Kingdom relations on mobile home pitches (locations and municipalities) does contain quantitative aspects. ⁵⁶
Was Roma civil society involved in	Involvement in the development of the strategy was affected partly, within the newly created Flexible

⁵³ Seidler, Y., Van Leeuwen, R., Koster L.A.J., Van Sam, M., Van Wensveen P. en Jorna, P. (2020), Monitor Social Inclusion: Fourth-Measurement. Third follow up measurement of on the housing and living conditions of Roma and sinti in the Netherlands [*Monitor Sociale Inclusie (meting 4). Derde vervolgmeting naar de woon- en leefomstandigheden van Roma en Sinti in Nederland*], Rotterdam, Risbo - Erasmus Universiteit Rotterdam, available at: <https://www.rijksoverheid.nl/documenten/rapporten/2020/02/29/monitor-sociale-inclusie-meting-4>

⁵⁴ The Netherlands, Minister of Foreign Affairs (*Minister van Buitenlandse Zaken*) (2020), 'New Commission proposals and initiatives from Member States of the European Union' [*Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie*], Letter to the House of Representatives and the Senate, 16 November 2020, Parliamentary document 22 112, Nr. 2977, <https://officielebekendmakingen.nl/kst-22112-2977.html>

⁵⁵ The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie*) (2021), Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf> ; English version: https://ec.europa.eu/info/sites/default/files/policy_measures_in_the_netherlands_for_the_equality_inclusion_and_participation_of_roma_and_sinti.pdf

⁵⁶ The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie*) (2021), Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf> ; English version: https://ec.europa.eu/info/sites/default/files/policy_measures_in_the_netherlands_for_the_equality_inclusion_and_participation_of_roma_and_sinti.pdf

<p>the development of the strategy? Please provide examples?</p>	<p>Dialogue, upon invitation by email to spokespersons from the communities concerned, to comment in written form on a draft version, within a short time span.</p> <p>In brief this process could be described as follows.⁵⁷ The Dialogue announced by Movisie on behalf of the ministry by email (11 May 2011) took place for the first time (17 June, 10 participants present) in a zoom session due to COVID-19 restrictions, with discrimination as main agenda point but without reference to (the Dutch contribution to) the EU Framework.</p> <p>Afterwards, Sinti & Roma contact persons on Dialogue list (20 persons) were addressed by the ministry in a mail (July 28) to comment on the draft version (dated July 27) before a fixed date (August 28), resulting in nine responses taken into consideration. By email (September 30) the Ministry explained to the Dialogue members how these comments were addressed and on further steps (consultation of other departments and a translation into English for the European Commission in Brussels to Brussels).</p> <p>Regarding the comments the Ministry explained: new policy suggestions are up to a new government, also whether municipalities should be addressed in firmer wording (referring mobile home framework implementation)</p> <p>the term <i>antiziganisme</i> (in Dutch) is maintained in the final text (Dutch version) and translated as 'antigypsism' in the English version⁵⁸ in line with the IHRA-working definition and (in ongoing consultation with) with Sinti, Roma and academics</p> <p>on education: on the original text has been accepted and added into the final text: "As registering the ethnicity of these children is a sensitive subject, the decision was made to drop the requirement that proof, such as the statement by the parents and logging this ethnicity in the pupil records, be submitted. Starting from the 2021-2022</p>
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⁵⁷ Based on email correspondence (11 May – September 30) with attachments, by Movisie institute on the organisation of the Flexible Dialogue on behalf of the NRCP and by the NRCP (not published but by participants put to writer's disposal)

⁵⁸ The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie*) (2021), Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at: [https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf](https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf) ; English version: https://ec.europa.eu/info/sites/default/files/policy_measures_in_the_netherlands_for_the_equality_inclusion_and_participation_of_roma_and_sinti.pdf

	<p>educational year, schools no longer have to include proof in their records”.⁵⁹</p> <p>Other comments, considered as informative, were taken in for a next dialogue meeting: decision-making process, subsidies and youth.</p> <p>The Netherlands intends to have a “Flexible Dialogue” twice a year, organised by Movisie institute Utrecht, between Roma, Sinti keypersons and officials of the ministries involved, depending on the agenda. At the first meeting (Discrimination), the following departments were present: Interior and Kingdom relations (BZK), Social Affairs and Employment (SZW/NCPR), Health, Welfare and Sport (VWS/IHRA) and Education, Culture and Science (OCW).⁶⁰ The Sinti and Roma are invited for the Flexible Dialogue by Movisie institute on behalf of the ministry. Recruiting of participants takes place through several channels, formally (members advisory committee VWS; mediators; board members of self-organisations) and informally (persons known as active and engaged).⁶¹</p> <p>Goals mentioned in the announcement (11 May): “Having a dialogue between Roma and Sinti, the ministry of SZW and where possible other departments involved about the way in which (intended) policy concerning Roma and Sinti could get fulfillment. The dialogue is meant to get to know each other and to exchange knowledge, experiences and insights. Everybody is free to propose subjects/topics”.</p>
<p>Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?</p>	<p>Maybe indirectly, through the parliamentary process or by letters or informally, but certainly not directly. NHRI’s nor any other civil society organization have been presented a draft version of the Dutch contribution or invited by the ministry to comment. Formally, only the Flexible Dialogue – a Sinti and Roma based circle – received a draft version and was invited to comment.</p>

⁵⁹ The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie*) (2021), Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at: [https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf](https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2021/09/30/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti/beleidsmaatregelen-in-nederland-voor-de-gelijkheid-inclusie-en-participatie-van-roma-en-sinti.pdf) ; English version: https://ec.europa.eu/info/sites/default/files/policy_measures_in_the_netherlands_for_the_equality_inclusion_and_participation_of_roma_and_sinti.pdf

⁶⁰ Email correspondence (11 May – September 30) with attachments, by Movisie institute on the organisation of the Flexible Dialogue on behalf of the NRCP and by the NRCP (not published but by participants put to writer’s disposal)

⁶¹ Personal observations, based on communication with actors involved, such as the ministry, Movisie and Sinti/Roma.

	<p>In the “Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti” for next period (2021-2030) the government lists several national human rights institutions under the section titled ‘Partnership and institutional capacity’⁶²: The National Coordinator against Discrimination and Racism, the local Antidiscrimination Services, the National Institute for Human Rights and the National Ombudsman. These NHRI’s reflect the influence up till now on Dutch policies (housing mainly) and for the future.</p>
<p>Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?</p>	<p>In November 2020, the aforementioned governmental Working group advising on new EU proposals linked the Dutch fulfilment of the EU Roma Framework to the Multiannual Financial Frames (<i>Meerjaren Financiële Kaders, 2014-2020 en MFK 2021-2027</i>), in line with the Dutch annual budgets and covering eventual extra spending within the budgets of departments involved.⁶³ The EU Roma Strategy is mentioned under European Pillar 4, Social Rights, European Structural and Investment Funds.⁶⁴</p> <p>The correspondence of the government with parliament makes reference of programmes and measures – general ones as well as specific ones – currently in implementation, added with budgets allocated so far. Some examples:</p> <ul style="list-style-type: none"> - Anti-Gypsism (<i>Antiziganisme</i>, in Dutch texts) is taken up in the broader long-term national and European anti-discrimination programme (EU-action plan against racism 2020-2025).⁶⁵ <p>Other general and specific policy measures and programmes currently in implementation are taken up in the Dutch contribution on Roma and Sinti. Specific measures are linked to several departments:</p>

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⁶³ The Netherlands, Minister of Foreign Affairs (*Minister van Buitenlandse Zaken*) (2020), ‘New Commission proposals and initiatives from Member States of the European Union’ [*Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie*], Letter to the House of Representatives and the Senate, 16 November 2020, Parliamentary document 22 112, Nr. 2977, <https://officielebekendmakingen.nl/kst-22112-2977.html>

⁶⁴ The Netherlands, House of Representatives (*Tweede Kamer der Staten-Generaal*) (2021), Report on flow of the money relating the longterm Financial Framework 2021-2027 and the Recovery Fund (*Rapport Geldstromen rond het Meerjarig Financieel Kader 2021-2027 en het Herstelfonds*), Kamerstuk 21501-20, nr. 1645, blg-970234, 22 February 2021, Annex 2, page 9/61 and page 61/61, <https://officielebekendmakingen.nl/blg-970234>

⁶⁵ The Netherlands, Minister of Foreign Affairs (*Minister van Buitenlandse Zaken*) (2020), ‘New Commission proposals and initiatives from Member States of the European Union’ [*Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie*], Letter to the House of Representatives and the Senate, 16 November 2020, Parliamentary document 22 112, Nr. 2977, <https://officielebekendmakingen.nl/kst-22112-2977.html>

	<ul style="list-style-type: none"> - Ministry of Education: the yearly funding scheme for primary and secondary schools (<i>Bekostigingsbesluit, Artikel 30</i>) for pupils with a cultural Sinti and Roma background in need of extra support (€3.52 million in 2017-2020) and the educational support network <i>Onderwijs Woonwagen-, Roma- en Sinti-kinderen/OWRS</i> (€52.000 on an annual basis) - Ministry of Social Affairs & Employment: seven municipal mediator pilots (235.000 per year: 2020-2022) to enforce the link between education and the labour market; the National Roma Contact Point (NRCP) as a linkage between the EU and nationally between departments and local levels (€125.000); and the periodic Inclusion monitor (€235.000 in 2013-2020).⁶⁶ - Ministry of Health, Welfare and Sports: the Roma and Sinti Emancipation/Participation fund (2015-2025), with €4 million of the former Post-war Compensation fund for local projects (€500.000 annually, projects and grants). <p>Ministry of Interior and Kingdom Relations, responsible for housing, is linked to municipal mobile home policies through the new Framework (2018): the biennial quantitative monitor on mobile home pitches/locations and €50 million for municipalities to expand the supply for specific vulnerable groups on the housing market (including mobile homes).⁶⁷</p>
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3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

Housing

The housing situation of Dutch Roma, Sinti and Travellers communities, roughly estimated between 32.000 and 48.000 persons in the Netherlands⁶⁸, is

⁶⁶ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Answers to questions by Member of Parliament Van Baarle about anti-Gypsyism (*antiziganisme* antiziganism, the National Roma Integration Strategy and Statelessness [*Antwoord op vragen van het lid Van Baarle over antiziganisme, de National Roma Integration Strategy en stateloosheid*], 2 July 2021, available at: <https://zoek.officielebekendmakingen.nl/ah-tk-20202021-3396>

⁶⁷ The Netherlands, Minister of Interior and Kingdom Relations (*Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Answers to questions by Member of Parliament Van Baarle about antiziganism, the National Roma Integration Strategy and Statelessness [*Antwoord op vragen van het lid Van Baarle over antiziganisme, de National Roma Integration Strategy en stateloosheid, 2 July 2021*], available at: <https://zoek.officielebekendmakingen.nl/ah-tk-20202021-3396>

⁶⁸ The Netherlands, Minister of Foreign Affairs (*Minister van Buitenlandse Zaken*) (2020), 'New Commission proposals and initiatives from Member States of the European Union' ['Nieuwe

characterised by mobile homes on designated places (or pitches) in specific locations, but also by housing in residential areas in municipalities spread across the country. Three years after the central government presented a new policy framework on mobile homes (2018), based on human rights and cultural identity⁶⁹, the National Ombudsman shared his concerns with the Minister for the Interior and Kingdom Relations about the implementation on the local level. Following up on his own research in 2017 and anticipating on the government presentation of the first monitoring results (May 2021), the National Ombudsman points out that the increase of locations and pitches falls short of expectations expressed by the communities concerned and lag behind their needs as indicated also by assessments carried out in municipalities in the last few years.⁷⁰ The Office of the National Ombudsman also refers to the recent survey among Roma, Sinti and Travellers in six western European countries, which reported shortages of mobile home pitches and locations (98%) and discrimination in finding a house (69%).⁷¹ The National Ombudsman also appreciates the Ministry's local incentives to develop guides, tools and workshops (Association of Netherlands Municipalities, Platform 31, Housing Corporations) in which communities concerned are consulted, in order to create conditions to cooperate and to address the financial and practical complexity of implementing the issue. Ultimately, however, the office of the National Ombudsman observes a prevailing 'paper reality' rather than tangible progress on the ground and looks to the forthcoming monitoring results and further contacts with the responsible ministry and other stakeholders.

On 11 May 2021, the Minister of the Interior and Kingdom Relations presented the periodic biennial monitor on mobile homes locations and pitches, updating the first survey of 2018.⁷² Referring to the monitoring results, the Minister concludes that the number of mobile home pitches (8.854) and locations (1.151) is nearly the same in the first survey sample (223 municipalities of which 73 municipalities -

Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie'], Letter to the House of Representatives and the Senate, 16 November 2020, Parliamentary document 22 112, Nr. 2977, <https://officielebekendmakingen.nl/kst-22112-2977.html>

⁶⁹ The Netherlands, Ministry of Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*) (2018), Policy framework mobile homes and pitches/locations [*Beleidskader gemeentelijk woonwagen- en standplaatsenbeleid*], available at: https://vng.nl/files/vng/publicaties/2018/beleidskader_gemeentelijk_woonwagen-en_standplaatsenbeleid_002.pdf

⁷⁰ The Netherlands, National Ombudsman (*Nationale Ombudsman*) (2021), Letter to the Minister for the Interior and Kingdom relations, 5 March 2021, available at: <https://www.nationaleombudsman.nl/system/files/bijlage/Brief%20wwb%20aan%20ministerie%20BZK%20ANONIEM.pdf>

⁷¹ See for sample size (712 respondents of which 201 Roma and 510 Sinti/Travellers), the FRA technical report, page 50, March 30, 2021 <https://fra.europa.eu/en/publication/2021/roma-and-travellers-six-countries-technical-report>

⁷² The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), 'Integral vision on the housing market' [*Integrale visie op de woningmarkt*], Letter to the House of Representatives, available at: <https://officielebekendmakingen.nl/kst-35570-VII-99.html>; Companen (2021), Repeat measurement of caravan sites in the Netherlands [*Herhaalmeting Woonwagenstandplaatsen in Nederland*], 12 May 2021, available at: <https://zoek.officielebekendmakingen.nl/blg-980534.pdf>

34%- started developing policies since 2018 in addition to the ones that already did). There are concerns exist about the stagnant (rather than growing) number of mobile home pitches (8.854) and locations (1.151). On the positive side, the number of municipalities developing policies has increased since 2018 and need-assessments have been carried out (in 105 municipalities) and an increase in supply is expected to be delivered in the next two years (150 extra pitches). The complexity of the issue in financial and practical terms (spatial availability, for example) and the contacts with the municipalities involved are pointed out. Concern and disappointment prevail and the Minister presents a supporting programme to improve further implementation, in consultation with the Association of Netherlands Municipalities (VNG) and the communities concerned, on the basis of the exchange of good practises, availability cost indicators of mobile homes, pitches and locations, to put additional financial means (€50.000 million) on disposal to speed up the increase of supply relating housing for indicated groups in need on the labour market (among them Sinti, Roma and Travellers) and, finally, to contact municipalities that are lagging behind. The position of Sinti, Roma and Travellers is included in the report of the intergovernmental working group on the housing policy for target groups.⁷³

Meanwhile, the Association of Netherlands Municipalities (VNG) published its manual on how to carry out mobile home policies in a human rights framework.⁷⁴ The document includes legislation, practical guidelines and recommendations, offering also workshops to exchange good practices and expertise.

A roundtable on this issue took place in parliament, initiated by three members representing different political parties (opposition as well as coalition) of the permanent committee on home affairs including housing, in preparation of the agenda next day.⁷⁵ Representatives of several stakeholders were invited to the exchange of information and opinions: the National Ombudsman, the national sectoral association of housing corporations (AEDES), the Association of Netherlands Municipalities (VNG), sectoral organisations of mortgage lenders and assurances, and the two community organizations Association for the

⁷³ The Netherlands, Ministry of Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*) (2021). A home for everybody. Report interdepartmental working group on the housing policy for target groups, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/07/08/een-thuis-voor-iedereen/rapportage-interbestuurlijke-werkgroep-versterking-beleid-huisvesting-aandachtsgroepen.pdf>

⁷⁴ The Netherlands, Association of Netherlands Municipalities (*Vereniging Nederlandse Gemeenten*) (2021), Guide mobile homes and pitches/locations [*Wegwijzer gemeentelijk woonwagen- en standplaatsenbeleid*], 10 May 2021, available at: <https://vng.nl/sites/default/files/2021-05/wegwijzer-gemeentelijk-woonwagen-en-standplaatsenbeleid.pdf>

⁷⁵ The Netherlands, House of Representatives (Tweede Kamer der Staten-Generaal) (2021), Round table on mobile homes and pitches, organised by the Permanent Commission for the Interior, House of Representatives, 15 September 2021, available at: <https://debatgemist.tweedekamer.nl/debatten/standplaatsenbeleid#>

Conservation of Mobile Home Culture in the Netherlands (VBWN) and Association Sinti, Roma, Travellers Netherlands.⁷⁶

Education

In the field of primary and secondary education, the Ministry of Education published the support scheme for schools with pupils of a Sinti and Roma cultural background who need extra assistance.⁷⁷ The budget provides for an amount of €3.413,00 per registered pupil to make additional human resources available for this purpose. Travellers are no longer specifically mentioned in this financial scheme, due to significant educational progress in the last few decades; locally, however, educational support continues to be also provided to pupils from this particular background. Due to the sensitivity on registration of ethnicity, the Ministry of Education has decided to change administrative obligations for schools: a signed Parental Statement (*Ouderverklaring*) on the cultural background is no longer required, as well as the registration of this ethnicity in the school administration. Still, schools are required to report the number of pupils of this particular cultural background to the Ministry of Education.⁷⁸ The national support network Education for Travellers, Roma and Sinti (OWRS) provides online information for schools, truancy officers and mediators.

Employment

The Ministry of Social Affairs and Employment, which is also responsible for coordinating the integration Agenda and acts as the National Roma (and Sinti) Contact Point to the EU and the Council of Europe, has continued to fund the pilot in seven municipalities to the tune of €239.000 per year, earmarked in the local decentralisation funds for municipalities.⁷⁹ This specific pilot has been implemented since the beginning of 2020 to stimulate participation in education and on the labour market among Roma in the municipalities of Nieuwegein,

⁷⁶ No reports available yet for Mobile Homes Round Table (15 September 2021) and Housing Debate (16 September 2021)

⁷⁷ The Netherlands, Minister for Primary and Secondary education and Media (Minister voor Basis- en Voortgezet Onderwijs en Media) (2021), Artikel 30, Regeling van de Minister voor Basis- en Voortgezet Onderwijs en Media van 22 juni 2021, nr. PO/FenV/28233822,, 6 July 2021, available at: <https://officielebekendmakingen.nl/stcrt-2021-34185.html>

⁷⁸ OWRS (2021), 'Adaptations in the special Finance scheme for schools relating children with Sinti and Roma cultural background' [*Aanpassing regels bijzondere bekostiging scholen voor leerlingen met culturele achtergrond van Roma en Sinti*], Web page, August 2021, available at: <https://www.owrs.nl/nieuws/regels-bijzondere-bekostiging-gewijzigd>

⁷⁹ The Netherlands, Ministry for the Interior and Kingdom relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Municipality Fund. May Circular, Tbele 5 [*Gemeentefonds, Mei Circulaire 2021, Tabel 5 Decentralisatie-uitkeringen*], available at: <https://zoek.officielebekendmakingen.nl/blg-983182>

Lelystad, Ede, Enschede (Roma), Sittard-Geleen (Roma and Sinti) and Nuenen, Son en Breugel (Sinti). This pilot will be evaluated in 2022.⁸⁰ Such initiatives are part of the *Actieplan Arbeidsmarktdiscriminatie 2018-2021* and participation (*Participatiewet*), through the program *Verdere Integratie Arbeidsmarkt/VIA*.⁸¹

Holocaust remembrance

In a letter to the House of Representatives, the State Secretary for Health, Welfare and Sport reported on the developments regarding the victims and the commemoration of the Second World War. In this letter he mentioned the adoption of the working definition of *antiziganisme* (anti-Gypsyism) by the Dutch delegation of the International Holocaust Remembrance Alliance, stating this could be a subject of communication with Sinti and Roma, and the recommendation about better knowledge in research and education about the Porajmos (the Roma and Sinti genocide during the Holocaust) as well as about the actual situation of these communities.⁸² In his letter, the State Secretary reported on the fund for emancipation and participation of Sinti and Roma projects, referring to 50 projects in the past two years, such as a successful travelling exhibition, documentaries and coaching in education, and 28 school grants.⁸³ The State Secretary mentioned the importance of the national Westerbork commemoration (19 May 2019) of the deportation of 245 Sinti and Roma to Auschwitz (*Zigeunertransport*, 19 May 1944) which contributes to a better knowledge and recognition of this part of history and to a better understanding of the current situation of these communities in Dutch society.

⁸⁰ The Netherlands Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid) (2021), Establishment of the budget for the year 2022 [Vaststelling van de begrotingsstaat van het Ministerie van Sociale Zaken en Werkgelegenheid (XV) voor het jaar 2022], Parlementair document 35925-XV, Nr. 2, 21-09-2021, pag. available at: <https://zoek.officielebekendmakingen.nl/kst-35925-XV-2.html>

⁸¹ The Netherlands, Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie) (2021), Policy measures in the Netherlands for the equality, inclusion and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at: <https://officielebekendmakingen.nl/kst-22112-2977.html>

⁸² The Netherlands State Secretary for Health, Welfare and Sport (Staatssecretaris van Volksgezondheid, Welzijn en Sport) (2021), 'Progress report on victims Second World War and remembrance Second World War' [*Voortgangsrapportage Oorlogsgetroffenen en Herinnering WOII*], Letter to House of Representatives, 14 April 2021, available at: <https://officielebekendmakingen.nl/kst-20454-170.html>

⁸³ The Netherlands State Secretary for Health, Welfare and Sport (Staatssecretaris van Volksgezondheid, Welzijn en Sport) (2021), 'Progress report on victims Second World War and remembrance Second World War' [*Voortgangsrapportage Oorlogsgetroffenen en Herinnering WOII*], Letter to House of Representatives, 14 April 2021, available at: <https://officielebekendmakingen.nl/kst-20454-170.html>

The research into the *Zigeunerrazzia* (Gypsy roundup) in The Hague and other municipalities resulted in more accurate and updated information about families, numbers and names, which are included in other publications by the national network 'Oorlogsbronnen' (website with Dutch resources about the Second World War)⁸⁴, as well as by a research journalism programme 'Pointer' of public broadcasting organization KRONCRV on this subject.⁸⁵ This updated information also benefits the completion of Sinti and Roma names in the new National Holocaust Name Monument containing the data of birth and death of all 102.000 Dutch Jews and Sinti, Roma victims in Amsterdam, inaugurated on 19 September 2021, in the presence of representatives of these communities.⁸⁶

With regard to war compensation by the Dutch Railways (*Nederlandse Spoorwegen* or NS), the Committee on Individual Compensation for Victims of WWII Transport by NS reported in June on the outcome of the application period 2019-2020.⁸⁷ Of the 7.791 claims 5.498 were approved (€43.877.500 for first generation victims and their relatives).⁸⁸ The criteria were restricted to racially persecuted victims transported by the NS in the Netherlands. The number of claims is not specified by ethnic background (Jews or Sinti, Roma). Reference is made, however, towards the position of Travellers, some of them transported together with Sinti/Roma relatives to transitcamp (*Durchgangslager*) Westerbork (16 May 1944) and deported together with them to Auschwitz in the *Zigeunertransport* (19 May 1944). Many other Travellers were transported by the Dutch police and Railways to Westerbork but not selected by the German authorities for the deportation to Auschwitz as being considered 'non-Gypsy' (*Arisch*). The compensationcommittee decided to take individual applications as well into consideration from (descendants of) Travellers who were transported

⁸⁴ Netwerk Oorlogsbronnen (2021), 'Zigeunerrazzia', Web page, 14 May 2021, available at: <https://www.oorlogsbronnen.nl/thema/Zigeunerrazzia>; Netwerk Oorlogsbronnen (2021), 'Hoe ook in IJsselstein de zigeunervervolging zichtbaar was', Web page, 14 May 2021, available at: <https://www.oorlogsbronnen.nl/artikel/hoe-ook-ijsselstein-de-zigeunervervolging-zichtbaar-was>

⁸⁵ KRONCRV (2021), 'Persecuted, Murdered and Forgotten' [Vervolgd, vermoord en vergeten: de Nederlandse Zigeunerrazzia], *Pointer*, May 14 2021, available at: <https://pointer.kroncrv.nl/zigeunerrazzia>,

⁸⁶ Holocaust Namenmonument Nederland (2021), 'Holocaust Namenmonument Nederland', 19 September 2021, <https://www.holocaustnamenmonument.nl/nl/holocaust-namenmonument/holocaust-namenmonument-nederland/>

⁸⁷ Committee on Individual Compensation for Victims of WWII Transport by NS (*Commissie Individuele Tegemoetkoming Slachtoffers WOII Transporten NS*) (2021), Final report. Committee on Individual Compensation for Victims of WWII Transport by NS [*Eindverslag Commissie Individuele Tegemoetkoming Slachtoffers WOII Transporten NS*], available at: <https://commissietegemoetkomingns.nl/app/uploads/2021/06/Eindverslag-CT.pdf?ga=2.215100819.582970198.1633257260-1598628682.1633257260>

⁸⁸ Committee on Individual Compensation for Victims of WWII Transport by NS (*Commissie Individuele Tegemoetkoming Slachtoffers WOII Transporten NS*) (2021), Final report. Committee on Individual Compensation for Victims of WWII Transport by NS [*Eindverslag Commissie Individuele Tegemoetkoming Slachtoffers WOII Transporten NS*], available at: <https://commissietegemoetkomingns.nl/app/uploads/2021/06/Eindverslag-CT.pdf?ga=2.215100819.582970198.1633257260-1598628682.1633257260>

from Dutch municipalities to Westerbork because of the intentions to deport them to the Nazi-concentration camps.⁸⁹

On 2 August 2021, the annual International Commemoration of the Roma and Sinti genocide (Porajmos) at the Monument in Auschwitz-Birkenau (in the former *Zigeunerlager* area) took place, on which occasion the Dutch State Secretary spoke in a video message about the Dutch razzia and transport.⁹⁰

Discrimination / anti-Gypsyism

For the first time, the Dutch government has decided to include the term anti-Gypsyism in its national antidiscrimination policy, as several national and international documents indicate since 2020. The Dutch government refers to this phenomenon in English texts - such as the translated contribution to the EU Roma framework - with the term anti-Gypsyism and in Dutch language e publications with the term *antiziganisme*.⁹¹

⁸⁹ Committee on Individual Compensation for Victims of WWII Transport by NS (*Commissie Individuele Tegemoetkoming Slachtoffers WOII Transporten NS*) (2021), Final report. Committee on Individual Compensation for Victims of WWII Transport by NS [*Eindverslag Commissie Individuele Tegemoetkoming Slachtoffers WOII Transporten NS*], available at: https://commissietegemoetkomingns.nl/app/uploads/2021/06/Eindverslag-CT.pdf?_ga=2.215100819.582970198.1633257260-1598628682.1633257260

⁹⁰ The Netherlands, State Secretary for Welfare and Sport (Staatssecretaris voor Volksgezondheid, Welzijn and Sport) (2021), Videomessage by State Secretary for Welfare and Sport on Victims and Remembrance World War II on the occasion of the International Commemoration in Auschwitz-Birkenau, of the Sinti and Roma genocide, 2 August 2021, timeframe 1:12:12 – 1:24:24, <https://www.youtube.com/watch?v=cPRPflkPPUs>

⁹¹ The Netherlands, Minister of Foreign Affairs (*Minister van Buitenlandse Zaken*) (2020), 'New Commission proposals and initiatives from Member States of the European Union' ['Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie', Letter to the House of Representatives and the Senate, 16 November 2020, Parliamentary document 22 112, Nr. 2977, available at: <https://officielebekendmakingen.nl/kst-22112-2977.html> ; The Netherlands, Senate (*Eerste Kamer der Staten Generaal*) (2021), Report of a written consultation with the minister of the Interior referring the EU-actionplan against racism and the strategic EU-Framework for Roma [*Verslag van een schriftelijk overleg met de minister van BiZa/AZ inzake het EU-actieplan tegen racisme en het strategisch EU-kader voor de Roma*], 26 February 2021, Parliamentary document, 35640-B, available at: <https://officielebekendmakingen.nl/kst-35640-B> ; The Netherlands State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2021), 'Progress report on victims Second World War and remembrance Second World War' [*Voortgangsrapportage Oorlogsgetroffenen en Herinnering WOII*], Letter to House of Representatives, 14 April 2021, available at: <https://officielebekendmakingen.nl/kst-20454-170.html>), The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Answers to questions by Member of Parliament Van Baarle about anti-Gypsyism, the National Roma Integration Strategy and Statelessness [*Antwoord op vragen van het lid Van Baarle over antiziganisme, de National Roma Integration Strategy en stateloosheid*], 2 July 2021, available at: <https://zoek.officielebekendmakingen.nl/ah-tk-20202021-3396> ; The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid, directie Samenleving en Integratie*) (2021), Policy measures in the Netherlands for the equality, inclusion

Anti-Gypsyism is mentioned in the exploratory report on the installation of a National Coordinator against Racism and Discrimination.⁹² Shortly after assuming the in October 2021, the National coordinator invited and met with spokespersons of Roma, Sinti and Travellers, to get acquainted with their issues and concerns.⁹³

A factsheet in Dutch, based on the Fundamental Rights Agency survey (2020), functioned as an important tool, informing in brief on the position, discrimination and policy developments regarding Sinti, Roma and Travellers in Dutch society.⁹⁴ The efficacy of anti-discrimination legislation in general is currently being investigated by the Senate in a parliamentary committee consulting several experts in this field.⁹⁵ Relating antidiscrimination services, the National Ombudsman has pointed out the problem of underreporting ('three quarters of persons feeling ethnic profiled and/or discriminated don't file a case, because one feels it's no use'⁹⁶) and the failure of government officials to communicate in a more humane decent way, for example by the use of the term 'extinction policy' [*uitsterfbeleid*] meaning the ban on living in mobile homes.⁹⁷ Reporting on the discrimination of Sinti, Roma and Travellers is handled and recorded by antidiscrimination services on a local level (13 reportings in 2020), by the Ombudsman (14 reportings in 2020) and the Institute for Human Rights (4 reportings in 2020).⁹⁸

and participation of Roma and Sinti [*Beleidsmaatregelen in Nederland voor de gelijkheid, inclusie en participatie van Roma en Sinti*], 30 September 2021, available at : https://ec.europa.eu/info/files/policy-measures-netherlands-equality-inclusion-and-participation-roma-and-sinti_en

⁹² ADBTopconsult (2021), Explorative study on The National Coordinator against Discrimination and Racism, an exploration [*Verkenning naar een Nationaal Coördinator tegen Discriminatie en Racisme*], pag.14/55, available at: <https://zoek.officielebekendmakingen.nl/blg-972810>

⁹³ Information by e-mail, 20-12-2021

⁹⁴ Including: FRA (2021), Roma, Sinti en Reizigers in Nederland. Belangrijkste resultaten van het FRA Onderzoek in 2019, 11 June 2021, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-and-travellers-survey-country-sheet-netherlands_nl.pdf

⁹⁵ The Netherlands, Senate (*Eerste Kamer der Staten-Generaal*) (2021), Report on a consultation with expert. Parliamentary Committee for the investigation of the effectivity of anti-discrimination legislation [*Verslag van een deskundigenbijeenkomst Parlementaire onderzoekscommissie effectiviteit antidiscriminatiewetgeving*], 15 June 2021, CXLVI A, page 7, <https://zoek.officielebekendmakingen.nl/kst-CXLVI-A.html>

⁹⁶ The Netherlands, Senate (*Eerste Kamer der Staten-Generaal*) (2021), Report on a consultation with experts. Parliamentary Committee for the investigation of the effectivity of anti-discrimination legislation [*Verslag van een deskundigenbijeenkomst Parlementaire onderzoekscommissie effectiviteit antidiscriminatiewetgeving*], 15 June 2021, CXLVI A, page 6, <https://zoek.officielebekendmakingen.nl/kst-CXLVI-A.html>

⁹⁷ The Netherlands, Senate (*Eerste Kamer der Staten-Generaal*) (2021), Report on a consultation with experts. Parliamentary Committee for the investigation of the effectivity of anti-discrimination legislation [*Verslag van een deskundigenbijeenkomst Parlementaire onderzoekscommissie effectiviteit antidiscriminatiewetgeving*], 15 June 2021, CXLVI A, page 7, <https://zoek.officielebekendmakingen.nl/kst-CXLVI-A.html>

⁹⁸ Van Bon, S., Fiere, B. & De Wit, N. (2021), Discrimination figures in 2020 : A report on registrations of reports of discrimination in the Netherlands by the police, antidiscrimination bureaus and other organisations [*Discriminatiecijfers in 2020 : Een rapport over registraties van*

International commitments

On 1 June 2021, the Netherlands published two government reports on Council of Europe commitments regarding the implementation of the Framework Convention for the Protection of National Minorities (FCNM, 4th monitoring cycle) and the Charter for Regional and Minority Languages (7th monitoring cycle), responding to recommendations adopted by the Council of Europe Committee of Ministers in the preceding monitoring period.⁹⁹

In response to the latest Committee of Ministers recommendation (FCNM), the government refers to measures, such as described in this Roma chapter, to ensure effective participation of Roma, Sinti and Travellers in policy making. These measures are defined by the Netherlands in terms of a predominantly generic policy, in which discrimination against Roma and Sinti is addressed within a government-wide approach and action plan. The Ministry of the Interior and Kingdom Relations also mentions regular consultations with representatives of Sinti, Roma and Traveller communities concerning policies on mobile homes and pitches and other issues of concern (in the Flexible Dialogue).

The UN Committee on the Elimination of Racial Discrimination refers in its report in a specific paragraph to Roma, Sinti and Travellers. The UNCERD expresses concerns about their position in society, which continues to lag behind as compared to that of other residents in municipalities in terms of employment, education and housing.¹⁰⁰

The Committee recalls earlier general recommendations (Nr.27, 2000 and Nr. 32, 2009) to the State party to provide targeted support for Roma, Sinti and Travellers

meldingen van discriminatie-incidenten door de politie, en meldingen bij antidiscriminatievoorzieningen en andere organisaties in Nederland], Rotterdam / The Hague, Art.1 / Nationale Politie, available at: <https://discriminatie.nl/files/2020-04/Discriminatiecijfers%20in%202019.pdf>

⁹⁹ The Netherlands, National Government (2021) Fourth State report by the Netherlands on the implementation of the Framework Convention for the Protection of National Minorities [*Vierde rapportage van Nederland inzake Kaderverdrag over de bescherming van nationale minderheden*], May 2021, available at <https://zoek.officielebekendmakingen.nl/blg-983015> ; The Netherlands, National Government Seventh periodical state report presented by the Netherlands on the implementation of the European Charter for Regional and Minority Languages [*Zevende rapportage van Nederland inzake het Europees Handvest voor regionale talen of talen van minderheden*], 1 June 2021, 35570-VII nr. 100, 983014, <https://zoek.officielebekendmakingen.nl/blg-983014>

¹⁰⁰ United Nations - Committee on the Elimination of Racial Discrimination (2021), Concluding observations on the combined twenty-second to twenty-fourth reports of the Kingdom of the Netherlands, 25 August 2021, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NLD/CERD_C_NLD_CO_22-24_46534_E.pdf

living in such areas, and adds new recommendations which are currently being echoed in Dutch parliament ¹⁰¹:

- Evaluate the effectiveness of current measures to support the education of Roma, Sinti and Traveller children and take measures to improve their results
- provide support to stateless Roma who are eligible to obtain Dutch nationality but encounter difficulties in the naturalisation procedure
- ensure that representatives of these groups are consulted prior to any decision affecting Roma, Sinti and Travellers
- promote the use of the developed and soon to be published manual to address anti-Gypsyism among all relevant authorities and evaluate its impact
- ensure that all municipalities implement the policy framework for mobile homes.¹⁰²

Statelessness

Statelessness or unregulated documentation plays a role in Roma families settling in the Netherlands and granted a General Pardon in 1977-1978. Finally, this issue was taken up for research in 2021, commissioned by the Ministry for Justice and Security.¹⁰³ In response to questions by member of parliament, the parliament was informed that this decision follows a low-threshold procedure to determine statelessness of children born in the Netherlands, in order to possibly expand the option rights to the Dutch nationality. ¹⁰⁴ Statelessness concerns 1.600 persons living in the Netherlands for a long time ('in situ'), among them in particular Molucans from (the former colony) Indonesia as well as Roma from (the former

¹⁰¹ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Answers to questions by Member of Parliament Van Baarle about antiziganism, the National Roma Integration Strategy and Statelessness [*Antwoord op vragen van het lid Van Baarle over antiziganisme, de National Roma Integration Strategy en stateloosheid*], 2 July 2021, available at: <https://zoek.officielebekendmakingen.nl/ah-tk-20202021-3396>

¹⁰² United Nations - Committee on the Elimination of Racial Discrimination (2021), Concluding observations on the combined twenty-second to twenty-fourth reports of the Kingdom of the Netherlands, CERD/C/NLD/CO/22-24, 25 August 2021, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NLD/CERD_C_NLD_CO_22-24_46534_E.pdf

¹⁰³ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Answers to questions by Member of Parliament Van Baarle about antiziganism, the National Roma Integration Strategy and Statelessness [*Antwoord op vragen van het lid Van Baarle over antiziganisme, de National Roma Integration Strategy en stateloosheid*], 2 July 2021, available at: <https://zoek.officielebekendmakingen.nl/ah-tk-20202021-3396>

¹⁰⁴ The Netherlands, Ministry for Justice and Security (2021), *Staatloos en/of ongedocumenteerd. De Roma in Nederland. Lopend onderzoek*, available at: <https://www.wodc.nl/onderzoek-in-uitvoering/welk-onderzoek-doen-we/3250---staatloos-en-of-ongedocumenteerd-roma-in-nederland>

state of) Yugoslavia.¹⁰⁵ The Verwey-Jonker institute currently researching the specific situation in this respect, among Roma who received the General Pardon in 1977-1978 and their descendants. The state Secretary for Justice and Security is expected to present the results in 2022.

¹⁰⁵ The Netherlands, Statesecretary for Justice (Staatssecretaris van Justitie) (2021), Rules to determine statelessness (Regels en Vaststellingswet in verband met de vaststellingsprocedure van staatloosheid; Nota naar aanleiding van het verslag), kamerstuk 1011449, dossier 35687, nr. 6, published on 3 January 2022, <https://zoek.officielebekendmakingen.nl/kst-1011449>

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
The Netherlands	Aprox. 150 (January 2021 - September 2021). ¹⁰⁶	This is a total figure. The source does not differentiate between refugee status and subsidiary protection status. The information system of the Immigration and Naturalisation Service (IND) does not disclose the		

¹⁰⁶ The Netherlands, Ministry of Justice and Security (Ministerie van Justitie en Veiligheid) (2021), Adoption of the budget statements of the Ministry of Justice and Safety (VI) for the year 2022, No. 30 Report containing a list of questions and answers. Adopted November 19, 2021[Vaststelling van de begrotingsstaten van het Ministerie van Justitie en Veiligheid (VI) voor het jaar 2022, Nr 30 Verslag houdende leen lijst van vragen en antwoorden. Vastgesteld 19 november 2021]. page 55, available at: <https://zoek.officielebekendmakingen.nl/kst-1006433.pdf>

		reasons for which the refugee status was revoked. ¹⁰⁷		
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4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
The Netherlands	N/A	In the Netherlands no Border Monitoring Mechanism exists.	N/A	N/A	N/A	N/A

¹⁰⁷ The Netherlands, Ministry of Justice and Security (Ministerie van Justitie en Veiligheid) (2021), Adoption of the budget statements of the Ministry of Justice and Safety (VI) for the year 2022, No. 30 Report containing a list of questions and answers. Adopted November 19, 2021[Vaststelling van de begrotingsstaten van het Ministerie van Justitie en Veiligheid (VI) voor het jaar 2022, Nr 30 Verslag houdende leen lijst van vragen en antwoorden. Vastgesteld 19 november 2021]. page 55, available at: <https://zoek.officielebekendmakingen.nl/kst-1006433.pdf>

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

A bill to amend the Telecommunications Data Retention Act (*Wet bewaarplicht telecommunicatiegegevens*) has been before the House of Representatives since 12 September 2016.¹⁰⁸ The purpose of this bill is to bring Dutch law on data retention in line with the Digital Rights Ireland judgment of the CJEU. On 26 March 2018, the Minister of Justice and Security informed the House of Representatives in a letter that the bill to amend the Telecommunications Data Retention Act (*Wet bewaarplicht telecommunicatiegegevens*), will be changed considerably due to the European Court of Justice (ECJ) arrest in the case of *Tele2 Sverige* and the case *Home Secretary v. Watson*.¹⁰⁹ The Minister will prepare an amendment to the original bill. The obligation to retain telecommunications data will be limited to user data. Traffic and location data do not have to be stored by providers. A balanced retention obligation for so-called user data of a telephone number or IP address is, essential for the investigation and prosecution of serious criminal offences, according to the Minister. In an increasing number of cases, such as child pornography, cybercrime and online arms trade, it is often crucial that the police and the Public Prosecution Service to be able to determine in retrospect which person used a telephone number or IP address found in a criminal investigation at a specific time. On 25 September 2018, the Minister of Justice and Security sent a letter to the House of Representatives in which he informs the House of Representatives about a delay of the amendment to the original bill which he announced on 26 March 2018.¹¹⁰ The delay is made necessary because of the large use of Carrier Grade Network Address Translation (GCN).

¹⁰⁸ The Netherlands, House of Representatives (*Tweede Kamer der Staten-Generaal*), 'Aanpassing bewaarplicht telecommunicatiegegevens. Wetsvoorstel', Web page, available at: <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2016Z16486&dossier=34537>

¹⁰⁹ The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2018), Data retention ['Dataretentie'], Letter Sent to House of Representatives, 26 March 2018, available at: <https://www.tweedekamer.nl/downloads/document?id=13669834-b2f1-4db9-b9bb-30f111a14fff&title=Algemene%20bewaarplicht%20voor%20telecommunicatiegegevens%20t.b.v.%20het%20onderzoeken%2C%20opsporen%20en%20vervolgen%20van%20ernstige%20criminaliteit%20%28dataretentie%29%20.pdf>

¹¹⁰ The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2018), Data retention ['Dataretentie'], Letter Sent to House of Representatives, 25 September 2018, available at: <https://www.tweedekamer.nl/downloads/document?id=fb985cc8-bc07-4bc0-bd47-b1f7020a7519&title=Dataretentie.pdf>

With CGN dozens to hundreds of Internet connections can be bundled under a single public IPv4 address so that with a relatively limited number of public IP addresses all users have sufficient connections.

On 16 February 2021, the Minister for Legal Protection and the State Secretary for Economic Affairs and Climate Policy submitted the bill for the Act Implementing EU Directive 2019/771 on certain aspects concerning contracts for the sale of goods and EU Directive 2019/770 on certain aspects concerning the contracts for the supply of digital content and digital services to House of Representatives.¹¹¹

From 16 February 2021 to 13 April 2021, a draft Bill for the Administrative Approach Online Child Pornographic Material Act was opened for internet consultation by the Minister of Justice and Security.¹¹² This draft Bill aims at cleaning the Internet of online child pornographic material. The draft Bill makes it possible to take action under administrative law against providers who, often unintentionally, are involved in the storage or transmission of online child pornography material, but who nevertheless fail to take action against this. The tasks and powers proposed in this Bill are assigned to a new independent administrative body: the Authority for Tackling Online Child Pornography. This Authority will have the power to investigate online child pornography and can force hosting providers to take this material offline by imposing a binding instruction. Compliance with this obligation can be enforced by means of a penalty payment or an administrative fine. Furthermore, hosting providers will be obliged to take appropriate and proportionate measures to limit the storage and transmission of online child pornography material. The authority can also collect information to share with the police and the Public Prosecution Service for follow-up investigations.

¹¹¹ The Netherlands, Minister for Legal protection & State Secretary for Economic Affairs and Climate Policy (Staatssecretaris van Economische Zaken en Klimaat) (2021), Bill implementing EU Directives on contracts for the sale of goods and on contracts for the supply of digital content and digital services [Implementatiewet richtlijnen verkoop goederen en levering digitale inhoud], available at :

https://www.eerstekamer.nl/behandeling/20210216/voorstel_van_wet/document3/f=/vlggd2e1cvz1.pdf

¹¹² The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), Draft Bill for the Administrative Approach Online Child Pornographic Material Act [Wet bestuursrechtelijke aanpak online kinderpornografisch materiaal], available at:

<https://www.internetconsultatie.nl/autoriteitkp/document/6670>

On 1 March 2021, the Dutch Data Protection Authority (Dutch DPA) published its annual report on the notifications of personal data breaches it received in 2020.¹¹³ In 2020, 23,976 breaches were notified to the Dutch DPA. Compared to 2019, the number of data breaches declined. In 2019, 26,956 data breaches were notified to the Dutch DPA. In 2017 there were 10,009 notifications and in 2018 20,881. The number of notifications of hacking, malware or phishing incidents, on the other hand, has increased by 30% compared to 2019.

On 12 March 2021, the Dutch Data Protection Authority published its report on the privacy complaints it received and dealt with in 2020.¹¹⁴ In 2020 the Dutch DPA received complaints 25,590 regarding a possible privacy violation, which represents a 9% decrease compared to 2019. The AP completed 21,150 complaints in 2020. On 1 January 2021, approximately 9,800 complaints were still waiting to be settled. Seven investigations into complaints led to the imposition of a corrective measure on an organisation in 2020.

On 6 April 2021, an advisory report made by the Cyber Security Council ¹¹⁵ was submitted to the House of Representatives by the Minister for Justice and Security ¹¹⁶. The Cyber Security Council (CSR) is a national, independent advisory body of the Dutch government. The report focuses on five priorities, namely co-ordination and information sharing, resilient vital processes, strengthening research and education, realizing a cybercrime enforcement chain and the duty of care of suppliers for safe products and services for citizens, the business community and government. The total minimum investment required

¹¹³ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2021), Notification requirement data breaches: facts & figures. Facts and figures 2019 [Meldplicht datalekken: facts & figures. Overzicht feiten en cijfers 2019, available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/rapportage_datalekken_2020.pdf

¹¹⁴ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2021), Complaints Report : facts & figures. Overview 2020 [*Klachtenrapportage: facts & figures Overzicht 2020*], available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/ap_klachtenrapportage_2020.pdf

¹¹⁵ The Netherlands, Cyber Security Council (2021), Integral approach to cyber resilience, [Integrale aanpak cyverweerbaarheid], available at: <https://www.cybersecurityraad.nl/binaries/cybersecurityraad/documenten/adviezen/2021/04/06/csr-adviesrapport-integrale-aanpak-cyberweerbaarheid/CSR+Adviesrapport+%27Integrale+aanpak+cyberweerbaarheid%27.pdf>

¹¹⁶ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), 'Aanbieding onderzoek naar de benodigde investeringen in cybersecurity', Letter to House of Representatives, 6 April 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/04/06/tk-aanbieding-onderzoek-naar-de-benodigde-investeringen-in-cybersecurity/tk-aanbieding-onderzoek-naar-de-benodigde-investeringen-in-cybersecurity.pdf>

for realizing the recommendations in this report amounts to at least €833 million for the coming four years (2021-2024). These investments are additional to the current (structural) investments in cyber defence.

On 9 April 2021, the Dutch Data Protection Authority (DPA) imposed a fine of €750,000 on TikTok for violating the privacy of young children.¹¹⁷ The information provided by TikTok to Dutch users – many of whom are young children – when installing and using the app was in English and thus not readily understandable. By not offering their privacy statement in Dutch, TikTok failed to provide an adequate explanation of how the app collects, processes and uses personal data.

On 17 May 2021, the State Secretary for Economic Affairs and Climate Policy¹¹⁸ submitted the bill implementing EU Regulation 2019/881 (Cyber Security Act) to the House of Representatives.

On 29 June 2021, the National Coordinator for Security and Counterterrorism published the annual Cyber Security Assessment Netherlands (CSAN), which provides insight into threats, interests and resilience in relation to cyber security and the effect of these factors on national security.¹¹⁹ In this Cybersecurity Assessment Netherlands, the National Coordinator for Security and Counterterrorism identifies four risks to national security. The first risk is the unauthorised access to information (and possibly its publication), in particular through espionage. The second risk is the inaccessibility of processes, due to sabotage and/or the use of ransomware or preparations for this. The third risk is breaches of (the security of) cyberspace, such as through the abuse of global IT supply chains. The fourth risk is large-scale outages: a situation where one or more processes are disrupted due to natural or technical causes or by unintentional human action.

¹¹⁷ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2021), Letter to TikTok Inc. and TikTok Technology Limited., 9 April 2021, available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/decision_to_impose_a_fine_on_tiktok.pdf

¹¹⁸ The Netherlands, State Secretary for Economic Affairs and Climate Policy (Staatssecretaris van Economische Zaken en Klimaat) (2021), Bill implementing EU Regulation 2019/881 [Regels ter uitvoering van Verordening (EU) 2019/881 -Uitvoeringswet cyberbeveiligingsverordening], 17 May 2021, available at: <https://www.tweedekamer.nl/downloads/document?id=673bd278-73a6-4828-bdee-70321c63dde9&title=Voorstel%20van%20wet.pdf>

¹¹⁹ The Netherlands, National Coordinator for Security and Counterterrorism (Nationaal Coördinator Terrorismebestrijding en Veiligheid (2021), Cyber Security Assessment Netherlands CSAN 2021 [Cybersecuritybeeld Nederland CSBN 2021], available at: https://english.nctv.nl/binaries/nctv-en/documents/publications/2021/08/05/cyber-security-assessment-netherlands-2021/CSBN2021_EN_02.pdf

From 28 June 2021 to 30 August, a draft Bill amending the Security of Network and Information Systems Act (*Wet beveiliging netwerk- en informatiesystemen*) was opened for internet consultation by the Minister for Justice and Security.¹²⁰ The draft Bill regulates that providers, who are neither a vital provider nor part of the national government, will have more access to threat and incident information about their own network and information systems. Based on this information, they can take measures to prevent incidents or to limit the consequences thereof.

From 12 July 2021 to 30 August, a draft Bill to criminalise the use of personal data for intimidating purposes was opened for internet consultation by the Minister for Justice and Security.¹²¹ The draft Bill makes it a criminal offence to share another person's personal data in order to instil fear or intimidate. Under the draft Bill, those found guilty of doxing can face up to one year in prison. This concerns the sharing personal data with the intention of intimidating or causing serious problems to another person or hindering him in the performance of his duties or profession.

From 12 July 2021 to 9 August 2021, a draft Bill implementing EU Regulation 2021/784 on addressing the online dissemination of terrorist content e was opened for internet consultation by the Minister of Justice and Security.¹²² The core of the draft Bill is the establishment of a new independent administrative body, the Authority, to exercise the obligations under the Regulation. One of those obligations is the imposition of sanctions, penalty payments or administrative fines on, for example, hosting services that have acted in breach of the Regulation, for example by not complying within one hour with an order to remove terrorist online content from their platform.

On 8 November 2021, the Dutch Data Protection Authority published its investigation reported on the safety of the data systems of the regional Municipal Health Services (GGDs), regional organisations that carry out vaccinations, source and contact tracing

¹²⁰ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), Draft Bill amending Security of Network and Information Systems Act [Conceptwetsvoorsel *Wijziging Wet beveiliging netwerk- en informatiesystemen*], available at: <https://www.internetconsultatie.nl/wijzigingwbni/document/7078>

¹²¹ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), Draft Bill to criminalise use of personal data for intimidating purposes [*Concept. Wetsvoorstel strafbaarstelling gebruik persoonsgegevens voor intimiderende doeleinden*], available at: <https://www.internetconsultatie.nl/strafbaarstellinggebruikpersoonsgegevensvoorintimiderendedoeleinden/document/7176>

¹²² The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), Draft Bill Act implementing the Regulation on terrorist online content [Uitvoeringswet verordening terroristische onlineinhoud], available at: <https://www.internetconsultatie.nl/terroristischeonlineinhoud/document/7196>

and testing in the fight against the Coronavirus.¹²³ It concludes that the data system used by the regional Municipal Health Services (GGDs) carry substantial risks for the protection of personal data. It orders the 25 regional Municipal Health Services (GGDs) to take more measures in the short term to better protect personal data.

On 21 December 2021, the National Ombudsman published a report which concludes that the Dutch DPA does not deal well with citizens who are dissatisfied with the handling of their privacy complaints.¹²⁴ In the past four years, more than 200 citizens complained to the National Ombudsman about how the Dutch DPA handles their privacy complaint. The handling of complaints at the Dutch DPA seems to be mainly aimed at preventing them. According to the National Ombudsman, the Dutch DPA mainly thinks from the perspective of rules and its own capacity problems and too little from the perspective of the citizen, as a result of which the complaint procedure stalls. The National Ombudsman states that the Dutch DPA lacks capacity, but this should not be an excuse for the way in which dissatisfied citizens are treated.

¹²³ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2021), 'Letter on the investigation of protection of personal data by the regional Municipal Health Services (GGDs), [Eindbrief onderzoek beveiliging persoonsgegevens GGD GHOR en GGD'en], Letter to the Regional Health Services, 8 November 2021, available at:

https://www.autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/onderzoek_beveiliging_ggd_corona.pdf

¹²⁴ The Netherlands, National Ombudsman (De Nationale Ombudsman) (2021), In front of a closed door. An investigation into how the Dutch DPA deals with

dissatisfaction of citizens about the handling of privacy complaints [Voor een dichte deur. Een onderzoek naar hoe de Autoriteit Persoonsgegevens omgaat met ongenoegen van burgers over de behandeling van privacyklachten], available at:

https://www.nationaleombudsman.nl/system/files/bijlage/Nationale%20ombudsman%20-%20Rapport%20Autoriteit%20Persoonsgegevens%20Voor%20een%20dichte%20deur_0.pdf

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Independent State Institution	Report / study	Evaluation of the Intelligence and Security Services Act 2017. The Evaluation Committee concludes that the Act has largely achieved what was intended. After operationalising cable interception, the services do not lack essential powers and the guarantees on the work of the services have been strengthened. However, the Evaluation Committee also concludes that the law is deficient in certain respects. The law does not sufficiently match the technological complexity and the dynamics of the operational practice of the services. In addition, important concepts of the Act are not always formulated and delineated in a consistent, clear and technology-independent way. In the	Yes Privacy; Data protection The report concludes that the current act does not guarantee enough data protection when the intelligence services try to access bulk data.	The Netherlands, Evaluation Commission Intelligence and Security Services Act 2017 (<i>Evaluatiecommissie Wet op de inlichtingen- en veiligheidsdiensten 2017</i>) (2021), Evaluation 2020 - Intelligence and Security Services Act 2017 [<i>Evaluatie 2020 - Wet op de inlichtingen- en veiligheidsdiensten 2017</i>], available at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/01/20/rapport-evaluatie-2020-wet-op-de-inlichtingen-en-veiligheidsdiensten-2017/rapport-evaluatie-2020-

		<p>event of disputes about those concepts or about the open standards in the Act, the Act does not offer any possibility of dispute resolution. The Act 2017 also lacks a regulation for dealing with bulk data and sufficiently detailed standards for international cooperation between services. The main recommendation of the Evaluation Committee is to introduce a new regime for bulk data that provides more safeguards.</p> <p>In a news release the Review Committee for the Intelligence and Security Services is very critical of the report. There is only one component of the current Act that allows independent supervisors to make binding rulings on the processing of data by the intelligence and security services. The evaluation committee, however, seems to want to undo that power without any other binding supervisory powers.</p>		<p>wet-op-de-inlichtingen-en-veiligheidsdiensten-2017.pdf</p> <p>The Netherlands, Review Committee for the Intelligence and Security Services (<i>Commissie van Toezicht op de Inlichtingen en Veiligheidsdiensten</i>) (2021), 'Waarborgen voor effectief toezicht zijn noodzaak', News release, 20 January 2021, available at: https://www.ctivd.nl/actueel/nieuws/2021/01/20/index</p>
Independent State Institution	Report/study	<p>Research report by the Court of Audit into the use of algorithms by how the national government. All ministries were asked what types of algorithms they use. These were analysed. The Court of Audit found that government interests were</p>	<p>Yes</p> <p>Privacy; Data protection; Non-discrimination</p>	<p>The Netherlands, Netherlands Court of Audit (<i>Algemene Rekenkamer</i>) (2021), Understanding algorithms [Aandacht voor algoritmes], https://english.rekenkamer.nl/binaries/rekenkamer-</p>

		central to the algorithms, not private citizens' interests. The government recognises the importance of privacy but takes little account of ethical aspects. Ethical aspects mean algorithms must not discriminate, must take account of population diversity and must be auditable by humans. As part of the audit, the Court of Audit developed an audit framework with input from experts inside and outside central government to assess the quality and responsible use of algorithms in practice. The Court of Audit invites the government to use this audit framework as a platform for the development of new algorithms.	In its use of algorithms, the national government takes little account of ethical aspects like non-discrimination and privacy.	english/documents/reports/2021/01/26/understanding-algorithms/Understanding+algorithms+-+2021.pdf
Independent State Institution	Report/study	Report commissioned by the Netherlands Institute for Human Rights. It concludes that using algorithms, municipalities sometimes take human rights into account explicitly, but more often implicitly. Municipalities are well disposed towards this theme but are also still searching for answers. More cooperation could take place between municipalities and with software suppliers in order to protect human rights. When using algorithms, municipalities do not seem to make special provisions for legal protection. They rely on the	Yes Privacy; Data protection; Legal Protection In their use of algorithms Dutch municipalities do not explicitly take human rights into account,	Choi, W., Van Eck, M. & Hukshoorn, H. (2021), How municipalities decide on algorithms and human rights, Study for Netherlands Institute for Human Rights [<i>Hoe gemeenten besluiten over algoritmen & mensenrechten : Onderzoek voor het College voor de Rechten van de Mens</i>], Den Haag, Hooghiemstra & Partners , available at: https://publicaties.mensenrechten.nl/file/0654a37b-6558-4dee-8cfc-78f020d1dc27.pdf

		existing procedures for citizens to obtain justice.	especially concerning provisions for legal protection.	
Academia	Report/study	Report which provides guidelines on how organisations wishing to deploy artificial intelligence can prevent their algorithms from discriminating. The research team of University Tilburg, Eindhoven University of Technology, and Free University of Brussels looked at the technical, legal and organisational conditions that need to be taken into account. Report is commissioned by the government and published by the Ministry of Interior and Kingdoms Relations.	Yes Non-discrimination This report provides guidelines on how organisations can prevent their algorithms from discriminating.	The Netherlands, Ministry of Interior and Kingdoms Relations (<i>Ministerie van Binnenlandse Zaken en Koninkrijksrelaties</i>) (2021), Guide Non-discrimination by design [<i>Handreiking non-discriminatie by design</i>], available at: https://www.tilburguniversity.edu/sites/default/files/download/01%20handreiking%20non-discriminatie%20by%20design%28NL%29.pdf
Government / Parliamentary	Report/study	In this report the National Ombudsman outlines its vision on the appropriate use of data and algorithms by the government. The government must offer clarity by identifying all use of data and algorithms, by determining in advance who will be involved in the processes, by proactively offering clear information about the use of	Yes Privacy; Data protection; Legal remedy The National Ombudsman outlines its	The Netherlands, National Ombudsman (<i>Nationale Ombudsman</i>) (2021), The citizen is not a dataset. Vision on the appropriate use of data and algorithms by public sector authorities, available at: https://www.nationaleombudsman.nl/system/files/onderzoek

		<p>data and algorithms, and by observing legal and ethical frameworks whereby responsibilities are duly assigned. The government must be accessible by knowing which individual the data relates to and by accepting and responding to questions or complaints about (the use of) data and algorithms. The government must offer solutions by determining beforehand the purposes for which data and algorithms will be used by incorporating an 'emergency, brake' mechanism by ensuring opportunity for discretion, individualisation and personal contact, and by maintaining an ongoing dialogue and by learning from any mistakes made.</p>	<p>vision on the use of data and algorithms by the government so to offer citizens protection against the violation of his or her privacy.</p>	<p>k/Rapport%20-%20The%20citizen%20is%20not%20a%20dataset.pdf</p>
<p>Government / Parliamentary</p>	<p>National Draft Act</p>	<p>The Bill for the Data processing by partnerships Act (<i>Wetsvoorstel gegevensverwerking door samenwerkingsverbanden</i>) is currently under review of the Senate. This is the last stage in Dutch legislative process. The aim of this bill is to improve the exchange and processing of data between authorities that cooperate with each other in combatting, for example, subversive crime, disturbances to public order, or the</p>	<p>Yes</p> <p>Privacy; Data protection; Discrimination ; Legal Protection</p> <p>The Netherlands Institute for Human Rights</p>	<p>The Netherlands, Minister of Justice and Security / Minister for Legal Protection (<i>Minister van Justitie en Veiligheid / Minister voor Rechtsbescherming</i>) (2020), Bill for Data processing by partnerships Act [<i>Wetsvoorstel gegevensverwerking door samenwerkingsverbanden</i>] , available</p>

		<p>misuse of public money and social services. The bill intends to enable the analysis of exchanged data by artificial intelligence. The draft bill has an article that stipulates that by a general administrative order (<i>algemene maatregel van bestuur</i>) rules shall be made concerning the manner in which the data will be handled including for instance rules concerning the registration, storage and destruction of data. One article of the bill mandates the participants in the partnerships to maintain confidentiality vis-à-vis third parties about the data they process within the partnership and the results of the data processing.</p>	<p>sent a letter to the Senate expressing its concerns about this bill. The bill offers not enough legal protection for citizens and leaves room for discrimination.</p> <p>The Dutch DPA advises the Senate to vote against the bill in its present form. The bill leaves the door wide open for unlimited surveillance by an unlimited number of parties, public and private.</p>	<p>https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/04/29/wetsvoorstel-regels-omtrent-gegevensverwerking-door-samenwerkingsverbanden-wet-gegevensverwerking-door-samenwerkingsverbanden/TK+Voorstel+van+Wet+inzake+Wet+gegevensverwerking+door+samenwerkingsverband.pdf</p> <p>The Netherlands, Netherlands Institute for Human Rights (<i>College voor de Rechten van de Mens</i>) (2021), 'Advies inzake het wetsvoorstel Wet Gegevensverwerking door samenwerkingsverbanden', Letter to the Senate (Eerste Kamer), 24 juni 2021, available at: https://publicaties.mensenrecnten.nl/file/aa097123-4f03-4df6-a132-68d7e2b1f05f.pdf</p> <p>The Netherlands, Dutch Data Protection Authority (<i>Autoriteit Persoonsgegevens</i>) (2021), 'Advies over het gewijzigd voorstel voor de Wet</p>
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				gegevensverwerking door samenwerkingsverbanden (WGS)', Letter to Senate, 9 November 2021, available at: https://www.autoriteitpersoonsggegevens.nl/sites/default/files/atoms/files/advies_ap_gewijzigd_voorstel_wgs.pdf
Government / Parliamentary	Adopted Act	On 15 July 2021, the Act amending the Intelligence and Security Services Act 2017 (<i>Wet op de inlichtingen- en veiligheidsdiensten 2017</i>) took effect. The Intelligence and Security Services Act 2017 which already passed Dutch parliament, was rejected by a consultative referendum on 21 March 2018 and the government decided to amend the Act. Simultaneously the Act in its unaltered form took effect on 1 May 2018. NGOs in the field of privacy were quite critical about the original Act for several reasons. One of the criticisms was that the Act authorizes large-scale tapping into the Internet traffic and communications of citizens, but also allows for the storage of these data for many years and the unsupervised exchange of these data with foreign secret services. Most NGOs are critical about the new Act (which took effect on 15	Yes Privacy; Data protection This Act authorises large-scale tapping into the Internet traffic and communications of citizens, but also allows for the storage of these data for many years and the unsupervised exchange of these data with foreign secret services.	The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (<i>Staatsblad van het Koninkrijk der Nederlanden</i>) (2021), Act of 16 June 2021 amending Act on Intelligence and Security Services 2017 ['Wet van 16 juni 2021 tot wijziging van de Wet op de inlichtingen- en veiligheidsdiensten 2017)', Volume 2021, No. 322, available at: https://zoek.officielebekendmakingen.nl/stb-2021-300.html

		July 2021) because it does not address the criticism voiced by them against the original Act. In the eyes of the NGOs the proposed changes are mainly of cosmetic nature.		
Government / Parliamentary	Other	A CoronaCheck app and Scanner has been developed by Ministry of Public Health, Welfare and Sport. From 24 June 2021, residents in the Netherlands can use the CoronaCheck app as a vaccination certificate or entry pass (if necessary) to enter large scale events and from 1 July to travel to other countries. With this app a person can also prove he had corona, or he tested negative for corona.	No	The Netherlands, National Government (<i>Rijksoverheid</i>) (2021), 'CoronaCheck', Website, available at: https://coronacheck.nl/nl
Government / Parliamentary	Adopted Act	As of 25 September 2021, a coronavirus entry pass system applies to bars and restaurants, events (such as festivals, concerts and professional sports matches), and cultural venues (such as cinemas and theatres). Everyone will have to show a valid coronavirus entry pass (coronatoegangsbewijs) to gain admission. Everyone aged 14 and over will also have to show their ID along with their coronavirus entry pass. An entry pass can be	Yes Privacy; Assembly; Private property	The Netherlands, Temporary regulation measures covid-19 (<i>Tijdelijke regeling maatregelen covid-19</i>), 25 September 2021, available at: https://wetten.overheid.nl/jci1.3:c:BWBR0044416&z=2021-09-22&g=2021-09-22

		generated using the CoronaCheck app on a mobile phone. Staff at hospitality establishments and organisers of events, sports matches, and cultural activities can get the CoronaCheck Scanner app, so that they can easily check the validity of entry passes. The legal basis of the entry pass system is the Temporary regulation measures covid-19 (Tijdelijke regeling maatregelen covid-19).		
DPA	Report	On 30 July 2021, the Dutch Data Protection Authority (Dutch DPA) published a report containing recommendations as issued recommendations regarding the development of smart city applications. The recommendations are intended for municipalities which collect or intend to collect data in public spaces using smart sensors and measuring devices. The DPA's advice is needed because municipalities do not always give sufficient consideration to privacy legislation, even though this is essential for smart city applications that process personal data of citizens.	Yes Privacy; Data protection Dutch municipalities in their use of smart city applications do not give sufficient consideration to privacy legislation.	The Netherlands, Dutch Data Protection Authority (<i>Autoriteit Persoonsgegevens</i>) (2021), Smart Cities. Investigation Report on the Protection of Personal Data in the Development of Dutch Smart Cities , available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/investigation_report_development_of_dutch_smart_cities.pdf

Domestic Court	Other	On 6 October 2021, the District Court The Hague ruled that the coronavirus entry pass system which applies as of 25 September 2021 may be applied. There is a legal basis for the measure. In addition, it serves a legitimate purpose and does not violate the principle of non-discrimination. Nor does it constitute a disproportionate breach of other fundamental and human rights and the GDPR.	Privacy; Data Protection; Non-discrimination The coronavirus entry pass system which applies as of 25 September 2021 does not violate the principle of non-discrimination and does not constitute a disproportionate breach of other fundamental and human rights and the GDPR	The Netherlands, District Court The Hague (Rechtbank Den Haag) (2021), Case no. C-09-618078-KG ZA 21-892, 6 October 2021, ECLI:NL:RBDHA:2021:10863, available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2021:10863
NGO	Report	On 26 October 2021, Amnesty International published a report on the algorithmic decision-making system used by the Tax and Customs Administration to detect inaccurate and potentially fraudulent applications for childcare benefits. Nationality was one of the risk factors used by the Tax Administration to assess the risk of	Discrimination	Amnesty International (2020), <i>Xenophobic machines: Discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal</i> , London, Amnesty International, available at: https://www.amnesty.org/en/wp-

		inaccuracy and/or fraud in the applications submitted. This report illustrates how the use of individuals' nationality resulted in discrimination as and racial profiling.		content/uploads/2021/10/EUR3546862021DUTCH.pdf
DPA	Report	On 29 October 2021, the Dutch Data Protection Authority (Dutch DPA) published a report on the Tax and Customs Administration's processing of personal data using a blacklist application called the Fraud Signalling Facility ('FSV'). The FSV was a blacklist of possible fraudsters. The Dutch DPA concludes that the Tax and Customs Administration seriously violated the GDPR by processing the data of approximately a quarter of a million citizens for years in the FSV. The FSV was used by the tax authority from late 2013 to early 2020, after which it was discontinued due to several media reports discrediting the system. The FSV was accessible to thousands of employees working at various divisions of the tax authority. It contained a variety of alleged or proven data, both from within and outside the tax authority and had no legal basis.	Privacy; Data Protection	The Netherlands, Dutch Data Protection Authority (<i>Autoriteit Persoonsgegevens</i>) (2021), Belastingdienst Verwerkingen van persoonsgegevens in de Fraude Signalering Voorziening (FSV), available at: https://www.autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/onderzoek_belastingdienst_fraude_signalering_voorziening_fsv.pdf

<p>Government / Parliamentary</p>	<p>National Draft Act</p>	<p>On 9 November 2021, the Minister of Justice and Security sent the Bill on the Coordination and Analysis of Counterterrorism and National Security Act (<i>Wet verwerking persoonsgegevens coördinatie en analyse terrorismebestrijding en nationale veiligheid</i>), to the House of Representatives. The bill gives powers to the National Coordinator for Counterterrorism and Security (NCTV) to collect data on citizens. At the end of 2021, the bill is still under review of the House of Representatives.</p>	<p>Privacy; Data Protection</p> <p>On 5 November 2021, the Dutch DPA published its letter to the Minister of Justice and Security, dated 30 June 2021, advising on the bill. The Dutch DPA noted that the bill will give the National Coordinator for Counterterrorism and Security (NCTV) broader powers to collect information about citizens. However, the Dutch emphasized</p>	<p>The Netherlands, Minister of Justice and Security / Minister for Legal Protection (<i>Minister van Justitie en Veiligheid / Minister voor Rechtsbescherming</i>) (2021), Bill on the Coordination and Analysis of Counterterrorism and National Security Act [<i>Wet verwerking persoonsgegevens coördinatie en analyse terrorismebestrijding en nationale veiligheid</i>], available at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/11/09/wetsvoorstel-coördinatie-en-analyse-terrorismebestrijding-en-nationale-veiligheid-nr-versie/09.+Wetsvoorstel+co%C3%B6rdinatie+en+analyse+terrorismebestrijding+en+nationale+veiligheid+NR+versie.pdf</p> <p>The Netherlands, Dutch Data Protection Authority (<i>Autoriteit Persoonsgegevens</i>) (2021), 'Advies over het concept voor een wetsvoorstel Wet</p>
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			that the Minister of Justice and Security has not clarified the necessity for the NCTV to collect, store, and share certain personal data in an area in which intelligence services are also active.	verwerking persoonsgegevens in het kader van coördinatie en analyse terrorismebestrijding en nationale veiligheid', Letter to Minister of Justice and Security, 30 June 2021, available at: https://www.autoriteitpersoonsgegevens.nl/nl/nieuws/nctv-wetsvoorstel-lijkt-vrijbrief-en-maakt-controle-moeilijk
Government / Parliamentary	National Draft Act	On 22 November 2021, the government sent a bill to the House of Representatives which will allow the use for a so-called "2G" coronavirus entry pass. The name "2G" refers to the two g's in "gevaccineerd" and "genezen" - Dutch for vaccinated and recovered. The Netherlands currently uses the 3G system in which people who tested negative ("getest") for Covid-19 can also get an access pass. The House of Representatives is still debating the bill at the end of 2021.	Yes Discrimination The 2G system is controversial because it restricts access to things like events and the catering and cultural sectors to unvaccinated people.	The Netherlands, Minister of Health, Welfare and Sport (<i>Minister van Volksgezondheid, Welzijn en Sport</i>) (2021), Bill for A Temporary Act differentiating coronavirus entry passes (Tijdelijke wet differentiatie coronatoegangsbewijzen), available at: https://www.tweedekamer.nl/downloads/document?id=c2b70c71-2214-430e-becc-e588baa71f6a&title=Voorstel%20van%20wet.doc

<p>Government / Parliamentary</p>	<p>National Draft Act</p>	<p>On 22 November 2021, the government sent a bill to the House of Representatives which will allow the use for a coronavirus entry pass in the workplace if this is necessary to reduce the transmission of the coronavirus. Different situations are involved. In sectors requiring a coronavirus entry pass (where customers and visitors are required to show a coronavirus entry pass in order to gain access), this may be made compulsory for employees. In sectors that are not subject to requirements, employers are authorised to request a coronavirus entry pass from employees if a comparable level of protection cannot be provided in any other way, and the consent of the works council or employee representatives has been obtained in advance.</p>	<p>Yes</p> <p>Privacy; Physical Integrity</p> <p>In a letter to parliament the three biggest trade union federations (FNV, CNV & VCP) advises that the bill violates workers' rights: their medical privacy and right to physical integrity.</p>	<p>The Netherlands, Minister of Health, Welfare and Sport (<i>Minister van Volksgezondheid, Welzijn en Sport</i>) (2021), Bill for A Temporary Act extending the use for coronavirus entry passes (<i>Tijdelijke wet uitbreiding coronatoegangsbewijzen</i>), 22 November 2021, available at: https://www.tweedekamer.nl/downloads/document?id=cba26a8f-e8ea-44ee-b0c3-9c8bed161e58&title=Voorstel%20van%20wet.doc</p> <p>FNV, CNV & VCP (2021), 'Commentaar FNV CNV VCP Tijdelijke wet verbreding inzet Coronatoegangsbewijzen', Letter to Parliament, 24 November 2021, available at: https://www.fnv.nl/getattachment/Nieuwsbericht/Algemeen-nieuws/2021/11/Wetsvoorstel-coronatoegangsbewijs-schaadt-werkneme/21-169-Brief-FNV-CNV-VCP-Tijdelijke-wet-verbreding-inzet-coronatoegangsbewijzen-TK35971.pdf?lang=nl-NL</p>
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DPA	Other	<p>On 25 November 2021, the Dutch DPA has imposed a €2.75 million fine on the Tax and Customs Administration. The fine was imposed because for many years the Tax Administration processed data on the (dual) nationality of childcare benefit applicants in an unlawful, discriminatory and therefore improper manner. This constituted serious violations of the General Data Protection Regulation (GDPR). In May 2018, some 1.4 million people were still registered as dual nationals in the system of the Tax and Customs Administration. By unnecessarily retaining nationality data in its systems, the Tax Administration acted in a discriminatory way.</p>	<p>Yes</p> <p>Non-discrimination</p>	<p>The Netherlands, Dutch Data Protection Authority (<i>Autoriteit Persoonsgegevens</i>) (2021), 'Besluit tot boeteoplegging', Letter to the Minister of Finance, 25 November 2021, available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/boetebesluit_belastingdienst.pdf</p>
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Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>The government has decided to implement several support packages that address partially the specific vulnerabilities of children and young people living in poverty. Two of these packages were launched in 2020 (but the budget will be spent in 2021). On 28 September 2020, the government decided to spend €146 million extra to strengthen the municipal approach to debt and poverty.¹²⁵ For example, municipal debt counselling will be equipped for a greater influx of requests for help. Extra efforts will also be made to identify poverty in families. On 8 December 2020, the government adopted the Youth Package worth €58.5 million.¹²⁶ This package focuses on initiatives to strengthen mental resilience for young people, on activities for young people and on youth work. On 12 February 2021, the government released around €43 million for mental support for youth, organizing activities to strengthen the mental resilience of young people, and intensifying youth welfare initiatives.¹²⁷</p> <p>On 14 January 2021, the Ombudsman for Children of the Municipality of Rotterdam published a study that examines the extent to which the various poverty schemes of municipalities meet the needs of children living in poverty.¹²⁸ The study concerns the poverty schemes of the six municipalities for which the Ombudsman is competent: Albrandswaard, Capelle aan den IJssel, Hellevoetsluis, Krimpen aan den IJssel, Rotterdam and</p>
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¹²⁵ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2020), 'Intensivering armoede- en schuldenaanpak', Letter to House of Representatives, 28 September 2020, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/09/28/intensivering-armoede--en-schuldenaanpak/Brief+TK+Intensivering+armoede-+en+schuldenaanpak.pdf>

¹²⁶ The Netherlands, Minister for Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2020), 'Stand van zakenbrief COVID-19', Letter to House of Representatives, 8 December 2020, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/12/08/kamerbrief-over-stand-van-zaken-covid-19/kamerbrief-over-stand-van-zaken-covid-19.pdf>

¹²⁷ The Netherlands, Minister and State Secretary for Health, Welfare and Sport (*Minister en Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2021). 'Steunpakket sociaal en mentaal welzijn en leefstijl', Letter to House of Representatives, 12 February 2021, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/02/12/kamerbrief-over-steunpakket-sociaal-en-mentaal-welzijn-en-leefstijl/kamerbrief-over-steunpakket-sociaal-en-mentaal-welzijn-en-leefstijl.pdf>

¹²⁸ The Netherlands, Municipality Rotterdam – Ombudsman for Children (*Gemeente Rotterdam – Kinderombudsman*) (2021), Who, what, where? Under the microscope: municipal regulations for children in poverty [Wie, wat, waar? Onder de loep: gemeentelijke regelingen voor kinderen in armoede], available at:

<https://www.kinderombudsmanrotterdam.nl/web/uploads/2021/01/rapport-Onder-de-loep-gem-armoederegelingen-voor-kinderen.pdf>

	<p>Vlaardingen. The conclusion of this study is that the schemes are organised too much from the perspective of the municipality and too little from the perspective of the child. One of the problems with the schemes is that many parents and children are not aware of the schemes. Moreover, applying for a scheme is often complicated. In addition, the Rotterdam Ombudsman for Children concludes that the range of schemes only partially meets the needs of children. Children indicate that they consider food, clothing and a nice home to be important. The current schemes focus on school and leisure.</p> <p>An evaluation study of the policies of all Dutch municipalities to combat poverty among children show that the number of children reached by one of the poverty schemes initiated by the municipalities has increased (from 43 percent in 2017 to 81 percent in 2020).¹²⁹</p> <p>On 13 December 2021, the Ombudsman for Children in the Netherlands expressed, in a letter to Committee on the Rights of the Child (CRC), expressed her concerns about the availability of assistance to children who are growing up in poverty and about the integral nature of the poverty action plan.¹³⁰ She is deeply worried that, due to the measures to combat the COVID-19 pandemic and the cost of these measures, more children are growing up in poverty and that poverty is increasing. As a result, a growing number of children will have to ask for this assistance. She is also concerned about how long it is taking the government to develop its new integral policy on child poverty.</p>
Measures to protect children from violence	<p>On 3 June 2021, the State Secretary for Health, Welfare and Sport informed the House of Representatives that the municipalities will receive an additional €1.3 billion in lose gaps in the youth care sector, on top of the €300 million in additional resources t already promised.¹³¹ Municipalities are responsible for implementing the Youth Act, under which youth care services operate. The implementation of child protection measures and juvenile rehabilitation falls under the Youth Act. The agreement puts an end to a longstanding disagreement between the</p>

¹²⁹ Beerepoot, R., Heuzels, L., Bunt, S. & Mak, J. (2021), Report of the follow-up evaluation of the administrative agreements on child poverty [*Rapport Vervolgevaluatie bestuurlijke afspraken kinderarmoede*], Enschede, I&O Research, available at:

<https://www.rijksoverheid.nl/documenten/publicaties/2021/07/08/io-researchvervolgevaluatie-bestuurlijke-afspraken-kinderarmoede>

¹³⁰ The Netherlands, Ombudsman for Children (2021), 'Subject: Update from the Ombudsman for Children in the Netherlands', Letter Members of the Child Rights Committee, 13 December 2021, available at: <https://www.dekinderombudsman.nl/system/files/publicaties/2021-Publicatie%20aanmaken/Brief%20update%20Kinderrechtencomit%C3%A9%202021.pdf>

¹³¹ The Netherlands, State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2021), 'Afspraken VNG-Rijk naar aanleiding van oordeel Commissie van Wijze', Letter to House of Representatives, 3 June 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/06/03/kamerbrief-over-afspraken-vng-rijk-naar-aanleiding-van-ordeel-commissie-van-wijzen/kamerbrief-over-afspraken-vng-rijk-naar-aanleiding-van-ordeel-commissie-van-wijzen.pdf>

	<p>national government and the municipalities about the reimbursement of funds for youth care facilities. The municipalities demanded repayment of the extra €1.7 billion they had spent since 2015, when the municipalities took over responsibility for youth care from the national government. Childcare costs have steadily risen since 2005.</p> <p>A study by researchers from Leiden University estimates that the number of cases of child abuse was probably three times higher during the first lockdown in 2020 than before.¹³² For this report, professionals working in childcare and education were asked to cooperate as informants. A total of 444 informants participated in the study. They were asked how many children they had lost sight of during the school and childcare closures, about how many of these children they were concerned and for how many children they suspected child abuse during the first lockdown (between 16 March 2020 and 16 June 2020).</p> <p>On 25 October 2021, Dutch daily newspaper NRC reported that the number of domestic violence victims who were admitted to shelters decreased significantly during the two coronavirus lockdowns (March-June 2020, December 2020-June 2021).¹³³ NRC spoke with regional shelter that is organisations and the national sectoral organisation involved in helping these victims. They state in the NRC article that domestic violence has not decreased, but victims have fewer opportunities to ask for help.</p> <p>On 29 October 2021, Statistics Netherlands (CBS) published figures showing that there were fewer reports of domestic violence and child abuse in the first six months of 2021 than in 2020.¹³⁴ The Safe at Home organisations (<i>Veilig Thuis organisaties</i>) received almost 61,000 reports in the first six months of 2021, a drop of 6% compared to the same period in 2020. The Safe at Home organisations are regional centres where victims and witnesses of domestic violence and child abuse can report incidents.</p> <p>On 9 November 2021, the Netherlands Institute for the Study of Crime and Law Enforcement published its first results from its monitor "Stay Home, Stay Safe?" on the impact of the corona measures on domestic violence and child abuse in the</p>
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¹³² Vermeulen, S., Van Berkel, S. & Alink, L. (2021). Child abuse during the first lockdown [Kindermishandeling tijdens de eerste lockdown]. Leiden: Universiteit Leiden. <https://www.universiteitleiden.nl/binaries/content/assets/sociale-wetenschappen/pedagogische-wetenschappen/forensische-gezinspedagogiek-en-jeugdhulpverlening/rapport-prevalentie-kindermishandeling-tijdens-covid-lockdown.pdf>

¹³³ Geurts, L. (2021), Fewer admissions for domestic violence [Minder opnames om huiselijk geweld], NRC, 25 October 2021, <https://www.nrc.nl/nieuws/2021/10/25/minder-opnames-om-huiselijk-geweld-a4063080>

¹³⁴ Statistics Netherlands (2021), 6 percent less reports of domestic violence in 1st half year 2021 [6 procent minder meldingen huiselijk geweld in 1e halfjaar 2021]. News release, 29 October 2021, available at: <https://www.cbs.nl/nl-nl/nieuws/2021/43/6-procent-minder-meldingen-huiselijk-geweld-in-1e-halfjaar-2021>

	<p>Netherlands.¹³⁵ In order to examine the impact of the corona measures data from the Safe at Home organisations (<i>Veilig Thuis organisaties</i>) on domestic violence in 2020 were compared with the same periods in 2019. The Safe at Home organisations are regional centres where victims and witnesses of domestic violence and child abuse can report incidents. Although no substantial differences were found in the number of reports compared to 2019, the research shows that there are differences in the type of reporter, or in other words who makes the report to the Safe at Home organisation. Although professionals are still the main reporters of domestic violence and child abuse, citizens have become more important reporters since the first lockdown. This is especially true for neighbours: 30.9% in 2020 versus 25.1% in 2019.</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>The government is working on a new Code of Criminal Procedure.¹³⁶ On 2 April 2021, the government decided to adopt the Bill implementing the new Code of Criminal Procedure. At present the bill is under review of the Advisory Division of the Council of State (<i>Raad van State</i>).¹³⁷ After this review, the bill will be published and sent to the House of Representatives (<i>Tweede Kamer</i>). On 7 July 2020, the government published an internal version (<i>ambtelijke versie</i>) of the complete draft Bill implementing the new Code of Criminal Procedure.¹³⁸</p>
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¹³⁵ Eichelsheim, V., Coomans, A., Blokland, A., Van de Weijer, S., Van Deuren, S. & Van Dijk, M. (2021). Stay Home, Stay Safe? The impact of the COVID-19 crisis on the scale, nature and type of reporter of domestic violence and child abuse [Stay Home, Stay Safe? De impact van de COVID-19-crisis op de omvang, de aard en het type melder van huiselijk geweld en kindermishandeling], Amsterdam, Netherlands Institute for the Study of Crime and Law Enforcement, available at: <https://nscr.nl/stay-home-stay-safe-resultaten/>

¹³⁶ The Netherlands, Government of the Netherlands (*Rijksoverheid*) (2019), 'Modernisation of the Code of Criminal Procedure', Web page, available at:

<https://www.government.nl/topics/modernisation-code-of-criminalprocedure>

¹³⁷ The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2021), 'Nieuwe Wetboek van Strafvordering voor advies naar Raad van State', News release, 2 April 2021, available at:

<https://www.rijksoverheid.nl/actueel/nieuws/2021/04/02/nieuwe-wetboek-van-strafvordering-voor-advies-naar-raad-van-state>

¹³⁸ The Netherlands, Ministry of Justice and (*Ministerie van Justitie en Veiligheid*) (2020), Draft bill for New Code of Criminal Procedure, Internal version, July 2020, [*Wetsvoorstel tot vaststelling van het nieuwe Wetboek van Strafvordering, Ambtelijke versie, Juli 2020*], available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2020/07/30/ambtelijke-versie-juli-2020-wetsvoorstel-wetboek-van-strafvordering/Ambtelijke+versie+juli+2020+wetsvoorstel+Wetboek+van+Strafvordering.pdf>

	<p>The current Code dates from 1921 and has been amended many times since then.¹³⁹ Since 1992 the position of the victim has been strengthened considerably. The new Code consists of 8 books. Book number 6 contains special rules of criminal procedure including one chapter on rules for the prosecution of juveniles or children. All the special provisions for juveniles or children which are found scattered in the present Code are found in Book 6 of the draft Code. The draft Code contains a number of innovations: the position of parents in the juvenile criminal procedure is extensively regulated (standard practices are codified, partly with a view to legal equality); providing a legal basis of the (audio-visual) registration of interrogations of minors.</p>
Policy developments	<p>On 10 May 2021 the Minister for Legal Protection sent by letter¹⁴⁰ a study¹⁴¹ into new (legal) instruments to hold parents liable for the criminal behaviour of their children. This study proposes the following instruments: (1) improving parenting support in a voluntary setting; (2) introducing penalty payments for parents (inspired by the Parental Compensation Orders in Great-Britain); (3) expanding the civil liability of parents, so that they are held accountable for the misconduct of their child more often than is currently the case ; (4) introducing coercive legal instruments to hold uncooperative parents accountable (instruments such as the Parenting Order used in England and Wales).</p>
Other measures or initiatives	<p>On 2 February 2021, the Research and Documentation Centre or WODC of the Ministry of Justice and Security published a multidisciplinary study on the sentencing of juvenile offenders who have committed serious violent or sexual offences.¹⁴² It was conducted by a group of independent researchers. This study was conducted in the context of current political discussion concerning</p>

¹³⁹ The Netherlands, Ministry of Justice and (*Ministerie van Justitie en Veiligheid*) (2020), Explanatory Memorandum to draft bill for New Code of Criminal Procedure, Internal version, July 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2020/07/30/ambtelijke-versie-juli-2020-memorie-van-toelichting-wetboek-van-strafovordering/Amtelijke+versie+juli+2020+Memorie+van+Toelichting+Wetboek+van+Strafvordering.pdf>

¹⁴⁰ The Netherlands, Ministry of Justice and Security (2021), Youth criminality and parenting. An exploration of legal instrument to hold parents accountable, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/05/10/tk-bijlage-jeugdcriminaliteit-en-opvoeding/tk-bijlage-jeugdcriminaliteit-en-opvoeding.pdf>

¹⁴¹ The Netherlands, Minister for Legal Protection (Minister voor Rechtsbescherming) (2021), 'Verkenning 'Jeugdcriminaliteit en opvoeding', Letter to House of Representatives, 10 May 2021, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/05/10/tk-verkenning-jeugdcriminaliteit-en-opvoeding/tk-verkenning-jeugdcriminaliteit-en-opvoeding.pdf>

¹⁴² Asscher, J. et al (2021), A comparative study into the sentencing of youth offenders who have committed serious violent and sexual offences [*De strafmaat voor jeugdige daders van ernstige gewelds- en zedenmisdrijven in internationaal perspectief*], The Hague, Research and Documentation Centre- Ministry of Justice and Security, available at: <https://repository.wodc.nl/bitstream/handle/20.500.12832/3011/3126-de-strafmaat-voor-jeugdige-dader-van-ernstige-gewelds-en-zedenmisdrijven-volledige%20tekst.pdf?sequence=1&isAllowed=y>

the maximum duration of youth detention in the Netherlands. The aim of this study is to provide insight into the sentencing of youths in various European jurisdictions, as well as to explore the extent to which the findings should lead to an adjustment of the Dutch criminal law approach to youths who are convicted of serious violent or sexual offences. This study considers the legal framework and practices in the Netherlands and five other European countries, namely Belgium (Flanders), Germany, England & Wales, Ireland and Sweden, concerning the sentencing of juvenile offenders (12-23 years) of serious violent or sexual offences. Moreover, a systematic literature review was conducted concerning the outcomes of sentences imposed on juvenile offenders of serious violent or sexual offences and it is attempted to gain insight into the effectiveness of imposed sentences, in particular in relation to recidivism, in the selected countries. The international and European children's and human rights framework, to which the Netherlands and the other countries in this study have committed themselves, serves as the overarching normative framework of this study. The study makes clear that none of the three perspectives provided in this study – (1) an international and European children's and human rights perspective, (2) a European comparative legal perspective, and (3) an effectivity perspective – require amending the Dutch approach, but at the same time they leave some room for the legislature to make certain changes. The results of this study do not provide a direct answer to the question whether the maximum detention sentence in the Netherlands should be increased.

On 25 May 2021, the Research and Documentation Centre or WODC of the Ministry of Justice and Security published a study on the effects of adolescent criminal law or ACL on resocialisation and recidivism among young adults.¹⁴³ ACL took effect on 1 April 2014. It allows a more flexible use of juvenile and adult criminal law sanctions for 16 to 23-year-olds in the prosecution and trial of a young adult. The application of both a sanction from juvenile criminal law and a sanction from adult criminal law are possible. The study uses longitudinal registration data from the entire criminal procedure chain. Moreover, the study uses a quasi-experimental design to investigate any effects on changes in resocialisation and recidivism, by comparing young adults tried via juvenile criminal law with those tried via adult criminal law, through propensity score matching. This study suggests that, overall, juvenile criminal law for young adults may have adverse or null effects on recidivism. Furthermore, the results suggest only nil effects for recidivism rates when enile detention is campred to ult detention. However, juvenile detentions may indirectly correlate with lower recidivism rates through post-detention income/education, even though there is no direct

¹⁴³ Van der Laan, Zeylmans, K., L.J.C., Beerthuyzen, M.G.C.J., (2021), Evaluation of adolescent criminal law - A public policy multi-criteria evaluation [*Evaluatie van het adolescentenstrafrecht*], The Hague, WODC, Research and Documentation Centre- Ministry of Justice and Security, available at: <https://repository.wodc.nl/bitstream/handle/20.500.12832/3056/Cahier-2021-06-volledige-tekst.pdf?sequence=5&isAllowed=y>

relationship. Moreover, young adults who had an active income or who were following education pre-prosecution are more likely to have an active income or education two years after sanctioning, when tried via juvenile criminal law. The results of the current study concern young adults tried in the first seven quarters after adolescent criminal law came into force. Because recidivism rates of young adults tried via juvenile and adult criminal have become more comparable in recent years, the current results cannot be generalized to recent years.

On 25 May 2021, the Research and Documentation Centre or WODC of the Ministry of Justice and Security published an evaluation study on adolescent criminal law or ACL.¹⁴⁴ ACL took effect on 1 April 2014. It allows for a more flexible use of juvenile and adult criminal law sanctions for 16 to 23-year-olds in the prosecution and trial of a young adult. The application of both a sanction from juvenile criminal law and a sanction from adult criminal law is possible. This evaluation study is the overarching study of the WODC Monitoring and Evaluation of Adolescent Criminal Law research programme in which the operation of adolescent criminal law has been evaluated. The general conclusion is that the application of juvenile criminal law in young adults is relevant to the desistance of criminal careers and provides scientific evidence for the different assumptions behind such a development-oriented approach. It also shows the impact of adolescent criminal law in the sense that the application of juvenile criminal law is increasingly being used for young adults and the previously anticipated goals are (partially) achieved. However, there are several bottlenecks both at the system level and in practice, that impede effectiveness and efficient implementation and may jeopardise observance with the general human rights of young adult offenders such as transparency and equality. The promising development-oriented approach of adolescent criminal law to young adult offenders, which can help them to stop their criminal careers, can only be realized if the identified bottlenecks and unintended consequences are addressed in systems and in practice. This evaluation offers several starting recommendations.

On 2 November 2021, the Council for the Administration of Criminal Justice and Protection of Juveniles (*Raad voor Strafrechtstoepassing en Jeugdbescherming*) sent a letter to the Minister for Legal Protection containing some advice on the

¹⁴⁴ Propp, L.J.C., Beerthuyzen, M.G.C.J., Van der Laan, A.M., (2021), *Adolescentenstrafrecht Effecten van de toepassing van het jeugdstrafrecht bij jongvolwassenen op resocialisatie en recidive [Achterlopende ontwikkeling. Het begrip 'onvoltooide ontwikkeling' in de toepassing van het adolescentenstrafrecht]*, The Hague, WODC, Research and Documentation Centre- Ministry of Justice and Security, available at: <https://repository.wodc.nl/bitstream/handle/20.500.12832/3055/Cahier%20-2021-05-volledige-tekst.pdf?sequence=1&isAllowed=y>

adolescent criminal law or ACL.¹⁴⁵ ACL took effect on 1 April 2014. It allows a more flexible use of juvenile and adult criminal law sanctions for 16 to 23-year-olds in the prosecution and trial of a young adult. The application of both a sanction from juvenile criminal law and a sanction from adult criminal law are possible. In its advice the Council recommends that more young adults should be eligible for the sanctions and provisions of the juvenile justice system. The application of juvenile criminal law to young adults should be standard practice.

On 8 July 2021, the Ombudsman for Children published a report on the complaint of a 17-year-old boy who had been placed in a police cell.¹⁴⁶ He was arrested after taking his father's car for a ride without the father's permission. The father called the police. The police arrested the boy and took him to the police station. At the police station, the boy was placed in a police cell. He was not allowed to call his mother. Therefore, he started kicking the cell door. This behaviour prompted the police officer to transfer him to an observation cell. The boy resisted the transfer and the officers used violence to get the boy under control. The Ombudsman for Children concluded that the boy's complaint was justified. The Ombudsman is of the opinion that not everything was done to prevent the violence that was used. The police should have allowed him to contact his mother. By allowing the boy to contact his mother, the police could have prevented him from becoming aggressive during his stay in the cell and perhaps a transfer would have been necessary.

¹⁴⁵ The Netherlands, Council for the Administration of Criminal Justice and Protection of Juveniles (Raad voor Strafrechtstoepassing en Jeugdbescherming) (2021), 'Advies adolescentenstrafrecht', Letter to Minister for Legal Protection, available at: <https://www.rsj.nl/binaries/rsj/documenten/rapporten/2021/11/09/advies-adolescentenstrafrecht/Advies+adolescentenstrafrecht.pdf>

¹⁴⁶ The Netherlands, Ombudsman for Children (*Kinderombudsman*) (2021), An investigation into the use of police police brutality against an imprisoned underage person. [Een onderzoek naar het toepassen van politiegeweld tegen een ingesloten Minderjarige], available at: <https://www.dekinderombudsman.nl/system/files/publications/2021-Publicatie%20aanmaken/Rapport-politiegeweld-ingesloten-minderjarige.pdf>

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

On 20 April 2021, the Senate¹⁴⁷ passed a bill¹⁴⁸ to extend the rights of the victim in the Criminal Code and the Code of Criminal Procedure. This bill leads to the following five major changes.

The bill makes it compulsory for defendants charged accused of serious violent crimes or serious sex offences to be present at the trial when victims make their victim statement.

The bill entitles the stepfamily of the victim to make a victim impact statement during the trial.

The bill makes it mandatory that victims will be consulted on the special conditions that can be attached to the conditional end of the detention under hospital orders (TBS) imposed on a person convicted for a serious violent or sex crime.

The right to address the court will take place at a fixed time during the trial, namely prior to the public prosecutor's closing argument.

The new law also provides for the expansion of the advance payment scheme for victims and surviving relatives. The state already has the power the advance the remaining amount in damages to the victim(s) of a crime if the perpetrator has not paid in full within eight months. That power has been extended to victims of all criminal offences, i.e., both crimes and offences.

The date on which this bill will become law is not yet known.

The government is working on a new Code of Criminal Procedure.¹⁴⁹ On 2 April 2021, the government decided to adopt the Bill implementing the new Code of Criminal Procedure. At present the bill is under review of the Advisory Division of

¹⁴⁷ The Netherlands, Senate (Eerste Kamer) (2021), Bill extending victim rights ['Wet uitbreiding slachtofferrechten'], Web page, available at:

https://www.eerstekamer.nl/wetsvoorstel/35349_wet_uitbreiding

¹⁴⁸ The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), Bill extending victim rights ['Wetsvoorstel uitbreiding slachtofferrechten'], available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/11/27/wetsvoorstel-wet-uitbreiding-slachtofferrechten/Voorstel+van+Wet+uitbreiding+slachtofferrechten+nader+rapportfase.pdf>

¹⁴⁹ The Netherlands, Government of the Netherlands (*Rijksoverheid*) (2019), 'Modernisation of the Code of Criminal Procedure', Web page, available at:

<https://www.government.nl/topics/modernisation-code-of-criminalprocedure>

the Council of State (*Raad van State*).¹⁵⁰ After this review the bill will be published and sent to the House of Representatives (*Tweede Kamer*). On 7 July 2020 the government published an internal version (*ambtelijke versie*) of the complete draft Bill implementing the new Code of Criminal Procedure.¹⁵¹

The present Code dates from 1921 and has been amended many times ever since.¹⁵² Since 1992 the position of the victim has been strengthened considerably. Chapter IIIA of the current Code (on the legal position of the victim) will be replaced by Chapter 5 of Book 1. The first title of this chapter contains a definition of the term of victim. The second title contains a number of articles in which the rights of the victim are laid down. The third title elaborates on the claim for compensation, with which the injured party can join the criminal proceedings. The fourth title contains the legal remedies that can be used by the victims. The new Code adds some new rights and remedies. An important improvement in the legal position of victims is the possibility to separately deal with the claim for compensation submitted by the victim as an injured party after the closing of the criminal case. In this stage (of separate treatment) the court can impose compensation measures. A declaration of inadmissibility of the claim due to the disproportionality of the burden on the criminal proceedings is no longer an issue in that case. In the new Code victims are granted the opportunity, as a directly interested party, to complain about the lack of prosecution as well as about the lack of investigation.

On 24 June 2021, the Minister of Justice and Security sent the bill on the Innovation of Criminal Proceedings (*Innovatiewet Strafvordering*) to the House of Representatives.¹⁵³ This bill anticipates the new Code of Criminal Procedure. It amends the present Code of Criminal Procedure on five topics, so that experience

¹⁵⁰ The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2021), 'Nieuwe Wetboek van Strafvordering voor advies naar Raad van State', News release, 2 April 2021, available at: <https://www.rijksoverheid.nl/actueel/nieuws/2021/04/02/nieuwe-wetboek-van-strafvordering-voor-advies-naar-raad-van-stateetboek-van-Strafvordering-voor-advies-naar-Raad-van-State>,

¹⁵¹ The Netherlands, Ministry of Justice and (*Ministerie van Justitie en Veiligheid*) (2020), Draft bill for New Code of Criminal Procedure, Internal version, July 2020, [*Wetsvoorstel tot vaststelling van het nieuwe Wetboek van Strafvordering, Ambtelijke versie, Juli 2020*], available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2020/07/30/ambtelijke-versie-juli-2020-wetsvoorstel-wetboek-van-strafvordering/Ambtelijke+versie+juli+2020+wetsvoorstel+Wetboek+van+Strafvordering.pdf>

¹⁵² The Netherlands, Ministry of Justice and (*Ministerie van Justitie en Veiligheid*) (2020), Explanatory Memorandum to draft bill for New Code of Criminal Procedure, Internal version, July 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2020/07/30/ambtelijke-versie-juli-2020-memorie-van-toelichting-wetboek-van-strafvordering/Amtelijke+versie+juli+2020+Memorie+van+Toelichting+Wetboek+van+Strafvordering.pdf>

¹⁵³ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), Bill on Innovation Criminal Proceedings, [*Innovatiewet Strafvordering*], available at: <https://www.tweedekamer.nl/downloads/document?id=f7e65e91-72c2-4067-924a-165147445908&title=Voorstel%20van%20wet%20%28herdruk%29.pdf>

can be gained in anticipation of the new Code of Criminal Procedure. Thus, the bill consists of five measures which will also be laid down in the new Code of Criminal Procedure. One of these measures concerns victim rights and concerns the mediation between perpetrator and victims under supervision of a mediator. A regulation is introduced for the way in which mediation can take place after the start of the investigation at the court hearing. This is already happening in practice, but the proposal is more elaborate and clarifies the consequences of mediation in that situation.

On 27 September 2021, the Ministers for Legal Protection submitted a report to parliament examining the effectiveness and efficiency of the financial and policy instruments of the Ministry of Justice and Security as parts of its victim policy.¹⁵⁴ This policy review focuses on the period 1 January 2014 to 31 December 2019. The central research question of this policy review is: To what extent are the financial and policy instruments of the Ministry of Justice and Security effective and efficient in strengthening the position of victims?

The review found that although a variety of studies have been conducted on victim support, there is little research available that provides conclusive information about the effectiveness of the policy pursued in the period 2014 to 2019. At the same time, the authors of this policy review are of the opinion that the available research provides an indication of the plausibility of effectiveness, for example because the implemented policy instruments are based on pilots that were assessed positively for their effects on victims. The authors therefore conclude that the policy instruments that have been deployed contribute to a substantial extent to the policy objectives and thus to the desired effects for victims. The available sources contain only very limited information with which efficiency can be determined. The underlying cause of this is that expenditure on victim policy is difficult to attribute to the policy goals and the instruments that fall under these goals. Moreover, expenditure can also contribute to multiple objectives at the same time.

On 27 September 2021, the Inspectorate of Justice and Security published a report on the implementation of the individual assessment of victims by the police.¹⁵⁵ The method of individual assessment of victims introduced in 2018 was a new task for the police. With the individual assessment, the police want to pay systematic and structural attention to a victim's vulnerability to repeated

¹⁵⁴ Van Duivenboden, D., Groothuis, S., Laros & Welmink (2021), Policy review Article 34.4 Victim care [*Beleid Beleidsdoorlichting Artikel 34.4 Slachtofferzorg*], Amersfoort, TwynstraGudde, available at: <https://www.tweedekamer.nl/downloads/document?id=d0f5cd78-bdc3-4a47-b626-3ec95fdc7afe&title=Eindrapport%20Beleidsdoorlichting%20Slachtofferzorg.pdf>

¹⁵⁵ The Netherlands, Inspectorate of Justice and Security (*Inspectie van Justitie en Veiligheid*) (2021), Vulnerable right : An investigation into the application of the Individual Assessment of Victims by the police [*Een kwetsbaar recht : Een onderzoek naar de toepassing van de Individuele Beoordeling van slachtoffers door de politie*], available at: <https://www.inspectie-jenv.nl/binaries/inspectie-venj/documenten/rapporten/2021/09/27/rapport-een-kwetsbaar-recht/Rapport+Een+kwetsbaar+recht.pdf>

victimization, secondary victimization, intimidation and/or retaliation. The Inspectorate concludes that the way in which the police implement the individual assessment does not pay sufficient systematic and structural attention to a victim's vulnerability and need for protection. The Inspectorate sees two reasons for this: (1) police officers have limited knowledge of the individual assessment due to the lack of adequate training, and (2) the working method is poorly implemented in the organisation due to lack of guidance.

The Inspectorate asks the police to submit a plan within six months on it intends to improve the application of the individual assessment of victims.

7.2 Measures addressing violence against women

The revised version of the draft Bill amending the Criminal Code on sexual offences was open for internet consultation from 8 March 2021 to 6 June 2021.¹⁵⁶ During such a consultation round organisations and citizens can submit their comments on the draft bill. The consultation round is the first stage in the Dutch legislative process. In 2020, the first version of the draft Bill to amend the Criminal Code as concerns sexual offences was open for internet consultation. In order to criminalise sex against the will of the victim, the first version of draft Bill included a new article in the Criminal Code. The new offence (sex against the will of the victim) carried a lighter penalty (maximum 6 years imprisonment) than rape (maximum 12 years imprisonment). Organisations like Amnesty International, Atria and the Netherlands Institute for Human Rights objected to this. According to Amnesty International, sex against the will of the victim should not only be punishable, but also recognised as rape.¹⁵⁷ In this new revised version of the Bill, rape and sexual assault no longer depend on force but on the lack of consent. Currently, the Dutch Criminal Code defines rape as the 'actions comprising or including the sexual penetration of the body' that have taken place by force (Art. 242). Force is specified as 'coercion through violence, the threat of violence or through another act or the threat of another act'. Under the revised draft Bill, rape and sexual assault do not depend on whether the perpetrator breaks the will of the victim. Instead, the threshold for sexual assault and rape is the absence of will: when the other person shows explicit verbal or physical restraint in behaviour, markedly passive behaviour, or when, obvious (non)verbal signs, indicate reluctance on her or his part. The revised draft Bill distinguishes between sexual assault and rape where the perpetrator knew that the victim did not want the

¹⁵⁶ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2021), Draft Bill on sexual offences [*Concept wetsvoorstel seksuele misdrijven*], available at: <https://www.internetconsultatie.nl/wetsvoorstelseksuelemisdrijven/document/6757>

¹⁵⁷ Amnesty International – Dutch Section (2020), 'Voorstel Wet seksuele misdrijven. Inbreng van Amnesty International Nederland', Letter to Minister of Justice and Security, 3 August 2020, available at: <https://www.internetconsultatie.nl/wetseksuelemisdrijven/reactie/142988/bestand>

sexual acts but performed them anyway (Arts. 241 and 243) – with a higher maximum penalty in case of force, violence or threat – and sexual assault and rape where the intentions of the victim cannot be established, but where the perpetrator had serious reason to suspect that the other person did not consent (Arts. 240 and 242).

The revised draft Bill also introduces a new article in the Criminal Code (Article 429ter) that criminalises sexual harassment in public punishable.

A study was published addressing the question why during the first phase of the COVID-19 pandemic (first half 2020) the Netherlands did not report an increase in domestic violence while many other countries reported an increase.¹⁵⁸ To understand this discrepancy and the overall impact of the lockdown on support services, the authors interviewed 16 professionals about their experiences with domestic violence during the rise of COVID-19. Most professionals did not see an increase in domestic violence, but they did notice more severe violence. They experienced less opportunities to detect domestic violence and worried about their clients' wellbeing and the quality of (online) care. Furthermore, their working conditions rapidly changed, with working from home and online, and they expressed frustration, insecurity and loneliness. Professionals feel eHealth and online tools are not always suitable, but they do see them as an opportunity to increase reach and maintain services when physical contact is not possible. This study suggests domestic violence was probably under-detected during the lockdown rather than not having increased. The Dutch system heavily relies on professionals to detect and report DVA, suggesting a need for critical evaluation of the accessibility of professional help. Professionals experienced significant challenges and should themselves be supported psychologically and in their changed work practices to maintain their ability to aid survivors.

On 25 October 2021, Dutch daily newspaper NRC reported that the number of domestic violence victims who were admitted to shelters decreased significantly during the two coronavirus lockdowns (March-June 2020, December 2020-June 2021).¹⁵⁹ NRC spoke to regional shelter organisations and the national sectoral organisation involved in helping these victims. They stated in the NRC article that domestic violence did not decrease, but victims had fewer opportunities to ask for help.

¹⁵⁸ Van Gelder, N.E., Ekker, K., Ligthart, S.A., & Oertelt-Prigione, S. (2021). 'Professionals' views on working in the field of domestic violence and abuse during the first wave of COVID-19: a qualitative study' in the Netherlands', BMC Health Services Research 21:624, available at: <https://doi.org/10.1186/s12913-021-06674-z>

¹⁵⁹ Geurts, L. (2021), Fewer admissions for domestic violence [Minder opnames om huiselijk geweld], NRC, 25 October 2021, available at: <https://www.nrc.nl/nieuws/2021/10/25/minder-opnames-om-huiselijk-geweld-a4063080>

On 29 October 2021, Statistics Netherlands (CBS) published figures showing that there were fewer reports of domestic violence and child abuse were made in the first six months of 2021, compared with 2020.¹⁶⁰ The Safe at Home organisations (*Veilig Thuis organisaties*) received almost 61,000 reports in the first six months of 2021, a drop of 6% compared to the same period in 2020. The Safe at Home organisations are regional centres where victims and witnesses of domestic violence and child abuse can report incidents.

On 9 November 2021, the Netherlands Institute for the Study of Crime and Law Enforcement published its first results from its monitor "Stay Home, Stay Safe?" on the impact of the corona measures on domestic violence and child abuse in the Netherlands.¹⁶¹ In order to examine the impact of the corona measures data from the Safe at Home organisations (*Veilig Thuis organisaties*) on domestic violence in 2020 were compared with the same periods in 2019. The Safe at Home organisations are regional centres where victims and witnesses of domestic violence and child abuse can report incidents. Although no substantial differences were found in the number of reports compared to 2019, the research shows that there are differences in the type of reporter, or in other words who makes the report to the Safe at Home organisation. Although professionals are still the main reporters of domestic violence and child abuse, citizens have become more important reporters from the first lockdown. This is especially true for neighbours: 30.9% in 2020 versus 25.1% in 2019.

On 16 December 2021, the Minister of Legal Protection sent a study to parliament assessing the temporary trial scheme under which sexual assault victims are no longer liable themselves for costs of medical support (from 1 September 2020 to 1 September 2021).¹⁶² The scheme covered all medical expenses for anyone contacting a Centre for Sexual Violence within seven days of being attacked. Until 1 September 2021, the state had paid for the costs of investigating the crime, while counselling and tests for sexually transmitted diseases were born by the victim's health insurance. The trial scheme was designed to remove a barrier that deterred some victims from reporting sexual offences. The assessment of this trial scheme was carried out through desk research, a questionnaire among victims, and interviews with staff members of the Centre for Sexual Violence. In this study,

¹⁶⁰ Statistics Netherlands (2021), 6 percent less reports of domestic violence in 1st half year 2021 ['6 procent minder meldingen huiselijk geweld in 1e halfjaar 2021']. News release, 29 October 2021, available at: <https://www.cbs.nl/nl-nl/nieuws/2021/43/6-procent-minder-meldingen-huiselijk-geweld-in-1e-halfjaar-2021>

¹⁶¹ Eichelsheim, V., Coomans, A., Blokland, A., Van de Weijer, S., Van Deuren, S. & Van Dijk, M. (2021). Stay Home, Stay Safe? The impact of the COVID-19 crisis on the scale, nature and type of reporter of domestic violence and child abuse [Stay Home, Stay Safe? De impact van de COVID-19-crisis op de omvang, de aard en het type melder van huiselijk geweld en kindermishandeling], Amsterdam, Netherlands Institute for the Study of Crime and Law Enforcement, available at: <https://nscr.nl/stay-home-stay-safe-resultaten/>

¹⁶² Pijlman, V., Eichelsheim, V., Pemberton, A. & De Waardt, M. (2021), Study on the temporary trial scheme under which sexual assault victims are no longer liable themselves for costs of medical support [Onderzoek naar de 'tijdelijke regeling vergoeding eigen risico zorgverzekering slachtoffers van seksueel geweld'], Amsterdam, Nederlands Studiecentrum Criminaliteit en Rechtshandhaving, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/12/16/nscr-tijdelijke-regeling-slachtoffers-seksueel-geweld-samenvatting-en-rapport/nscr-tijdelijke-regeling-slachtoffers-seksueel-geweld-samenvatting-en-rapport.pdf>

victims state that the compensation of the costs contributes to a sense of recognition of their victimhood. All victims receive a similar compensation as a consequence of the Pilot, regardless of whether they have contacted the police or whether the event will lead to the prosecution or punishment of the perpetrator. However, many victims, do not seek help in the acute phase, but seek help later in the non-acute phase (more than 7 days after the event). After experiencing an event as grave as sexual violence, it may be difficult to seek help immediately after the event. Therefore, it can be questioned whether it is justifiable that victims who seek help in the non-acute phase are not eligible for the Pilot.

On 16 December 2021, the Minister of Legal Protection sent a study assessing the Centre for Sexual Violence to parliament.¹⁶³ The Sexual Assault Centre (Centrum Seksueel Geweld) was established in the Netherlands in 2012. It is Centre, where nurses, police, (forensic) doctors and care providers work together in an integrated manner. Currently, there are 16 regional Sexual Assault Centre locations spread across the Netherlands. Prior to the establishment of the Sexual Assault Centre there was no clear point of contact where victims could go. This study was carried out through desk research, interviews with members of the Executive Board and the Supervisory Board of the Sexual Assault Centre and interviews with policy officers from the national government and the municipality of Utrecht. A total of 49 interviews were conducted at the level of the regional locations. Purpose of this study is to produce recommendations for the further development of the Sexual Assault Centre. The study resulted in the following five recommendations: (1) Strengthen the network collaboration; (2) Set up a systematic quality system, aimed at reflection and learning; (3) Find a balance between the professional, political/public and performance logic and broaden the discussion about tasks and funding. (4) Move towards longer budget cycles and broader financing. (5) Strengthen the dialogue at different levels.

On 16 December 2021, Statistics Netherlands (*Centraal Bureau voor de Statistiek*) published a report about domestic violence which contains figures of the regional 'Safe at Home' organizations covering the first half of 2021.¹⁶⁴ Since 1 January 2015, the e 'Safe at Home organizations started to work as centers where victims and witnesses of domestic violence and child abuse can go for support and report incidents. These regional organizations are obliged to deliver their bi-annual figures to Statistics Netherlands. In the first half of 2021m the 'Safe at Home' organizations gave approximately. 67,000 advices to relatives of victims, bystanders and professionals (an increase of 15% compared to the first half of

¹⁶³ Schiffelers, M.-J., Terpstra, N. & Ardon, D. (2021), Toekomstbestendig Centrum Seksueel Geweld: Een bestuurlijke en organisatorische evaluatie ten behoeve van de doorontwikkeling van het CSG

Uitgevoerd door: USBO advies, Utrecht, University Utrecht, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/12/16/toekomstbestendig-centrum-seksueel-geweld/toekomstbestendig-centrum-seksueel-geweld.pdf>

¹⁶⁴ Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2021), Impact Monitor Domestic Violence and Sexual Violence 2021 [*Impactmonitor huiselijke geweld en kindermishandeling 2021*], available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/12/16/impactmonitor-aanpak-huiselijk-geweld-en-kindermishandeling-2021/impactmonitor-aanpak-huiselijk-geweld-en-kindermishandeling-2021.pdf>

2020) and handled approximately 61,000 reported incidents of domestic violence or child abuse (a decrease of 6% compared to the first half of 2020).

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

The Netherlands has not ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities. On 17 March 2021, the Minister for Medical Care and Sport sent a letter to the House of Representatives that the decision whether to ratify the Optional Protocol will be left to the next government and House of Representatives (after the general elections of 17 March 2021).¹⁶⁵

The Netherlands Institute for Human Rights informed by letter the Minister of Interior and Kingdom Relations about the results of a special hotline to monitor how accessible the voting process was for disabled people during the elections for the House of Representatives of 17 March 2021.¹⁶⁶ The hotline received 139 reports. More than one in ten of these reports were positive. 70 reports concern general problems, especially the physical accessibility of polling stations. The other reports are corona-related and include the impossibility to vote by letter and polling stations that were not 'corona-proof'.

As of 23 June 2021, the 'Temporary Decree on Digital Accessibility for the Government' applies to the mobile applications of government and public services.¹⁶⁷

On 1 July 2021, Dutch Sign Language Recognition Act (*Wet erkenning Nederlandse gebarentaal*) took effect. On 13 October 2020, the parliament passed the bill for this

¹⁶⁵ The Netherlands, Minister for Medical and Sport (*Minister voor Medische Zorg en Sport*) (2021), 'Stand van zaken besluitvorming Facultatief Protocol', Letter to the House of Representatives (Tweede Kamer der Staten-Generaal), 17 March 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/03/17/kamerbrief-over-stand-van-zaken-besluitvorming-facultatief-protocol/kamerbrief-over-stand-van-zaken-besluitvorming-facultatief-protocol.pdf>

¹⁶⁶ The Netherlands, Netherlands Institute for Human Rights (*College Rechten van de Mens*) (2021), 'Results hotline accessible elections 2021' ['Eindresultaten meldpunt toegankelijke verkiezingen 2021], Letter to minister of Interior, 28 April 2021, available at: <https://mensenrechten.nl/nl/publicatie/60c8bac5275ec84bc2c13fb2>

¹⁶⁷ The Netherlands, Temporary Decree on Digital Accessibility by the Government (Tijdelijk besluit digitale toegankelijkheid overheid), Article 6, available at: <https://wetten.overheid.nl/jci1.3:c:BWBR0040936&z=2018-07-01&q=2018-07-01>

Act,¹⁶⁸ With this Act, Dutch Sign Language of the Netherlands (NGT, Nederlandse Gebarentaal) becomes an official language in the Netherlands, next to Dutch and Frisian. The bill was initiated by Members of the House of Representatives as early as in 2016, but the COVID-19 pandemic accelerated the legislative process by putting sign language in the public eye.

From 28 June 2021 to 20 September 2021, the draft Bill for a Temporary Experiments with Voting Assistance Act (*Tijdelijke experimentenwet assistentie bij het stemmen*) was open for internet consultation.¹⁶⁹ This Bill makes it possible, for a period of 5 years, to experiment with providing assistance at the polling booth to all voters who request it. Under the current Elections Act, only voters who, because of their physical condition, are unable to vote independently may be assisted in the polling booth to cast their votes.

On 20 September 2021, the Minister of Health, Welfare and Sport sent an evaluation study on the implementation of the comprehensive policy programme 'Onbeperkt meedoen!' ('Unlimited participation!')¹⁷⁰ (See letter¹⁷¹) to the House of Representatives. This programme started in 2018. This programme se I aims to implement the CRPD and focuses on the following social areas; education; transport, social participation and accessibility; care and support. The evaluation study shows that changes have taken place in these social areas in recent years. There are many positive measures and changes to be seen such as accessible stations and new laws. There are also challenges, for example in access to public space. The Netherlands is becoming more and more an inclusive society. Nevertheless, changes needed a lot of time. Due to the programme, there is more cooperation between societal organisations and more organizations are working on improvements for people with disabilities.

¹⁶⁸ The Netherlands, Dutch Sign Language Recognition Act (Wet erkenning Nederlandse gebarentaal), 1 July 2021, available at: <https://wetten.overheid.nl/BWBR0045012/2021-07-01>

¹⁶⁹ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Draft Bill for a Temporary Experiments with Voting Assistance Act (Conceptwetsvoorstel Tijdelijke experimentenwet assistentie bij het stemmen), available at: https://www.internetconsultatie.nl/assistentie_in_stemhokje/document/7120

¹⁷⁰ Jongerius, M., Drost, V., Scholten, N. & Sam Huberts, S. (2021), Towards a more inclusive society. Learning Evaluation programme Unlimited Participation! [*Op weg naar een inclusievere samenleving - Lerende Evaluatie programma onbeperkt meedoen*], Utrecht, Significant Public, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/07/22/lerende-evaluatie-programma-onbeperkt-meedoen/lerende-evaluatie-programma-onbeperkt-meedoen.pdf>

¹⁷¹ The Netherlands, Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2021), 'Evaluation programme Unlimited participation! 2018-2021' ['Evaluatie programma Onbeperkt meedoen! 2018 - 2021], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 20 September 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/09/20/kamerbrief-over-evaluatie-programma-onbeperkt-meedoen-2018-2021/kamerbrief-over-evaluatie-programma-onbeperkt-meedoen-2018-2021.pdf>

On 11 October 2022, the Minister of Interior and Kingdom Relations sent by letter the action programme¹⁷² to make all polling booths during the municipal council elections of 16 March 2022 more accessible.

8.2 CRPD monitoring at national level

On 8 June 2021, the Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau*) published a study on the barriers faced by people with physical disabilities when visiting public places, and how do these barriers affect their ability to participate fully.¹⁷³ The study is based on interviews with 38 people who have physical disabilities or chronic illnesses and an analysis of quantitative data, namely from the National Panel of the Chronically Ill and Disabled and the Health Care Utilisation Survey. The study concludes that people with a physical disability are still unable to participate in society as people without a physical disability do. The causes lie not only in the physical accessibility of public places, but also in prejudice and the way people are treated.

On 28 June 2021, the State Secretary for Infrastructure and Water Management sent the Update Report Accessibility Railways 2021 ¹⁷⁴ (see letter¹⁷⁵) to the House of Representatives. This update report reports on what is achieved since 2015 in the implementation of the Accessibility Implementation Plan. This plan started in 2006 and will run until 2021. The achievements up to 2021 are:

- All railway stations in the Netherlands are provided with guidelines.
- All sprinters' trains used by the national railway company NS for short journeys with many stops meet the latest accessibility requirements.
- All train material of regional transporters is at floor-level and accessible. Platform heights have been adjusted at over 100 stations, bringing the total number of stations with accessible platforms to over 300.

¹⁷² The Netherlands, Ministry of Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*) (2021), Action Programme Accesible Voting [Actieplan Toegankelijk Stemmen], available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/10/11/actieplan-toegankelijk-stemmen/actieplan-toegankelijk-stemmen-merkbaar-minder-drempels-bij-verkiezingeneenteraadsverkiezingen-2022.pdf>

¹⁷³ Vermeij, L. & Hamelink (2021), Accessible? Not by a long shot. Experiences of people living in the Netherlands with physical disabilities as a mirror of society [*Lang niet toegankelijk. Ervaringen van Nederlanders met een lichamelijke beperking als spiegel van de Samenleving*], The Hague, Sociaal en Cultureel Planbureau (SCP), available at: <https://www.scp.nl/binaries/scp/documenten/publicaties/2021/06/08/lang-niet-toegankelijk/Lang+niet+toegankelijk.pdf>

¹⁷⁴ The Netherlands, Prorail (2021), Update Report Accessibility Railways 2021 [Actualisatierapport : Toegankelijkheid Spoor 2021], available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2021/06/28/bijlage-1-actualisatierapport-spoor/bijlage-1-actualisatierapport-spoor.pdf>

¹⁷⁵ The Netherlands, State Secretary for Infrastructure and Water Management (*Staatssecretaris voor Infrastructuur and Waterhuishoudkunde*) (2021), 'Update raport Accessibility Railways 2021' ['Actualisatierapport Toegankelijkheid Spoor 2021'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 28 June 2021, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2021/06/28/actualisatierapport-toegankelijkheid-spoor-2021/actualisatierapport-toegankelijkheid-spoor-2021.pdf>

-The number of stations where travel assistance is available has increased by 74 stations to 168 stations.

A study published by the Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) shows that 26.5% of the municipalities that participated in the study have implemented a plan for the implementation of the CRPD.¹⁷⁶ With the ratification of the Convention on the Rights of Persons with Disabilities, the Youth Act, the Social Support Act and the Participation Act include the obligation for municipalities to periodically develop a plan for the implementation of the Convention on the Rights of Persons with Disabilities. This study covers 173 municipalities (out of 352 in the Netherlands). In 2021, 22.3% of the municipalities are still considering the consequences of the ratification of the CRPD, 18.3% of the municipalities have studied the consequences of the ratification of the CRPD but do not yet have a plan, 17.5% of the municipalities are developing a plan, 7.2% of the municipalities have a plan but do not yet implement it, and 26.5% of the municipalities have implemented a plan.

A survey study conducted by Ieder(in), the Dutch umbrella organisation of persons with disabilities and chronic diseases, shows that many people with disabilities live in homes with a moderate or poor level of accessibility.¹⁷⁷ There is a large demand for home adaptations, but a substantial part (a quarter) of the demand remains unanswered. Having to move instead of adapting a house is usually not a solution for tenants. There are no or hardly any suitable rental properties available for persons with disabilities and chronic diseases.

On 3 December 2021, the Netherlands Institute for Human Rights published the fifth report as a part of its monitor on the implementation of the CRPD.¹⁷⁸ The report presents the situation in the Netherlands with regard to one aspect of the CRPD: the obligation imposed by article 20 on States Parties to take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities. This report is based on desk research and interviews with stake holders and with persons with a disability. The Netherlands Institute for Human Rights concludes that the accessibility to mobility aids is insufficient.

¹⁷⁶ The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2021), Survey implementation CRPD in municipalities Report of the results of the 2021 poll, contained in a trend report for the period 2018 - 2021 [*Inventarisatie implementatie VN-verdrag Handicap in gemeenten : Inhoudelijke rapportage van de resultaten van de peiling van 2021, vervat in een trendrapportage van de periode 2018 – 2021*], available at: https://vng.nl/sites/default/files/2021-06/trendrapportage_implementatie_vn-verdrag_handicap_in_gemeenten_2018-2021.pdf

¹⁷⁷ Ieder(In) (2021), Accessible housing: a hidden housing crisis [Toegankelijke woningen: een verborgen wooncrisis], Utrecht, Ieder(In), available at: <https://iederin.nl/wp-content/uploads/2021/07/Rapportage-woononderzoek-juni-2021-definitief.docx>

¹⁷⁸ The Netherlands, Netherlands Institute for Human Rights (*College Rechten van de Mens*) (2020), Participation of people with a disability in the development and implementation of legislation and policies. Annual report about the implementation of the CRPD [*Participatie van mensen met een beperking bij de totstandkoming van wetgeving en beleid. Jaarlijkse rapportage over de naleving van het VN-verdrag handicap in Nederland 2020 in the Netherlands*], Utrecht, College voor de Rechten van de Mens, available at: <https://publicaties.mensenrechten.nl/file/f145d12c-b4ac-4da2-a518-46745a8fb974.pdf>

People with a disability still experience unnecessary problems when applying for aids. The main problems are complicated procedures, a lack of customisation and the need to prove repeatedly that you have a disability. According to the Netherlands Institute for Human Rights, the government must among other things amend legislation and investigate whether one central point can be set up where people with a disability can turn to.

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Regenboogsteden Online Kennisateliers
Title (EN)	Rainbow cities online knowledge workshop
Organisation (original language)	Movisie
Organisation (EN)	Movisie
Government / Civil society	Civil society
Funding body	Government

Reference (incl. URL, where available)	Movisie (2021) ,Nieuwe reeks Regenboogsteden Online Kennisateliers, Web page, available at: https://www.movisie.nl/artikel/nieuwe-reeks-regenboogsteden-online-kennisateliers
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2021
Type of initiative	Training, education
Main target group	Professionals / Municipal civil servants
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	A series of three knowledge workshops on LGBTI-issues given by Movisie (the national knowledge institute on social issues) to municipal civil servants, professionals and NGOs. The issues covered by these workshops are domestic violence among LGBTI-persons, how to tackle discrimination of LGBT-persons and how to lobby for LGBTI-issues. During these knowledge workshops knowledge is shared by all participants.
Highlight any element of the actions that is	The whole practice is transferable.

transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	It is a one-off activity but can be repeated.
Give reasons why you consider the practice as having concrete measurable impact	It increases the knowledge among municipal civil servants, professionals and NGOs on how to effectively tackle discrimination against LGBTI-people at the local level.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	In all Member States local authorities, NGOs and professionals have a role to play in the combat of discrimination against LGBTI-people.
Explain, if applicable, how the practice involves	Movisie is the organisation which organises the knowledge workshops. It is the national knowledge institute on various social issues including discrimination against LGBTI-people and how to tackle it. In 2021, it has published in 2021 a report on how municipalities can their shape LGBT policy in such a way that it brings about change and counteracts prejudice and discrimination.

<p>beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Mateman, H. & Meijssen, E. (2021), Wat werkt bij gemeentelijk LHBT-beleid? Werkzame elementen van lokale LHBT-beleidsinterventies verkend, Utrecht, Movisie, available at: https://www.movisie.nl/sites/movisie.nl/files/2021-06/Wat-werkt-bij-gemeentelijk-LHBT-beleid.pdf</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>It does not provide for review and assessment.</p>

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Asian Raisins Stichting
Title (EN)	Asian Raisins Foundation
Organisation (original language)	Asian Raisins Stichting
Organisation (EN)	Asian Raisins Foundation
Government / Civil society	Civil society
Funding body	Donations

Reference (incl. URL, where available)	Asian Raisins (2021), 'Over ons', Web page, available at: https://asianraisins.nl/over-ons/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2021-
Type of initiative	awareness raising
Main target group	Dutch people with an Asian appearance
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Asian Raisins Foundation is a Dutch interest group people with Asian background living in the Netherlands or Dutch people with an Asian appearance. It is an anti-racism organization and media platform that makes social problems visible and open to discussion through appealing and proactive campaigns. Since the outbreak of COVID-19, racism in the Netherlands has only become worse and more visible. The foundation encourages the authorities, educational institutions, the media and individuals to eradicate (unconscious) racism and discrimination. It is committed to spreading knowledge and creating awareness in the Netherlands about racism and discrimination against Asians.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The whole practice is transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Because it is a grassroots initiative.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Because it is an initiative of members of a group that is confronted with racial discrimination and wants to fight racism themselves.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Because in all Member States there are groups who face racial discrimination.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The practice is an initiative by the people who face racial discrimination themselves.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The practice does not provide for review and assessment.</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	<p><u>No promising practice has been identified for this thematic area</u></p>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	Contextual targeting
Title (EN)	Contextual targeting
Organisation (original language)	STER, Stichting Ether Reclame
Organisation (EN)	STER, Foundation for Ether Advertisement
Government / Civil society	Civil society
Funding body	STER, Foundation for Ether Advertisement
Reference (incl. URL, where available)	STER (2020), 'Hoe werkt contextual targeting bij Ster?', News release, 2 July 2020, available at https://www.ster.nl/nieuws/hoewerkt-contextual-targeting-bij-ster/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2020-
Type of initiative	Terchnical device
Main target group	Consumers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The Dutch Stichting Ether Reclame (Ether Advertising Foundation), better known as STER, was one of the first organisations in the Netherlands to abandon the common model of offering advertisements based on information collected via cookies. STER, is responsible for the broadcast of radio and television ads on the Dutch public media services including the websites of these services. STER has developed a procedure that only uses relevant information on the webpages visited. No personal data are collected at all (data such as browser version, IP address and click-through behaviour). Advertisers submit their advertisements to STER, which are then put on the website in conformity with the protocol developed by STER, which is based on a number of simple categories. These categories are linked to the information that is shown, such as a TV programme that someone has selected. The protocol has been built up and refined over the past period and now works properly.</p>

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The whole practice is transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Because it is developed and implemented by Dutch Stichting Ether Reclame (Ether Advertising Foundation), which is responsible for the broadcast of radio and television ads on the Dutch public media services including the websites of these services</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The practice was awarded The Dutch Privacy Awards 2021 and the jury decided that the effectiveness of this practice is proven.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Because online commercials are prevalent in all Member States.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The organisation which developed and implemented this practice is responsible for the broadcast of radio and television ads on the Dutch media service NPO.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The practice was awarded The Dutch Privacy Awards 2021 and the jury decided that the effectiveness of this practice is proven.</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	Kindloket
Title (EN)	Children's Counter
Organisation (original language)	Gemeente Zwolle
Organisation (EN)	Municipality of Zwolle
Government / Civil society	Government
Funding body	Municipality
Reference (incl. URL, where available)	The Netherlands, Municipality of Zwolle (Gemeente Zwolle) (2021), 'Over Kindloket Zwolle', Web page, available at: https://www.kindloketzwolle.nl/over-kindloket-zwolle

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018-
Type of initiative	Online tool
Main target group	Parents / care takers
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The Children's Counter is a website that brings together all the information about the different products and schemes for parents or caretakers with a low income living in the municipality of Zwolle. This practice aims to share information about products and schemes which aim to support children living in poverty. By the website parents, caretakers and professionals can apply to all those schemes or products at once.
Highlight any element of the actions that is transferable (max. 500 chars)	The whole practice is transferable.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>It is sustainable because of government support.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Because it tries to solve the problem that many parents and caretakers are not aware of all financial schemes targeting children living in poverty.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Because financial support of children living in poverty tend to get fragmented.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The practice involves several funds that target children living in poverty.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No. But the practice is mentioned in the following study as an interesting practice: Beerepoot, R., Heuzels, L., Bunt, S. & Mak, J. (2021), Report of the follow-up evaluation of the administrative agreements on child poverty [<i>Rapport Vervolgevaluatie bestuurlijke afspraken kinderarmoede</i>], Enschede, I&O Research, available at: https://www.rijksoverheid.nl/documenten/publicaties/2021/07/08/io-researchvervolgevaluatie-bestuurlijke-afspraken-kinderarmoede</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	<u>No promising practice has been identified for this thematic area</u>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Inclusief stembureau
Title (EN)	Inclusive polling station
Organisation (original language)	Diverse gemeentes
Organisation (EN)	Several municipalities
Government / Civil society	Government
Funding body	
Reference (incl. URL, where available)	<p>The Association of Netherlands Municipalities included in its promising practice database this practice (using the municipality of Assen as example): The Netherlands, Association of Netherlands Municipalities (<i>Vereniging Nederlandse Gemeenten</i>) (2021), Inclusief stembureau Assen', Web page, available at: https://vng.nl/praktijkvoorbeelden/inclusief-stembureau-assen</p>

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>2021-</p>
<p>Type of initiative</p>	<p>Support</p>
<p>Main target group</p>	<p>People with an intellectual disability</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>Local</p>
<p>Brief description (max. 1000 chars)</p>	<p>General elections were held in the Netherlands from 15 to 17 March 2021 to elect all 150 members of the House of Representatives. In seven municipalities (including Assen), an inclusive polling station could be found for the first time during these elections. Two volunteers had registered there as a duo : one volunteer had an intellectual disability and one volunteer had no intellectual disability. On the first day of the elections, the duo sat together at the polling station between 12:00 and 15:00. At the ballot box, they helped people fold their ballot paper correctly and put it in the ballot box. They also showed voters the way; pedestrians had to go to the left and wheelchairs to the right.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The whole practice is transferable.</p>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice was implemented by local authorities.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The Association of Netherlands Municipalities included this practice in its promising practice database.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Because the accessibility of polling stations is an issue all over the EU.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The national advocacy organisation for people with an intellectual organisation cooperated with the development and implementation of this practice.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No review or assessment provided.</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	21 July 2021
Reference details	The Netherlands, District Court Amsterdam (<i>Rechtbank Amsterdam</i>) (2021), Case no. C/13/669890 / FA RK 19-4520, 21 July 2021, ECLI:NL:RBAMS:2021:3732, available at: http://deelink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2021:3732
Key facts of the case (max. 500 chars)	In this case, the Amsterdam District Court granted the request of a person born as a woman to have a non-binary gender indication included in the birth certificate. The law does not recognise this possibility. Previous rulings by other courts in the Netherlands have accepted a social and (international) legal recognition of a neutral gender identity and granted the request for a gender neutral registration of sex / gender on a birth certificate. According to these previous rulings, it is up to the legislator to provide for regulations regarding neutral (or non-binary) gender identification. The Amsterdam District Court sees the latest amendment to the General Equal Treatment Act as a reason to rule that an unjustified distinction is made between persons who are convinced that they belong to the opposite sex and persons who are convinced that they fall outside the exclusively male or female gender designation. This latest amendment to the General Equal Treatment Act explicitly prohibits discrimination against transgender and intersex people. Therefore, the request to change the gender designation from female (F) to non-binary (X) is granted, even though the law does not offer this possibility to date.

<p style="text-align: center;">Main reasoning/argumentation (max. 500 chars)</p>	<p>Dutch law does not recognise the possibility to have a non-binary gender indication included in the birth certificate. The latest amendment to the General Equal Treatment Act explicitly prohibits discrimination against transgender and intersex people. The Court rules that a request to change the gender designation from female (F) to non-binary (X) on the birth certificate must be granted because of the explicit prohibition against transgender and intersex people in the latest amendment to the General Equal Treatment Act.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The request of a person to have a non-binary gender indication included in the birth certificate must be granted under the General Equal Treatment Act which explicitly prohibits discrimination against transgender and intersex people.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>A request to change the gender designation from female (F) to non-binary (X) on the birth certificate is granted, even though the law does not offer this possibility to date.</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)

“De rechtbank wijst in dit verband op de wet van 30 augustus 2019 tot wijziging van de Algemene wet gelijke behandeling ter nadere invulling van het verbod om ongeoorloofd onderscheid te maken op grond van geslacht . Bij deze wet is de Algemene wet gelijke behandeling - die een uitwerking vormt van het non-discriminatiebeginsel in artikel 1 van de Grondwet, onder meer om bescherming te bieden tegen discriminatie op grond van geslacht - in die zin gewijzigd dat onder ‘onderscheid op grond van geslacht’ mede wordt verstaan ‘onderscheid op grond van geslachtskenmerken, genderidentiteit en genderexpressie’ (artikel 1 lid 2 Algemene wet gelijke behandeling). In de memorie van toelichting op deze wet wordt aangegeven dat het wetsvoorstel mede is ingegeven ter emancipatie van de groep mensen die zich niet wil conformeren aan of wil identificeren met de bestaande binaire categorieën (man of vrouw) die voor vele jaren waren gegeven.”

“In this context, the Court refers to the Act of 30 August 2019 amending the General Equal Treatment Act which further defines the prohibition of unlawful discrimination on the ground of gender. By this Act, the General Equal Treatment Act - which is an elaboration of the non-discrimination principle in Article 1 of the Constitution - has been amended in the sense that 'distinction on the basis of sex' is also understood to mean 'distinction on the basis of gender characteristics, gender identity and gender expression' (Article 1 paragraph 2 General Equal Treatment Act). The Explanatory Memorandum to this Act indicates that the bill was partly inspired by the emancipation of the group of people who do not want to conform to or identify with the existing binary categories (man or woman) which had been used many years.”
The Netherlands, District Court Amsterdam (*Rechtbank Amsterdam*) (2021), Case no. C/13/669890 / FA RK 19-4520, ECLI:NL:RBAMS:2021:3732, 21 July 2021, available at: <http://deplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2021:3732>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</u>
Decision date	6 July 2021
Reference details	The Netherlands, Supreme Court (Hoge Raad), Case no. 20/03005, 6 July 2021, ECLI:NL:HR:2021:1036 , available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2021:1036
Key facts of the case (max. 500 chars)	<p>On 19 March 2014 elections for the municipal councils were held. The political party PVV of Geert Wilders participated in those election in two municipalities: Almere and the Hague. On the election night Wilders asked his audience during a meeting of party followers in the Hague: "do you want more or less Moroccans in this city and in the Netherlands?". In response, the audience - which was instructed beforehand - repeatedly chanted "less". Subsequently more than 6,000 people pressed charges against Wilders. The Public Prosecution Service decided to prosecute Wilders because of incitement to hatred and discrimination and on the charge of insulting a group of people because of their race. On 9 December 2016 the District the Hague convicted Wilders under Article 137c of the Dutch criminal code (group insult) and under Article 137d of the Dutch Criminal Code (incitement to discrimination and hatred). The Court of Appeal maintained the conviction of Wilders for group insult but exonerated Wilders for incitement to discrimination and hatred. The Supreme Court upheld Geert Wilders' conviction for insulting Moroccans at a campaign rally in 2014 under article 137c of the Dutch criminal code.</p>
Main reasoning/argumentation (max. 500 chars)	<p>Group insult is prohibited under the Criminal Code. Even a politician must adhere to the basic principles of the rule of law and must not incite to intolerance. The Supreme Courts also stresses the context in which the statements by Wilders were done. Not only the words that are used matter, but also the context in which the contested statements were made was made. In this case, the context was that Wilders, after making earlier statements about fewer Moroccans at a market on 12 March 2014 h which had caused a great deal of commotion, repeated these statement during a televised party rally on 19 March 2014.</p>

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The verdict clarifies two key issues. First of all, the concept of 'race' in the sense of the Dutch Criminal Code includes the term 'Moroccans'. The legal definition of race is much broader than its common definition in everyday language and scientific research. The defence argued that Moroccans are solely a nationality and are not protected against incitement to discrimination because of that.</p> <p>Secondly the freedom of expression may be restricted in cases foreseen by the law. Dutch criminal law allows for the restriction of freedom of speech when a person insult a group because of their race. Politicians are not exempted from prosecution for making statements. Making statements which affects a minority like the Moroccans in the Netherlands in its self-esteem and undermine the respect for the equality of others as the foundation of a democratic and pluralistic society is criminal under Dutch law.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>Politicians are not allowed under Dutch criminal law to make insulting statements about racial or ethnic groups. Statements insulting racial groups are criminal under Article 137c of the Dutch criminal code. Moroccans are a racial group under Dutch criminal law and therefore protected by Article 137c.</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)

"Bij het oordeel of die groep door een uitlating is beledigd, gaat het niet alleen om de woorden die zijn gebruikt, maar ook om de context waarin zo'n uitlating is gedaan. Die context bestond er in dit geval uit dat de verdachte, nadat een eerdere uitlating van hem over minder Marokkanen op een markt op 12 maart 2014 tot veel ophef en beroering had geleid, met zijn partijmedewerkers de speech die hij zou houden op de partijbijeenkomst van 19 maart 2014 heeft voorbesproken. Daarbij is de vraag aan de orde gekomen of alleen 'Marokkanen' of 'criminele Marokkanen' zou worden gezegd, waarbij de verdachte goedkeuring heeft gegeven aan het voorstel om slechts te spreken van 'Marokkanen' in het algemeen. Ook is gekozen voor het stellen van drie vragen om zo de speech in kracht op te bouwen. Vervolgens heeft de verdachte in die openbare speech doelbewust en in interactie met een daartoe vooraf geïnstrueerd publiek gezegd zich te willen inzetten voor "minder Marokkanen", waarbij hij welbewust sprak over deze groep als geheel. Op die manier heeft hij deze groep beledigd. Dat is verboden op grond van artikel 137c Sr. Dat de verdachte sprak als politicus maakt dit niet anders. Weliswaar moet een politicus zaken van algemeen belang aan de orde kunnen stellen, ook als hij daarmee anderen kwetst of verontrust, maar dat neemt niet weg dat hij in het publiek debat de verantwoordelijkheid draagt om te voorkomen dat hij uitlatingen verspreidt die strijdig zijn met de wet en met de grondbeginselen van de democratische rechtsstaat, waaronder uitlatingen die direct of indirect aanzetten tot onverdraagzaamheid. De vorm waarin de verdachte in dit geval zijn uitlatingen heeft gedaan, is onnodig grievend en overschrijdt die ook door een politicus in acht te nemen grenzen van de wet en grondbeginselen van de democratische rechtsstaat. Dat betekent dat het recht op vrijheid van meningsuiting niet in de weg staat aan een veroordeling voor groepsbelediging."

"In judging whether that group has been insulted by a statement, it is not only the words that have been used that matter, but also the context in which such a statement was made. In this case, the context was that the accused, after an earlier statement he had made about fewer Moroccans at a market on 12 March 2014 had caused a lot of commotion, discussed the speech he was going to give at the party rally of 19 March 2014 with his party colleagues. The question of whether only 'Moroccans' or 'criminal Moroccans' would be said was discussed, whereby the accused approved the proposal to only speak of 'Moroccans' in general. The choice was also made to ask three questions in order to build up the strength of the speech. Subsequently, in this public speech the accused has deliberately and in interaction with a previously instructed audience said that he wants to dedicate himself to "fewer Moroccans", whereby he deliberately spoke about this group as a whole. In this way he insulted this group. This is prohibited on the grounds of article 137c of the Criminal Code. The fact that the accused spoke as a politician does not make this any different. It is true that a politician has to be able to raise matters of general interest, even if by doing so he hurts or upsets others, but this does not alter the fact that in the public debate he

	<p>bears the responsibility for preventing the dissemination of statements that are contrary to the law and to the basic principles of the democratic constitutional state, including statements that directly or indirectly incite intolerance. The form in which the accused has made his statements in this case is unnecessarily hurtful and exceeds the limits of the law and the basic principles of the democratic constitutional state, which a politician should also observe.”</p> <p>The Netherlands, Supreme Court (Hoge Raad), Case no. 20/03005, 6 July 2021, ECLI:NL:HR:2021:1036 , available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2021:1036</p>
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<p>Thematic area</p>	<p>ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</p>
<p>Decision date</p>	<p><i><u>No case law has been identified for this thematic area</u></i></p>

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	6 October 2021
Reference details	The Netherlands, Administrative Jurisdiction Division of the Council of State (<i>Afdeling Bestuursrechtspraak Raad van State</i>) (2021), Case no. 202003598/1/A, 6 October 2021, ECLI:NL:RVS:2021:2234, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2021:2234
Key facts of the case (max. 500 chars)	The chief of police has rejected the request by the appellant to grant him access to data stored in national large-scale police databases (including the SIS). The District Court upheld the decision of the chief of police. The Administrative Jurisdiction Division of the Council of State overturns the ruling of the District Court. The appellant is entitled to get access to his data stored in national large-scale police databases when these data concern him personally.
Main reasoning/argumentation (max. 500 chars)	Article 25 of the Police Data Act entitles a person access to data stored in the police data systems when these data concern him personally.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The chief police cannot deny access to data stored in the police data if these data fall within the scope of Article 25 of the Police Data Act and concern personally to the person who requested access to the data.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Appellant is granted access to data stored in the police data systems which concern him personally.

Key quotation in original language and translated into English with reference details (max. 500 chars)

“Zoals de Afdeling eerder heeft overwogen (zie de uitspraak van de Afdeling van 17 oktober 2018, ECLI:NL:RVS:2018:3350), bevat de Wpg een uitputtende regeling voor de kennisgeving van politiegegevens als bedoeld in artikel 1, aanhef en onder a, van die wet. Voor de beoordeling of gegevens als politiegegevens dienen te worden aangemerkt, is onder meer bepalend of die gegevens een geïdentificeerde of identificeerbare natuurlijke persoon betreffen. Daarbij dient te worden beoordeeld of die gegevens alleen of in combinatie met andere gegevens zo kenmerkend zijn voor die persoon dat deze daarmee kan worden geïdentificeerd. Voor ieder gegeven in een mutatie dient een dergelijke beoordeling te worden gemaakt. De Afdeling heeft met toepassing van artikel 8:29, vijfde lid, van de Awb kennis genomen van de geheime stukken. Een deel van de gegevens betreft geen politiegegevens zoals bedoeld in artikel 1, aanhef en onder a, van die wet. Daarnaast betreft een deel van de gegevens politiegegevens die alleen derden betreffen. Daarom kunnen deze gegevens niet worden aangemerkt als [appellant] betreffende politiegegevens als bedoeld in artikel 25, eerste lid, van de Wpg. Dat betekent dat deze gegevens niet onder het bereik van die bepaling vallen en dat de korpschef daarom niet met toepassing daarvan [appellant] hiervan kennis kon laten nemen. Een deel van de gegevens betreft [appellant]. Deze gegevens zijn verwerkt in het kader van de uitoefening van de politietaak. Deze gegevens moeten daarom worden aangemerkt als politiegegevens als bedoeld in artikel 1, aanhef en onder a, van de Wpg. Dat betekent dat [appellant] op grond van artikel 25, eerste lid, van de Wpg in beginsel recht op inzage heeft in die gegevens.”

“As the Division has previously considered (see the ruling of the Division of 17 October 2018, ECLI:NL:RVS:2018:3350), the Police Data Act contains an exhaustive regulation for the notification of police data as referred to in Article 1, opening words and under a. of that law. For the assessment of whether data should be regarded as police data, one of the determining factors is whether that data concerns an identified or identifiable natural person. It must be assessed whether those data alone or in combination with other data are so characteristic for that person that they can be identified thereby. Such an assessment must be made for each item of data in a mutation. The Division has, pursuant to Article 8:29, fifth paragraph, of the General Administrative Law Act took cognizance of the secret documents. Some of the data does not concern police data as referred to in Article 1, opening words and under a, of that Act. In addition, some of the data concerns police data that only concern third parties. Therefore, these data cannot be regarded as [appellant] concerning police data as referred to in Article 25(1) of the Police Data Act. This means that these data do not fall within the scope of that provision and that the chief of police could therefore not let [appellant] take cognizance of this by applying it. Part of the data concerns [appellant]. This data has been processed in the context of the performance of the police task. This data must therefore be regarded as police data as referred to in Article 1, opening words and under a, of the Police Data Act. That means that [appellant] pursuant to Article 25(1) of the Police Data Act, in principle, has the right to get access to these those data.”

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Decision date	30 June 2021
Reference details	The Netherlands, Administrative Jurisdiction Division of the Council of State (<i>Afdeling bestuursrechtspraak van de Raad van State</i>) (2021), Case no. 201906880/1/A3, 30 June 2021, ECLI:NL:RVS:2021:1420, 30 June 2021, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2021:1420
Key facts of the case (max. 500 chars)	<p>This case concerns the key card system for underground waste containers used by the Municipality of Arnhem. In June 2016, a resident of Arnhem submitted an enforcement request to the Dutch DPA because household waste could no longer be put out anonymously. Following that request, the Dutch DPA started an investigation which resulted in 2017 in an order subject to a penalty for non-compliance. At the time, the Dutch DPA concluded that the municipality did have grounds for the processing of personal data for creating and managing the key card and opening underground waste containers, but that the grounds for storing personal data on the waste system's controller were absent. On 14 March 2019, the Dutch DPA decided to lift the order subject to penalty payments imposed on the Municipality at the request of the Municipality because of a new waste card system. With the new system, residents are given a card with an internal chip code which is linked to their residential address. When the card is held in front of the card reader, the chip code is processed and compared to a whitelist of chip codes. To do this, the chip code is stored on the card reader's volatile memory. It is then converted almost instantly into a generic 9999 number and removed from the whitelist when the container is closed. The AP could not foresee any violation of the GDPR by this new system, namely because data may be processed on the basis of Article 6(1)(e) GDPR, which states that a controller may process personal data which is lawful and necessary for the performance of a task carried out in the public interest. The person who submitted the original enforcement request, however, objected to this decision, arguing that unlawful processing is still continuing after the changes had been implemented. In a decision of 16 July 2019, the Dutch DPA dismissed the objection made by the resident against the decision to lift the order as unfounded. In a judgment of 5 September 2019, the District Court of Gelderland declared an appeal lodged by the resident against the decision as unfounded. On 30 June 2021 the Administrative Jurisdiction Division of the Council of State (the highest Dutch court in GDPR cases) upheld the judgement of the District Court. The District Court correctly held that the Dutch DPA was entitled to take the position that the Municipality no longer violates the GDPR if the order is lifted, and the District Court gave sufficient grounds for this judgement.</p>

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>The Council of State agreed with the appellant that the short-term processing of personal data on the volatile memory of the card reader is processing within the meaning of the GDPR. However, it did not agree with the appellant that processing on the basis of Article 6(1)(c) GDPR must derive from law in a formal sense. Neither the GDPR, nor the Dutch Constitution, nor the EU Charter of Fundamental Rights require this. The Council of State found that the responsibility of the municipality to ensure the collection of household waste can be regarded as a task carried out in the public interest. In view of this, the processing of personal data in to prevent the use of waste containers by non-residents, in order to keep residual waste to a minimum - which is a principle outlined in the municipality waste management plan - falls under the Municipality's public interest. The Council of State highlighted here that generally, the purpose of data processing does not necessarily have to be aimed at a certain group of data subjects, rather it can be aimed at excluding another group, e.g., in this case non-residents. The Council of State also held that, in determining whether the processing of personal data was necessary to prevent non-residents from using the waste containers, the Municipality was not required to review all possible alternatives. Further, the Council of State found that the necessity test in the ECHR is not stricter than the necessity test in the GDPR. Finally, the Council of State noted that it did not follow the appellant's argument that the data processing conflicts with the principle of data minimization. It stated that the starting point of the GDPR is not the prohibition of the processing of regular personal data, rather, the GDPR regulates such processing. There is also no fundamental right not to process regular personal data.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The judgement provides the following interpretation of art. 5 and 6(1) GDPR:</p> <ul style="list-style-type: none"> - the GDPR does not prohibit the processing of 'regular' personal data; it only regulates its processing. There is no fundamental right of no data processing. - The legitimacy of the purpose of the processing may also be found in excluding others from the process. - The necessity test in the European Convention on Human Rights is not stricter than the necessity test in the GDPR (but also not less strict.), - The municipality as controller is not required to research all possible alternatives. The fact that an alternative exists, does not in and by itself make the processing unnecessary, as controllers have some degree of freedom to decide how to carry out their tasks. However, the intensity of evaluating the possible alternatives as part of the necessity test depends on the specificity of such alternatives.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>A municipality may use its key card system for underground waste containers after it changed this system so it guaranteed the anonymity of its users.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Uit het noodzakelijkheids criterium, dat voortvloeit uit artikel 8 van het EVRM, vloeien in een geval als hier aan de orde geen zwaardere eisen voort dan de toets die op grond van artikel 6 van de AVG moet worden gedaan. Nu de verwerking van de gegevens aan (artikel 6 van) de AVG voldoet, mocht de AP zich op het standpunt stellen dat de gegevensverwerking niet in strijd is met artikel 8 van het EVRM.”</p> <p>“The necessity criterion, which follows from Article 8 of the ECHR, does not impose any requirements in a case such as this which are more onerous than the test which must be applied on the basis of Article 6 of the GDPR. As the processing of the data complies with (Article 6 of) the AVG, the DPA was entitled to take the view that the data processing does not violate Article 8 of the ECHR.”</p> <p>The Netherlands, Administrative Jurisdiction Division of the Council of State (Afdeling bestuursrechtspraak van de Raad van State) (2021), Case no. 201906880/1/A3, 30 June 2021, ECLI:NL:RVS:2021:1420, 30 June 2021, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RVS:2021:1420</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	9 November 2021
Reference details	The Netherlands, District Court Amsterdam (<i>Rechtbank Amsterdam</i>) (2021), Case no. AMS 21/809, 9 November 2021, ECLI:NL:RBAMS:2021:6411, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2021:6411
Key facts of the case (max. 500 chars)	<p>This case concerns a case between a lawyer and Legal Aid Board. The lawyer assisted a minor who had not been arrested but was considered a suspect. The Legal Aid Board did not want to reimburse the legal aid provided by the lawyer because under Dutch law a minor suspect who is not arrested is not entitled to financed legal aid by a lawyer. The lawyer argues before the Court that, on the basis of European law, a minor who has not been detained is also entitled to subsidised legal aid, from the moment that he is regarded as a suspect. The Court agrees. Article 6 of Directive (EU) 2016/800 on procedural safeguards for children who are suspected or accused in criminal proceedings aims to offer protection to all minor suspects, regardless of whether they have been arrested. According to the court, Dutch legislation wrongly distinguishes between a minor suspect who is arrested and a minor suspect who is not arrested. The consequence may be that minors are denied legal aid or that, in order to be able to claim financed legal aid, they are arrested after all. According to the Court, this is undesirable in view of their vulnerable position and contrary to the intention of the Directive. The Court rules that the legislator has incorrectly implemented the Directive and that the core provision of the Directive has direct effect. The Court can therefore directly apply this provision and determines that the legal aid provided to the unarrested minor suspect must be compensated.</p>

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>Dutch legislation on legal aid wrongly distinguishes between a minor suspect who is arrested and a minor suspect who is not arrested. Under Dutch law, a minor suspect who is not arrested is not entitled to legal aid as opposed to minor suspect who is arrested. Article 6 of Directive (EU) 2016/800 on procedural safeguards for children who are suspected or accused in criminal proceedings aims to offer protection to all minor suspects, regardless of whether they have been arrested. This Article has direct effect and the Court decided to reimburse the lawyer.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>A minor suspect who is not arrested, is entitled to legal aid. Article 6 of Directive (EU) 2016/800 on procedural safeguards for children who are suspected or accused in criminal proceedings aims to offer protection to all minor suspects, regardless of whether they have been arrested. This means that the Dutch legislator has implemented the Directive incorrectly, or at least incompletely. The provision in the EU Directive has direct effect.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court decides that a lawyer must be reimbursed for the legal he has given to a minor suspect who is not arrested.</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)

“Dit leidt tot de conclusie dat de wetgever in de regelgeving ten aanzien van een minderjarige verdachte ten onrechte een onderscheid heeft gemaakt tussen de niet-aangehouden en de aangehouden verdachte. Dit betekent dat de wetgever de Richtlijn onjuist, althans onvolledig, heeft geïmplementeerd. Dat de wetgever deze keuze bewust heeft gemaakt, maakt dit niet anders. Als het gaat om een EU-richtlijn met rechtstreekse werking, moet nationale regelgeving (zowel de wet in formele zin als lagere regelgeving) daarvoor wijken. Voor wat betreft het niet-geïmplementeerde deel, dat ziet op de niet-aangehouden verdachte, is de vervolgstap dat de rechtbank moet beoordelen of de burger hierop direct een beroep kan doen. Met andere woorden: of deze bepalingen rechtstreekse werking hebben.”

“This leads to the conclusion that the legislator has wrongly made a distinction in the regulations with regard to minor suspects between a suspect who is arrested and suspect who is not arrested. This means that the legislator has implemented the Directive incorrectly, or at least incompletely. The fact that the legislator made this choice deliberately does not make this different. If it concerns an EU directive with direct effect, national regulations (both national lawse and lower regulations) must give way. As far as the non-implemented part is concerned, which relates to the non-detained suspect, the next step is for the court to assess whether the citizen can rely on this directly. In other words: whether these provisions have direct effect.”

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	21 January 2021
Reference details	The Netherlands, Court of Appeal Arnhem-Leeuwarden (<i>Gerechtshof Arnhem-Leeuwarden</i>) (2021), Case no. 200.279.798/01, 21 January 2021, ECLI:NL:GHARL:2021:771 available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHARL:2021:771
Key facts of the case (max. 500 chars)	In this ruling, the Court of Appeal confirmed a decision in which joint custody was terminated and the father was denied contact with the child. The father has been convicted of extreme ex-partner violence towards the mother. The Court of Appeal established that joint custody and contact arrangements would be contrary to article 31 of the Istanbul Convention
Main reasoning/argumentation (max. 500 chars)	Joint custody and visitation rights are denied an ex-partner who perpetrated (extreme) violence towards the ex-wife.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	This ruling clarifies that the Istanbul Convention is directly applicable in the Netherlands. It also clarifies that domestic violence is a factor that the court must take into account when deciding about custody and visitation rights of one of the parents.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	A father is denied joint custody and was denied contact with the child because of the extreme partner violence he perpetrated against the mother (and for which he was convicted).

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Ten slotte zou mede-gezag van de man in strijd zijn met de uitgangspunten van het Verdrag van Istanbul. De vrouw en [de minderjarige 1] moeten immers in hun veiligheid worden beschermd tegen de man. Het dwingen van de vrouw tot contact en overleggen met de man over beslissingen over [de minderjarige1] is hiermee in strijd, en valt ook niet te rijmen met de veroordeling door de strafrechter van de man tot een gevangenisstraf van 5 jaar wegens poging tot doodslag en een contactverbod met de vrouw van 3 jaren.”</p> <p>“Finally, joint custody of the man would be contrary to the principles of the Istanbul Convention. The woman and [the minor 1] must be protected in their safety against the man. Forcing the woman to contact and consult with the man about decisions concerning [the minor1] is in conflict with this, and is also incompatible with the conviction by the criminal court of the man to a prison sentence of 5 years for attempted. `</p> <p>The Netherlands, Court of Appeal Arnhem-Leeuwarden (<i>Gerechtshof Arnhem-Leeuwarden</i>) (2021), Case no. 200.279.798/01, 21 January 2021, ECLI:NL:GHARL:2021:771 available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHARL:2021:771</p>
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Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	28 July 2021
Reference details	The Netherlands, Court of Appeal The Hague (Gerechtshof Den Haag) (2021), Case no. 200.287.548/01 and 200.288.042/01, 28 July 2021, ECLI:NL:GHDHA:2021:1598, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2021:1598
Key facts of the case (max. 500 chars)	In this case, the Court of Appeal of The Hague overturned a decision of the lower court that had decided to appoint an administrator and/or a mentor for a person because of his physical or mental condition. The Court of Appeal of The Hague ruled that because suitable provisions had been made in another way, which the person himself had chosen, he had drawn up a (legally valid) life testament. Through this life will, he has given a general power of attorney to his partner to look after his financial and other business interests and he has appointed his partner as his medical representative to represent him in the medical field. The person's life will would be frustrated in an unacceptable manner by appointing others as his administrator and/or mentor without sufficient justification.
Main reasoning/argumentation (max. 500 chars)	The life testament made by a person with a view to possible incapacity in the future should be respected.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Under Article 12 of the Convention on the Rights of Persons with Disabilities of 2006, the Netherlands is obliged to respect the decisions a person makes with a view to possible future incapacity.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The life testament made by a person with a view to possible future incapacity is maintained.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Ten slotte wijst het hof nog op het volgende. Nederland heeft op grond van artikel 12 van het VN-Verdrag uit 2006 inzake de rechten van personen met een handicap de verplichting om de beschikkingen die iemand treft met het oog op mogelijke handelingsonbekwaamheid in de toekomst, te respecteren. Het hof wijst in dit verband ook naar de doelstelling van het levenstestament zoals hiervoor onder 3.2 aangehaald. Het doel dat de rechthebbende met het levenstestament voor ogen heeft, zou op onaanvaardbare wijze worden gefrustreerd door zonder voldoende grond anderen tot bewindvoerder en/of mentor te benoemen. Daarmee zou de autonomie van de rechthebbende op onaanvaardbare wijze geweld worden aangedaan.”</p> <p>“Finally, the court points out the following. Pursuant to Article 12 of the Convention on the Rights of Persons with Disabilities of 2006, the Netherlands has the obligation to respect the decisions that a person makes with a view to possible incapacity in the future. In this respect the Court of Appeal also points to the objective of the life testament as cited above under 3.2. The objective the beneficiary has in mind with the life testament would be frustrated in an unacceptable manner by appointing others as administrator and/or mentor without sufficient grounds. This would be an unacceptable violation of the beneficiary's autonomy.”</p> <p>The Netherlands, Court of Appeal The Hague (<i>Gerechtshof Den Haag</i>) (2021), Case no. 200.287.548/01 and 200.288.042/01, ECLI:NL:GHDHA:2021:1598, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2021:1598</p>