

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: The Netherlands

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1 Measures taken by government/public authorities

1.1 Measures taken to avoid the spread of COVID-19

COVID-19 is categorised as an ‘A’ disease under the Public Health Act (*Wet Publieke Gezondheidsorg*).¹ This allows for rapid action to be taken by the authorities to prevent the spread of an infectious disease without the need to follow normal, sometimes time-consuming, procedures. The Minister of Health is taking the lead in the fight against it. The National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu*) is coordinating the effort and is staying in contact with the municipal health services (GGDs), which are carrying out the operations on regional level.² The Public Health Act gives extensive powers to the mayor of the central municipality of the so-called Safety Regions (*Veiligheidsregio*’s): the authority to hospitalize a person for isolation without delay (Articles 31-34), to quarantine individuals (Articles 35-39); to check grounds, buildings, means of transport or goods for the presence of contamination and, if necessary, disinfecting them (Article 47, paragraphs 1 and 2); to close buildings or areas or parts thereof (Article 47, paragraph 3, under a); to take measures with regard to the use of aircraft and ships (Article 53).

Besides the Public Health Act (*Wet Publieke Gezondheidsorg*), there is Dutch Safety Regions Act (*Wet veiligheidsregio*’s).³ On the basis of article 39 of the Dutch Safety Regions Act the mayor of the central municipality can take several public order measures in the whole region to fight or prevent disasters. Article 39 refers to legal provisions in other acts (Municipality Act [*Gemeentewet*]; Police Act [*Politiewet*]; Public Assemblies Act [*Wet Openbare manifestaties*]) which enables the mayor of the central municipality to take these public order measures.

By municipal bye-laws the mayors of the central municipality can impose penalties.

Information by the authorities

The National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu*) provides information on the coronavirus and COVID-19 on its website (www.rivm.nl). The website of the RIVM contains pages information on the most recent development, general information, QandA and information on measures taken by the government. The government has given press conferences at which the sets of measures presented. These press conferences were broadcasted by public television and radio by several commercial television stations. From the press conference of 12 March 2020 onwards a sign language interpreter was present. The website of the national government has pages on the measures taken during the crisis (<https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19>). The national government opened a helpline (domestic: 0800 1351; international: +31 20 205 1351) on 28 February 2020. The domestic helpline is available daily from 8:00 a.m. until 22:00 p.m. When people want information on their individual situation they can contact municipal health services (GGDs) or their general practitioner.

Testing policy

Before 15 March 2020, there was a notification obligation for the coronavirus: all doctors and laboratories were required to notify the municipal health services of every patient thought to be infected with the virus.⁴ On 15 March 2020, the municipal health services announced that various regions in the Netherlands changed their testing policy and started only to test people aged 70 or older

¹ The Netherlands, Public Health Act (*Wet Publieke gezondheid*), 9 October 2008, available at: <https://wetten.overheid.nl/BWBR0024705/2019-07-01>

² The Netherlands, National Government (*Rijksoverheid*) (2020), ‘Tackling new coronavirus in the Netherlands’, Web page, available at <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands>

³ The Netherlands, Health Act (*Wet Publieke Gezondheidsorg*), 11 February 2010, available at: <https://wetten.overheid.nl/jci1.3:c:BWBR0027466&z=2020-01-01&g=2020-01-01>

⁴ The Netherlands, National Government (*Rijksoverheid*) (2020), ‘Tackling new coronavirus in the Netherlands’, Web page at <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands>

who have serious symptoms of disease. This was decided due to the shortage of tests, so only the tip of the iceberg is now tested.⁵

'Business as usual' approach

In the first weeks of the outbreak the approach of the Dutch government towards Covid-19 has been criticized for being too 'soft'⁶ and 'inconsistent'.⁷ Most efforts went to trace possible infected people and track down their contacts and isolate patients. In this approach citizens in general had not adjusted their lifestyles. The approach to the virus was one of personal responsibility and putting individual freedom first.⁸ For instance to no longer shake hands when meeting each other and to take notice of your own health.⁹

Measures taken in the province Noord-Brabant

The first general measures were taken in Noord-Brabant, since most infections occurred in this province. These measures advised people to limit social contacts in case of a cold, cough or fever, meaning not go to school, work or places where many people come together. Also, employers were asked to have their employees work from home as much as possible or to spread working hours for their employees. For the rest of the country these measures did not apply.¹⁰

First set of measures on national level

On Thursday 12 March 2020, the Prime Minister announced the first set of measures on national level. Events with more than 100 people were banned. Public locations such as museums, concert halls, cinemas, theatres, sports clubs and sports competitions were closed. Employers throughout the Netherlands were asked to have their employees work from home as much as possible or to spread working hours. Vulnerable people, such as elderly and people with underlying conditions, were asked to avoid large groups and public transport. Also, the public was urged to limit their visits to these people. Healthcare personnel and personnel in jobs in essential processes (such as schools, the food industry, the police, fire brigade, public transport) were asked not to travel abroad and only stay at home when having symptoms, such as a cough and a fever. Universities were requested to offer education online instead of large-scale lectures. Yet, schools in primary, secondary and secondary vocational education and childcare were summoned to remain open. The National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu*) stated that children have low risks to getting infected and the social consequences of closing schools would be too significant. Children who suffer from a cold were advised to stay at home. These measures applied until 31 March 2020.¹¹

⁵ RTL (2020), GGD-directeur: 'Nu 6000 Nederlanders besmet met coronavirus', *RTL Nieuws*, 15 March 2020, available at <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5056941/ggd-chef-al-6000-mensen-besmet-met-coronaviur>

⁶ O'Leary, N. (2020), 'How Dutch false sense of security helped coronavirus spread', *Irish Times*, 10 March 2020, available at <https://www.irishtimes.com/news/world/europe/how-dutch-false-sense-of-security-helped-coronavirus-spread-1.4199027>

⁷ University Leiden (2020), 'Corona crisis: how is the Netherlands responding?', 'News release', 5 March 2020, . . . at <https://www.universiteitleidn.nl/en/news/2020/03/corona-crisis-how-is-the-netherlands-responding>

⁸ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Tackling new coronavirus in the Netherlands', *Web page*, available at <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands>

⁹ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Hygiënemaatregelen van belang om verspreiding coronavirus tegen te gaan', News release, 9 March 2020, available at <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nieuws/2020/03/09/hygienemaatregelen-van-belang-om-verspreiding-coronavirus-tegen-te-gaan>

¹⁰ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Hygiënemaatregelen van belang om verspreiding coronavirus tegen te gaan', News release, 9 March 2020, available at <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nieuws/2020/03/09/hygienemaatregelen-van-belang-om-verspreiding-coronavirus-tegen-te-gaan>

¹¹ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Nieuwe maatregelen tegen verspreiding coronavirus in Nederland', News release, 12 March 2020, available at <https://www.rijksoverheid.nl/actueel/nieuws/2020/03/12/nieuwe-maatregelen-tegen-verspreiding-coronavirus-in-nederland>

Second set of measures on national level

Over the course of the weekend, the government received a lot of criticism on not closing schools.¹² The Federation of Medical Specialists (*Federatie van Medisch Specialisten*) urgently advised the government to close all schools, to contain the spread of COVID-19.¹³ Due to social pressure the government announced a second set of measures on Sunday 15 March. From then on food and drink establishments, sports and fitness clubs, saunas, sex clubs and coffee shops had to close; churches and mosques cancelled their services. And all schools and nurseries had to close. Teachers were asked to organise online education for children at home, with a priority for students who are preparing for their finals in secondary education and in secondary vocational education;

For children of parents in jobs in essential processes childcare is organized in schools and nurseries, so that their parents can continue to work. This care is at no extra cost and only applies to children with both their parents in these jobs.¹⁴ Parents who are not in essential jobs and who cannot organize the care or schooling for their children differently and therefore cannot work at home, can take paid leave that is available for unforeseen and special circumstances paid by their employer.¹⁵ These measures, including the measures that were taken earlier, were extended until Monday 6 April.

Closure of nursing homes

On 20 March, nursing homes and small-scale residential accommodation for the elderly will be closed to visitors and anyone not involved in the provision of basic care. This measure will apply nationwide until at least 6 April inclusive. It is designed to better protect vulnerable elderly against coronavirus (COVID-19).¹⁶

Third set of national measures on national level

On 23 March 2020, the national government announced a third set of measures.¹⁷ From then on all gatherings are banned up to June 1 2020, with an exception for funerals and church weddings. Even gatherings of less than 100 people are banned. This is a tightening of the existing ban (that applied up to 6 April). People should remain home unless they have to go out to work, to do shopping or to care for other people. People can go out for a walk to get some fresh air, but not in a group. Also people have to keep 1.5 metres away from others and are not allowed to gather with more than three persons within and outside their homes. If any member of a family has a fever, the entire family should stay home, apart from people in an essential profession. Shops and public transport companies must take measures to ensure people remain 1.5 meters apart. Services, which involve direct contact with others, such as hairdressers and nail bars, are closed until April 6. Casinos are also being closed. The ban on gatherings does not apply to public markets as these play a crucial role in bringing food to consumers in some parts of the country. Establishments such as holiday parks must put measures in place so that people keep a distance of 1.5 meters from each other. Failing this, Mayors may order these locations to close. Mayors may designate areas, like parks, beaches or neighborhoods, where people are not

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¹² Van der Naald, N., and Reijnen Rutten, E. (2020), *Kritiek op corona-maatregelen zwelt aan: „Niet alleen Brabant, maar heel Nederland in sociale quarantaine”*, *De Gelderlander*, 11 March 2020, available at <https://www.gelderlander.nl/nijmegen-e-o/kritiek-op-corona-maatregelen-zwelt-aan-niet-alleen-brabant-maar-heel-nederland-in-sociale-quarantaine~adf78073/>

¹³ NOS (2020), *Federatie Medisch Specialisten: 'Sluit per direct alle scholen'*, *NOS*, 14 March 2020, available at <https://nos.nl/artikel/2327110-federatie-medisch-specialisten-sluit-per-direct-alle-scholen.html>

¹⁴ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Aanvullende maatregelen onderwijs, horeca, sport', News release, 15 March 2020, available at <https://www.rijksoverheid.nl/actueel/nieuws/2020/03/15/aanvullende-maatregelen-onderwijs-horeca-sport>

¹⁵ FNV (2020), 'Coronavirus onze antwoorden op veelgestelde vragen', News release, 15 March 2020, available at <https://www.fnv.nl/nieuwsbericht/algemeen-nieuws/2020/03/coronavirus-onze-antwoorden-op-veelgestelde-vragen#kindderopvang>

¹⁶ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Bezoek aan verpleeghuizen niet langer mogelijk vanwege corona', News release, 19 March 2020, available at:

<https://www.rijksoverheid.nl/actueel/nieuws/2020/03/19/bezoek-aan-verpleeghuizen-niet-langer-mogelijk-vanwege-corona>

¹⁷ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Aangescherpte maatregelen om het coronavirus onder controle te krijgen', News release, 23 March 2020, available at: <https://www.rijksoverheid.nl/actueel/nieuws/2020/03/23/aangescherpte-maatregelen-om-het-coronavirus-onder-controle-te-krijgen>

allowed to gather. The authorities will take action against groups of 3 or more people, who do not all maintain a distance of 1.5 meters from each other. This does not apply to children or to people in the same household, such as families. Mayors will have the option of enacting an emergency bye-law, to more easily and more quickly initiate enforcement activities. And people who violate the rules can be fined: individual persons can be fined up to €400. Companies which do not comply can be fined €4,000. The government also wants to be able to enforce existing measures more effectively.

People with a hearing disability

Sign language interpreters were not present at the first coronavirus press conferences by the government. The deaf and hard of hearing could not understand what was being said. Organisations of people with disabilities experienced exclusion.¹⁸ At the press conference of the Prime Minister of 12 March 2020 in which the second set of measures was announced a sign language interpreter was present. From then on all government press conferences a language interpreter was present.

Courts, prisons and arrests

All courts close from Tuesday 17 March until at least April 6. Only urgent matters will continue, such as cases where a court decision cannot be omitted because it affects, for example, the rights of suspects or litigants. Or matters concerning the arraignment or detention of suspects, bankruptcies, sessions concerning compulsory care and / or care authorizations, urgent family matters such as an out-of-home placement or supervision. These cases are closed to general public.¹⁹

The Custodial Institutions Agency is taking additional measures to prevent the coronavirus getting into their facilities, because an infection within a prison can have tremendous implications for detainees and staff. These measures are: all visitations are suspended, options for telephone contact are offered when possible. Only visits that are necessary in the context of the legal process, such as a lawyer (and which cannot be done with digital tool) are allowed. Young people in a correctional institution for juvenile offenders may still receive visits from their parents or legal guardians. In addition, where possible, detainees will attend hearings through a digital communication from prison. On top of that all furloughs of detainees are immediately suspended. Detainees in the latter part of their sentences, who spend most of their time outside the prison walls to work and only sleep indoors at night, are kept outside the walls to limit prison entries and exports. They can temporarily sleep at home. In addition, no convicts will be summoned temporarily to await their verdict at home and to serve a short prison sentence. They are later called upon to serve their sentence after all. These measures will in any case last until 31 March.²⁰ The Public Prosecution Service will temporarily stop arresting suspects of minor criminal offenses. Due to the limited capacity the Public Prosecution Service and the police limit themselves to serious matters, such as violence, vulnerable victims and sex offences.²¹

Borders

On Wednesday 18 March 2020, Belgium imposed a ban on all non-essential travel to other countries, including the Netherlands. The border remains open for trade in goods and services. From 22 March cross-border commuters who work in crucial sectors can download a special vignette to place behind their car windscreen.²² This vignette will allow them to cross the border between the Netherlands and

¹⁸ RTL (2020), 'Geen gebarentolk bij belangrijke persconferenties coronavirus: 'Schandalig en levensgevaarlijk'', *RTL Nieuws*, 11 March 2020, available at <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5052116/doventolk-gebarentolk-persconferentie-coronavirus-corona>

¹⁹ AD (2020), *Rechtbanken vanaf dinsdag dicht, alleen urgente zaken gaan door*, *AD*, 15 March 2020, available at <https://www.ad.nl/binnenland/rechtbanken-vanaf-dinsdag-dicht-alleen-urgente-zaken-gaan-door~a6ce2221/>

²⁰ The Netherlands, Custodial Institutions Agency (*Dienst Justitiele Inrichtingen*) (2020), 'DJI treft preventieve coronamaatregelen', *News release*, 13 March 2020, available at <https://www.dji.nl/pers-media/nieuws/2020/dji-treft-preventieve-corona-maatregelen.aspx>

²¹ Voskuil, K. (2020), *Ingrijpend besluit OM: alleen zwaarste verdachten worden opgepakt*, *AD*, 17 March 2020, available at <https://www.ad.nl/binnenland/ingrijpend-besluit-om-alleen-zwaarste-verdachten-worden-opgepakt~a8a1e390/>

²² The Netherlands, National Government (*Rijksoverheid*) (2020), 'Cross-border commuters working in crucial sectors can get vignette to pass Belgian border with priority', *News release*, available at: <https://www.netherlandsandyou.nl/latest-news/news/2020/03/18/q-and-a-for-entry-into-the-netherlands-travel-ban>

Belgium more quickly. It may not be used by others. The aim is to prevent cross-border commuters working in crucial sectors (key workers) from being delayed at the border. The vignette can be downloaded from the website of the Belgian Crisis Centre.

Based on approach proposed by the European Commission the Ministry of Security and Justice of the Netherlands decided that the restriction of non-essential travel to the Netherlands enters into force on 19 March on 18.00 hours.²³ Thus, a foreigner traveling to Netherlands from another State than an EEA-State or Switzerland should be denied entry to the country and be expelled. The travel restriction does not apply to the following categories of persons: EU citizens (including UK nationals) and members of their families; Nationals of Norway, Iceland, Switzerland, Liechtenstein and their family members; Third-country nationals holding a residence card or a residence permit in accordance with Directive 2003/109/EC (LTR Directive); Third-country nationals who derive their right of residence from other European Directives or from the national law of a Member State; Holders of a long-stay visa, including persons with a temporary residence permit (MVV); Other persons with an essential function.

On 21 March 2020 on 20 hours, the national government imposed a ban on flights from Spain, with the exception of repatriation flights.(including repatriation flights of travellers from EU, UK, Schengen area passing through a Dutch airport) for the moment, the ban will end on 4 April 2020, 20 hours.²⁴

On 22 March 2020 at 20:00, the national government imposed a ban on flights from Austria, with the exception of repatriation flights.(including repatriation flights of travellers from EU, UK, Schengen area passing through a Dutch airport) for the moment, the ban will end on 6 April 2020 at 20:00.

Asylum Proceedings

On 15 March 2020, the State Secretary for Justice and Security decided that foreign nationals arriving in the Netherlands will not be admitted to the reception centres of the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers* or COA) and that the Immigration and Naturalization Service (*Immigratie en Naturalisatiedienst* or IND) will not conduct any activities as part of the identification and registration process and will not conduct any hearings (both in the asylum proceedings and the regular proceedings). The desk function of the IND will be limited to urgent matters.²⁵ Clients can only make an appointment at an IND desk to collect their first regular residence document on condition that the client has travelled to the Netherlands with a Regular Provisional Residence Permit (mvv) and the residence document to apply for health insurance, or to register in the Personal Records Database (BRP) at their municipality.²⁶ Clients who are staying in the Netherlands on a short-stay visa and cannot leave the country can apply for an extension by telephone. These measures will be implemented from 16 March 2020 to 6 April 2020. This means that from 16 March 2020 to 6 April 2020 the IND will not handle any asylum requests. In answers to question by member of parliament, the State Secretary for Justice and Security promised to arrange emergency accommodation near the application centre at Ter Apel but the application and

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²³ The Netherlands, National Government (*Rijksoverheid*) (2020) ‘Q and A for entry into the Netherlands (travel ban)’, News Item, 18 March, 23h, available at: <https://www.netherlandsandyou.nl/latest-news/news/2020/03/18/q-and-a-for-entry-into-the-netherlands-travel-ban>

²⁴ Schiphol (2020), ‘Actuele informatie over het coronavirus en Schiphol’, Web page, latest update 24 March 2020, available at: <https://www.schiphol.nl/nl/berichten/coronavirus-update>

²⁵ The Netherlands, Minister of Justice and Security / Minister for Legal Protection / State Secretary for Justice and Security (*Minister van Justitie and Veiligheid / Minister voor Rechtsbescherming / Staatssecretaris van Justitie en Veiligheid /*) (2020), ‘Vervolgmaatregelen aanpak coronavirus’, Letter to House of Representatives, 15 March 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/03/15/onderwerp-vervolgmaatregelen-aanpak-coronavirus/Vervolgmaatregelen+aanpak+coronavirus.pdf>

²⁶ The Netherlands, Immigration and Naturalization Service (*Immigratie en Naturalisatiedienst*) (2010), ‘Zeer beperkte dienstverlening bij IND-loketten’, News release, 20 March 2020, available at: <https://ind.nl/nieuws/Paginas/Zeer-beperkte-dienstverlening-bij-IND-loketten.aspx>

reception centres continue to be closed.²⁷ On 20 March 2020, an emergency accommodation opened in a former military barrack ‘Lodewijk van Nassaukazerne’ in the municipality of Het Hogeland (at 70 km distance from the Application Centre at Ter Apel).²⁸ The registration of third-country nationals has been limited to what is necessary, such as taking fingerprints and, on that basis, searching the Dutch and European systems, frisking, searching luggage and taking possession of documents. This process is carried out in the application centre in Ter Apel by the Aliens Police, Identification and Human Trafficking Division (AVIM). Prior to this, a medical screening takes place. After the registration, the third-country nationals are taken by bus to the former military barrack ‘Lodewijk van Nassaukazerne’.

1.2 Impact of COVID-19 and supporting measures

Elderly

Many elderly people, staying within their own homes or in nursing homes, have fewer social contacts than normal and risk loneliness or getting less help with their day-to-day life (i.e. doing groceries). On the one hand because family and caregivers cannot visit, but also because all kinds of activities for elderly are cancelled.²⁹ The government has not taken any support measures to avoid isolation or loneliness. But civil society has stepped into this void, for instance through the hashtag coronahulp.³⁰

Food banks

Food banks all over the Netherlands are struggling due to hoarding behaviour, volunteers dropping out and their customer base growing rapidly, due to the influx of self-employed persons who no longer have any income due to the measures. Food banks have united and are talking to the government to organize food for those in need differently. One idea is to hand out food stamps, so food banks are less dependent on volunteers and gifts.³¹

Homeless people and shelters

Municipalities in the Netherlands are responsible for social relief, day care for vulnerable groups and shelter for homeless people. Together with their local partners and Vereniging Valente (the national association for social relief), municipalities have come up with measures for these people. Most

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²⁷ The Netherlands, State Secretary for Justice and Security (*Staatssecretaris van Justitie en Veiligheid*) (2020), ‘Vervolmaatregelen aanpak coronavirus’, Letter to House of Representatives, 18 March 2020, available at: ‘Antwoorden Kamervragen over het bericht dat asielzoekers niet welkom zijn in Ter Apel vanwege het Coronavirus’, 18 March 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/03/18/antwoorden-kamervragen-over-het-bericht-dat-asielzoekers-niet-welkom-zijn-in-ter-apel-vanwege-het-coronavirus/antwoorden-kamervragen-over-het-bericht-dat-asielzoekers-niet-welkom-zijn-in-ter-apel-vanwege-het-coronavirus.pdf>

²⁸ The Netherlands, State Secretary for Justice and Security (*Staatssecretaris van Justitie en Veiligheid*) (2020), ‘Uitwerking van de maatregelen in de asielketen met betrekking tot het coronavirus’, Letter to House of Representatives, 20 March 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/03/20/tk-uitwerking-van-de-maatregelen-in-de-asielketen-met-betrekking-tot-het-coronavirus/tk-uitwerking-van-de-maatregelen-in-de-asielketen-met-betrekking-tot-het-coronavirus.pdf>

²⁹ Anbo (2020), Minder sociale contacten door coronavirus? ANBO-medewerkers zitten klaar voor een praatje, *Anbo*, 17 March 2020, available at <https://www.anbo.nl/nieuws/minder-sociale-contacten-door-coronavirus-anbo-medewerkers-zitten-klaar-voor-een-praatje>

³⁰ Rode Kruis (2020), Coronavirus: dit kun je doen voor ouderen en kwetsbaren, *Rode Kruis*, 13 March 2020, available at <https://www.rodekruis.nl/nieuwsbericht/coronavirus-dit-kun-je-doen-voor-ouderen-en-kwetsbaren/>

³¹ Vissers, P. (2020), ‘Voedselbanken vragen hulp: ‘Anders hebben mensen honger aan het einde van de week’, *Trouw*, 17 March 2020, available at https://www.trouw.nl/binnenland/voedselbanken-vragen-hulp-anders-hebben-mensen-honger-aan-het-einde-van-de-week~b96c7f87/?fbclid=IwAR0esb7RmAW4Tmb_NIOcD_c05Q4mD8Xq9yj7keKhm5NQbOcq1kQo77dN0Gg

measures are about to maximize the space between clients during night time and minimize the amount of people in facilities. Also there are special units for homeless people who get infected.³²

Shortage of face-masks, disinfectant soap and hand-gel, paracetamol and other medicine

For hospitals and other healthcare providers, protective face-masks are an increasingly scarce commodity and that is perhaps the greatest concern for hospitals, says a spokesperson for the Dutch Association of Hospitals.³³

At Marktplaats, an online trade platform for second-hand items, people are trying to take advantage of the increased demand for facemasks, disinfectant hand soap and gel, and other hygiene products, by selling these items for exorbitant prices.³⁴

The Ministry of Health has agreed with the Medicine Shortages Working Group, which includes representatives from pharmacies, drugstores and wholesalers, about the supply and sale of medicines with and without a prescription. This means that patients receive the usual amount of prescript medicines, but not for a longer period. To keep paracetamol and other over-the-counter medicines available to everyone, a maximum of three packs per customer is recommended.³⁵

Support measures scheme for employers and employees

On Tuesday 17 March 2020 support measures for small and large business were announced. The aim of these measures is to protect jobs and incomes and to absorb the consequences for self-employed professionals, SME entrepreneurs and large companies.³⁶

Entrepreneurs, SME and large companies, who expects a loss of turnover (at least 20%) can apply for a salary contribution for a period of three months to pay employees. Normally this arrangement does not apply to temporary workers and people with zero-hour contracts, but within this emergency scheme these groups are also included.³⁷ Affected entrepreneurs can also more easily apply for deferral of tax. The Tax Authorities will then immediately stop the collections. This applies to income, corporate, wage and turnover taxes (VAT). Any default penalties for late payment do not have to be paid.

Self-employed persons can receive additional income support for subsistence for a period of three months through an accelerated procedure. This supplements the income to the social minimum and does not have to be repaid. There is no asset or partner test in this temporary assistance scheme for self-employed persons. Support under this temporary arrangement is also possible in the form of a working capital loan at a reduced interest rate. Moreover, self-employed persons and small businesses can receive a microcredit loan through Qredits finances. Qredits finances can also support small

³² Valente (2020), Update: Coronavirus in MO, VO en BW, *Valente*, 16 March 2020, available at <https://www.valente.nl/nieuws/update-coronavirus-in-mo-vo-en-bw/>

³³ Van Heerde, J. (2020), 'Grootste zorg van ziekenhuizen? Misschien wel het dreigend tekort aan mondkapjes', *Trouw*, 17 March 2020, available at <https://www.trouw.nl/binnenland/grootste-zorg-van-ziekenhuizen-misschien-wel-het-dreigend-tekort-aan-mondkapjes~b2a5363b/>

³⁴ NU.nl (2020), 'Coronaproof desinfecterende handel? Ik bied 55.000 euro', *NU.nl*, 3 March 2020, available at <https://www.nu.nl/tech/6034855/coronaproof-desinfecterende-handel-ik-bied-55000-euro.html>

³⁵ The Netherlands, Medicines Evaluation Board (*College ter Beoordeling van Geneesmiddelen*) (2020), 'Updates: Medicijnen tegen coronavirus en beschikbaarheid van andere medicijnen', Web page., available at <https://www.cbg-meb.nl/onderwerpen/medicijninformatie-het-nieuwe-coronavirus/updates-medicijn-tegen-coronavirus-en-beschikbaarheid-van-medicijnen>

³⁶ The Netherlands, National Government (*Rijksoverheid*) (2020), 'Coronavirus: kabinet neemt pakket nieuwe maatregelen voor banen en economie', News release, 17 March 2020, available at <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nieuws/2020/03/17/coronavirus-kabinet-neemt-pakket-nieuwe-maatregelen-voor-banen-en-economie>

³⁷ Flexmarkt (2020), Nieuwe regeling werktijdverkorting ook voor oproepkrachten, Flexmarkt, 17 March 2020, available at <https://www.flexmarkt.nl/werkgeverschap/nieuwe-regeling-werktijdverkorting-ook-voor-oproepkrachten/>

businesses and self-employed persons in obtaining financing through the bank, who find it difficult to obtain financing through the bank.³⁸

2 Impact of the outbreak on certain national or ethnic communities

Multiple cases of discrimination against people of Chinese origin or people with Asian appearance have been reported by newspapers and other news outlets since the outbreak of Coronavirus in China in December 2019. The first news coverage was on 31 January 2020. Dutch daily newspaper 'AD' interviewed two Dutch people of Chinese origin about the discrimination they face online and in public space.³⁹ On 1 February public broadcaster NOS Dutch published on its website an article in which several Dutch people with an Asian appearance told about the racial slurs they face in public space.⁴⁰

During a debate in the House of Representatives on 6 February 2020, the Minister for Medical Care called it terrible that people with an Asian appearance are being discriminated against due to the coronavirus.⁴¹ According to the Minister, this is not part of a decent society. "Discrimination is not acceptable. We must ensure that it does not occur. We all have a role to play." One party, the PVV, asked the Minister whether it would be wise to close attractions that attract many Chinese tourists, like the Keukenhof. The minister said he would not do so. He called it unnecessary, because the risk of people being infected is small. Moreover, such a measure is discriminatory and stigmatizing, he said. At the end of the debate the House of Representatives adopted a motion⁴² stating that racist and discriminatory statements about the coronavirus to people with a Chinese background are inadmissible.⁴³

On 6 February 2020, a DJ on Radio 10 (a private broadcasting organisation) broadcasted a song with the title 'Voorkomen is beter dan Chinezen' (Prevention is better than Chinese). The title is a play on 'Voorkomen is beter dan genezen' - the Dutch for 'prevention is better than cure.' The song links the coronavirus to Chinese people and eating Chinese food. The song is a so called carnival song. The broadcasting of this song led to around 3,000 complaints to the local antidiscrimination services. To put this number in perspective: in 2018 the antidiscrimination services handled a total number of 4,320 complaints over the whole year. A spokesperson of the antidiscrimination services stated in Dutch daily 'NRC' that: "People feel discriminated against, hurt and insulted."⁴⁴ Hundreds of people also reported the DJ to the police. The Public Prosecution Service started an investigation into

³⁸ The Netherlands, National Government (*Rijksoverheid*) (2020) 'Coronavirus: kabinet neemt pakket nieuwe maatregelen voor banen en economie', News release, 17 March 2020, available at <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nieuws/2020/03/17/coronavirus-kabinet-neemt-pakket-nieuwe-maatregelen-voor-banen-en-economie>

³⁹ Taha, N. (2020), 'Gediscrimineerd vanwege corona: 'Moet ik wéér gaan uitleggen dat ik geen honden en katten eet'', *AD*, 31 January 2020, available at: <https://www.ad.nl/binnenland/gediscrimineerd-vanwege-corona-moet-ik-weer-gaan-uitleggen-dat-ik-geen-honden-en-katten-eet~a3c73d27/>

⁴⁰ NOS (2020), 'Nageroepen vanwege het coronavirus: 'Dit is geen excuus om racistisch te zijn'', NOS, 1 February 2020, available: <https://nos.nl/artikel/2321252-nageroepen-vanwege-het-coronavirus-dit-is-geen-excuus-om-racistisch-te-zijn.html>

⁴¹ NOS (2020), 'Minister roept iedereen op: niet discrimineren om coronavirus', NOS, 6 February 2020, available: <https://nos.nl/artikel/2321843-minister-roept-iedereen-op-niet-discrimineren-om-coronavirus.html>

⁴² The Netherlands, House of Representatives (*Tweede Kamer der Staten-Generaal*) (2020), Motie van lid Ellemeet C.S., Parliamentary document 25295, No. 84, available at: <https://zoek.officielebekendmakingen.nl/kst-25295-84.html>

⁴³ Van Dool, P. (2020), 'PVV staat alleen in kritiek op 'corona'-beleid van het kabinet', 6 February 2020, available at: <https://www.nrc.nl/nieuws/2020/02/06/pvv-staat-alleen-in-kritiek-op-corona-beleid-van-het-kabinet-a3989570>

⁴⁴ Van Dool, P. (2020), 'Het racisme tegen Chinezen is een puist die nu openbreekt', 11 February 2020, available: <https://www.nrc.nl/nieuws/2020/02/11/het-racisme-tegen-chinezen-is-een-puist-die-nu-openbreekt-a3990087>

whether the song is criminal under Dutch criminal law.⁴⁵ Later, the DJ in question apologized for the song.⁴⁶

The song was a trigger for the online petition 'Wij zijn geen virussen!' (We are not viruses!) denouncing discrimination against people of Chinese origin in the wake of the coronavirus outbreak.⁴⁷ The petition started on 8 February 2020. The organisers of the petition state on the website "Every day we are confronted with so-called 'jokes' and statements that are unacceptable. We too are just people. It is time for us to start the discussion. This affects not only everyone who is Chinese, but also all Dutch people with an Asian background. You don't joke about a disease, a virus. Would we also laugh if the song were about cancer?" They call on politicians to act. So far (on 12 March 2020) 57,716 people have signed the petition.⁴⁸

On 8 February 2020, a serious incident happened in the town Wageningen where Chinese students at the local university were targeted by vandals who scrawled racist graffiti and smeared excrement in the lift of a block of flats in Wageningen.⁴⁹ The slogans included 'Die Chinese' and 'Chinese corona'. Urine and faeces were left on the floor and a Chinese flag was torn from the door of one student's apartment.

On 13 February 2020 the television public affairs programme 'EenVandaag' published the results of a survey among 300 Dutch persons with a Chinese background.⁵⁰ Half (49 percent) of the respondents in this survey indicated that they have experienced racism since the outbreak of the coronavirus. And more than one in five (21 percent) have recently experienced it on a weekly or even daily basis.

Another serious incident happened on 22 February 2020.⁵¹ A 24-year-old Dutch woman with a Chinese background was attacked in the elevator on the way to her student flat in city of Tilburg after she asked a group of young people to stop singing a song about the coronavirus at her because it is was discriminatory" (the song in question was the carnival song 'Voorkomen is beter dan Chinezen'). The woman told the broadcaster RTL : "I have a concussion, a bump on my head, and likely with a knife they cut me on my chest and on my stomach. They said they wanted to eradicate the coronavirus." The women reported the incident to the police, and the police confirmed to the broadcaster RTL that they registered a report of assault and threats.⁵²

On 11 March 2020, the Dutch daily newspaper 'De Volkskrant' interviewed a Korean interpreter-translator who works for a human right organisation in the Netherlands.⁵³ On 1 March 2020 she reported to the police about what happened to her in The Hague when she was biking. Two men on a scooter drove towards her, they called something she could not understand because she had earplugs. When she took it off, they called "Chinese" to her. And while the men drove right past her, the co-driver clenched his left fist and pulled out. The incident triggered her to set up a survey via Google

⁴⁵ RTL (2020), 'Openbaar Ministerie onderzoekt vervolging radio-dj om discriminerend coronalied', 14 February 2020, available at: <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5017546/coronalied-coronavirus-radio-10-voorkomen-beter-dan-chinezen>

⁴⁶ RTL (2020), 'Radio-dj alsnog diep door het stof om discriminerend coronalied', 11 February 2020, available at: <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5017546/coronalied-coronavirus-radio-10-voorkomen-beter-dan-chinezen>

⁴⁷ Petities.com (2020), 'Wij zijn geen virussen', Web page, available at: https://www.petities.com/we_zijn_geen_virussen

⁴⁸ Petities.com (2020), 'Wij zijn geen virussen', Web page, available at: https://www.petities.com/we_zijn_geen_virussen

⁴⁹ Reijnen Rutten, E. (2020), 'Doodsverwensing voor Chinezen op wand lift, vloer besmeurd met poep en urine', De Gelderlander, 9 February 2020, available at: <https://www.gelderlander.nl/wageningen/doodsverwensing-voor-chinezen-op-wand-lift-vloer-besmeurd-met-poep-en-urine~a2655d93/>

⁵⁰ Avrotros (2020), 'Stinkchinees!' Dit is wat Chinese Nederlanders naar hun hoofd geslingerd krijgen sinds het uitbreken van het coronavirus', Web page, 13 February 2020, available at: <https://eenvandaag.avrotros.nl/panels/opiniepanel/alle-uitslagen/item/stinkchinees-dit-is-wat-chinese-nederlanders-naar-hun-hoofd-geslingerd-krijgen-sinds-het-uitbreken/>

⁵¹ RTL (2020), 'Chinees-Nederlandse Cindy (24) mishandeld na opmerking over coronalied', 23 February 2020, available at: <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5032246/corona-carnaval-aangifte-tilburg-politie-chinese-coronalied>

⁵² RTL (2020), 'Chinees-Nederlandse Cindy (24) mishandeld na opmerking over coronalied', 23 February 2020, available at: <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5032246/corona-carnaval-aangifte-tilburg-politie-chinese-coronalied>

⁵³ Misérus, M. (2020), 'Uitgescholden en bedreigd, want 'alle Chinezen hebben corona'', 11 March 2020, available at: <https://www.volkskrant.nl/nieuws-achtergrond/uitgescholden-en-bedreigd-want-alle-chinezen-hebben-corona~b563944c/>

Forms and brought it to the attention of four Facebook groups, including for Korean expats in the Netherlands and abroad. Her survey yielded more than 150 responses, in addition to the 234 Facebook messages after she had told on Facebook her what had happened to her on the street. Korean expats and students participated in the survey, but also people with Indonesian, Japanese, Vietnamese and Malaysian background roots who were born and raised in the Netherlands. They were also called ‘corona’, ‘corona-Chinese’ or even ‘murderer’, as happened to a young woman in the town of Rijswijk. Poignant stories that were collected during the survey were a story of a Korean woman from the town of Tiel who home with her daughter with the groceries was almost, when a man walked up to her and spit on the wheels of the pram. ‘Chinese viruses must die,’ the man allegedly said. Just as poignant, was the story of a Korean woman in the city of Eindhoven, on whose house a Nazi symbol had suddenly been sprayed.⁵⁴

3 Impact on privacy and spread of disinformation

The Dutch Data Protection Authority did not make any public statements or opinion on the outbreak of the Coronavirus⁵⁵. On its website it has a standard QandA for employers on what they are allowed to do in case one of their employees is ill. This QandA is updated in view of the outbreak of the Coronavirus. The question “May I check my employees for corona?“, to an already existing QandA was added. The answer is that an employer hardly ever has the right to register medical data of employees. However, employers can call in the occupational health and safety service (*arbodienst*) or company doctor (*bedrijfsarts*) to check for the Coronavirus. Furthermore, the Dutch Data Protection Authority recommends, urgently, to follow the current advice of the Regional Public Health Service (GGD) and the National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu*). On the website of the Regional Health Services and the National Institute for Public Health and the Environment people can find information on how to handle in order to prevent infection by the coronavirus .

On 20 March 2020, the Dutch Data Protection Authority issued a news release informing the authorities and employers that it will room to focus on fighting the virus.⁵⁶ For example, organisations will have more time to respond to questions from the Authority and the Authority will give ample time to initiatives to protect public health. But the Authority continues to intervene where privacy is really at risk.

Dutch news media have paid attention to the spread of disinformation on the coronavirus. On 2 March 2020, the news website nu.nl published an article on its site that the number of fake news messages on social media such as Facebook and Twitter has increased in the wake of the outbreak of the coronavirus.⁵⁷ Data journalists public broadcaster KRO-NCRV and NOS investigated more than 100,000 Dutch Twitter messages on the coronavirus which were sent in the period 19 February – 5 March 2020.⁵⁸ They concluded that 20 misleading news reports about coronavirus were distributed via Twitter.

⁵⁴ Misérus, M. (2020), 'Uitgescholden en bedreigd, want 'alle Chinezen hebben corona'', 11 March 2020, available at: <https://www.volkskrant.nl/nieuws-achtergrond/uitgescholden-en-bedeigd-want-alle-chinezen-hebben-corona-b563944c/>

⁵⁵ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2020), 'Vragen over wat je mag weten en vastleggen van je zieke werknemer. Mag ik mijn werknemers controleren op corona?', Web page, available at: <https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/werk-en-uitkering/mijn-zieke-werknemer?qa=corona&scrollto=1>

⁵⁶ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2020), 'AP geeft organisaties meer tijd vanwege coronacrisis?', News release, 20 march 2020, available at: <https://autoriteitpersoonsgegevens.nl/nl/nieuws/ap-geeft-organisaties-meer-tijd-vanwege-coronacrisis>

⁵⁷ Nu.nl (2020), 'NUcheckt: Nepnieuws lijkt toegenomen na coronabesmetting in Nederland', 2 March 2020, available at: <https://www.nu.nl/nucheckt/6034550/nucheckt-nepnieuws-lijkt-toegenomen-na-coronabesmetting-in-nederland.html>

⁵⁸ KRO-NCRV (2020), 'Twintig misleidende nieuwsberichten over coronavirus worden verspreid via Twitter', Pointer, 6 March 2020, available at: <https://pointer.kro-ncrv.nl/artikelen/twintig-misleidende-nieuwsberichten-over-coronavirus-worden-verspreid-via-twitter>

On 13 March 2020, Nieuwscheckers, the fact-checking initiative of the University of Leiden, published an article on international fake messages about the coronavirus on the Dutch version of Facebook.⁵⁹ Facebook's only fact-checking service in the Netherlands quitted in November 2019 so Dutch Facebook messages are not checked anymore. But fake messages in other languages are still checked. Nieuwscheckers concludes that these international Facebook messages which have been labeled as fake still circulate on the Dutch version without any label of being fake.

The government has not taken measures to counter the spread of disinformation.

The National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu*) or RIVM publishes each day an update on its website around 14:30 about the number of people who died because from COVID-19, number of people tested positive, number of people hospitalized in the last 24 hours (from 14h to 14h).⁶⁰ The RIVM get these data from the Regional Health Services (GGDs) and the municipalities. The RIVM always add to this bulletin that the actual number of infections with COVID-19 is higher than the number of reports in the update. This is because not everyone suspected of a COVID-19 infection is tested. It regards mainly patients who are so sick that they are admitted to hospital and healthcare provider.

⁵⁹ Heymans, R. (2020), 'Het lukt Facebook niet deze doodgecheckte coronaclaims te labelen als nepnieuws', Web page, Nieuwscheckers, 13 March 2020, available at: <https://nieuwscheckers.nl/nieuwscheckers/het-lukt-facebook-niet-deze-dodgecheckte-coronaclaims-te-labelen-als-nepnieuws/>

⁶⁰ The Netherlands, National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu*) (2020), 'Current information about the novel coronavirus (COVID-19)', Web page, <https://www.rivm.nl/nieuws/actuele-informatie-over-coronavirus>