

## Netherlands 2025

### Information from: Netherlands Institute for Human Rights

### Independence, effectiveness and establishment of NHRIs

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#### International accreditation status and SCA recommendations

The Netherlands Institute for Human Rights was re-accredited with A-status in [December 2020](#). The SCA understood that the NHRI's jurisdiction includes the Caribbean territories of the Netherlands; however, as the Dutch Equal Treatment Act is not applicable in these territories, the Netherlands Institute for Human Rights, which is also an equality body, cannot discharge the full breath of its mandate in these territories. The SCA encouraged the NHRI to advocate for the extension of the Equal Treatment Act to the Caribbean territories of the Netherlands, which the NHRI has consistently done. On the issue of possible conflicts of interest, the SCA acknowledged that where part time members of the governing body or staff of the Dutch NHRI wish to engage in other paid or unpaid activities, an internal discussion occurs, and a decision is made by the governing body. The NHRI makes relevant details relating to other activities publicly available on its website. However, the SCA noted that there did not appear to be further guidance on what types of activities would constitute a conflict of interest, in legislation, regulations or other binding administrative guidelines. The SCA encouraged the NHRI to advocate for the development of further binding guidance with respect to what constitutes a conflict of interest and the process by which the existence of such a conflict can be determined. The NHRI reported that its budget was the minimum necessary to carry out its mandate and that it can therefore prioritize a limited number of issues. The SCA encouraged the NHRI to continue to advocate for adequate funding necessary to allow it to address a broad range of priorities, including, for example, the rights of migrants and of the LGBTI community.

#### Follow-up to international and European actors' recommendations on NHRIs and relevant developments

In its first [SCA recommendation](#), the SCA 'encourages the Netherlands Institute for Human Rights (NIHR) to advocate for the extension of the applicability of the Equal Treatment Act to the Caribbean territories of the Netherlands.' The Institute has continued to promote the applicability of the Equal Treatment Act

in the Caribbean territories of the Netherlands. The legislator has taken significant steps to apply the equal treatment legislation in the Caribbean territories of the Netherlands. On 3 May 2024, the draft '[Act to protect against discrimination in the Caribbean territories](#)' was submitted to the House of Representatives, where it is currently pending. On the basis of the act, the equal treatment legislation will be applied in its entirety. After entry into force of the act, the Institute will be competent to examine individual complaints on discrimination.

In the second recommendation, the SCA 'encourages the NIHR to advocate for further binding guidance with respect to what constitutes a conflict of interest and the process by which a determination would be made about the existence of such a conflict.' The Institute is currently in the process of drafting administrative regulations for the functioning of the governing body. These regulations will set out how the Institute will deal with paid and unpaid activities. These rules are additional to the rules laid down in the Code of conduct integrity of civil servants (Gedragscode integriteit Rijk) and the Code of conduct judiciary (Gedragscode rechtspraak).

The third recommendation concerns adequate funding. Since the 2019 reaccreditation, the Institute was charged with additional tasks. As from 1 April 2024, it is the National Preventive Mechanism under the Optional Protocol to the Convention Against Torture; it is in preparation to adequately fulfil its additional mandate with respect to the Caribbean territories of the Netherlands and it has been appointed as the public authority protecting fundamental rights under article 77 of the AI directive. In order to fulfil its traditional mandate as well as these additional mandates adequately, the Institute continues to advocate for adequate funding.

No recommendations concerning our institution were made by the European Commission in the 2024 EU Rule of Law Report. However, in the [2022 national baseline report](#) concerning the implementation of the Council of Europe [CM Recommendation on National Human Rights Institutions](#) (NHRIs) (2021), some recommendations were made regarding our institution considering principle 11, 3.6. and 3.7.

Regarding principle 3.6, in 2023 the Institute called upon the government to expand the scope of the Equal Treatment Act to include unilateral governmental action. At present, the minister of the Interior and Kingdom Relations is carrying out an investigation into the Equal Treatment Act, which includes the question of the effectiveness of remedies in cases of discrimination by public authorities. The results of this investigation are expected in 2025.

As regards the ratification of human rights treaties and the promotion thereof, the Institute continues its efforts to call upon the government to ratify all

human rights treaties, and to apply all treaties to which it is a party also in the Caribbean parts of the Netherlands. In 2023, the [government](#) committed itself to the ratification of the Optional Protocol to the CRPD and the CRC. The process of ratification of these instruments has not yet been completed. The government has announced that, at this stage, it does not intend to ratify the Optional Protocol to the ICESCR.

No SCA recommendations or reports from international institutions provided to our institution included gender-specific issues or highlighted the need for gender-sensitive approaches in our work have been made. Upon completion of the multi-year programme on gender equality, the Institute has taken steps to integrate a gender perspective in its work.

## Regulatory framework

From 1 April 2024 onwards, the Netherlands Institute for Human Rights is the National Preventive Mechanism under the Optional Protocol to the Convention Against Torture. The government is in the process of amending the Act on the Netherlands Institute for Human Rights to incorporate this task. The Institute expects that the amendments will not enter into force before 2026.

The current provisions cover most tasks under the new NPM mandate. However, some amendments are necessary to guarantee that the NPM has the mandate to perform all its tasks. The act should provide for, *inter alia*, the mandate to access homes without the resident's permission and access to medical files without permission by the person concerned. Steps need also be taken to lift the exception to the obligation to provide information when it concerns official secrets, and access to secret state locations in cases of deprivation of liberty.

The Institute observes that the NPM mandate covers the European part of the Netherlands only, since the Optional Protocol to the Convention Against Torture does not apply to the Caribbean part of the Netherlands. The Institute holds the position that the government of the Netherlands should guarantee equal protection of human rights throughout the Kingdom.

The Institute recommends the following measures:

- Amendments to the Act on the Netherlands Institute for Human Rights to guarantee the full implementation of the NPM mandate);
- Adoption of the Act to protect against discrimination in the Caribbean territories;
- Amendment of the Equal Treatment Act to the effect that the Institute can examine complaints on discrimination resulting from unilateral government action. This will strengthen the Institute's mandate to issue rulings on discrimination by public authorities. Amendment is necessary

to perform the new mandate as a public authority protecting fundamental rights under Article 77 of the AI directive.

## **NHRI enabling and safe space**

In general, relevant state authorities have good awareness of the NHRI's mandate, independence and role. Various government departments have invited the Institute to inform them on issues of human rights, including the right to equal treatment. Further, in general, government departments respond positively to invitations from our part to discuss human rights issues. However, authorities with which the Institute is less frequently in touch are not always fully aware of the relevance of human rights for their work, nor of the Institute's mandate, independence and role. The Institute considers it part of its responsibility to increase awareness of their human rights responsibilities.

Furthermore, the Institute would like to share that on 3 December 2024, the annual monitoring report on the implementation of the CRPD was presented to ten members of parliament from a wide range of political parties. This led to an interesting discussion on digital accessibility and the human rights of persons with disabilities.

Further, in the past three years the Institute has participated in a number of round table discussions organized by parliaments, on issues such as non-discrimination and sexual violence.

In general, the Dutch NHRI has adequate access to information and to policy makers and is involved in all stages of legislation and policy making with human rights implications. As regards policy making, the Institute maintains contacts with policy officers at various ministries. It is consulted quite regularly on policies concerning human rights and equal treatment, though not on each and every policy document and not at all stages.

The Institute has the mandate to comment to draft legislation on its own initiative or at the request of the government or parliament. In the latter case, the Institute is held to provide input. In general, it can provide our input to draft legislation through the public consultation procedure. However, in December 2024 the government submitted two draft acts on asylum with serious human rights implications to the House of Representatives. It had not provided for the possibility for consultation by all relevant advisory bodies. Only a limited number of bodies received the draft texts and were given limited time (one week) to give their views. The Institute was not among them. It has expressed its concern in a [letter to the minister of Asylum and Migration](#) about this procedure, pointing to the importance of a thorough, transparent and inclusive procedure for adopting legislation, as required by the principles of human rights and the rule of law.

As concluded by the SCA, the current budget of the Institute is the minimum necessary to perform its mandate. The Institute is required to prioritize only a limited number of issues. Compared to 2022, the mandate was broadened, for which the Institute receives additional funding. The Institute will evaluate whether this is adequate to cover all aspects of the mandate effectively.

No specific measures have been adopted to ensure timely and reasoned responses by the authorities. The Institute generally receives responses to its recommendations included in annual status reports, which are, however, not always timely and thorough. It does not always receive responses to our recommendations on (draft) legislation.

The leadership and staff in the institution enjoy functional immunity. Sufficient measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place. Moreover, the government is drafting legislation to implement the EU Directive to protect persons against SLAPP actions. The Institute [commented](#) on the draft act in November 2024 and formulated a number of recommendations for further improvement in this area. The Institute recommended that the government to extend protection against SLAPP actions to domestic as well as cross-border SLAPPs, as recommended by the European Commission and the Council of Europe. Further, it recommended not to restrict the Act to civil proceedings, but also to proceedings under administrative law, criminal law and trade law. The Institute also recommended to appoint a focal point on SLAPP actions as soon as possible.

While the Institute overall has not faced threats, the Institute receives hostile emails and comments to posts on social media. A significant portion originates from individuals who oppose its position on the human rights of transgender persons.

## **NHRI's recommendations to national authorities**

- The Netherlands Institute for Human Rights recommends to national authorities to allocate an adequate budget for the NHRI so that it can address a broad range of human rights priorities.
- The Institute recommends providing additional resources to expand its activities in the Caribbean Netherlands.
- The Institute recommends the national authorities to respond swiftly to the recommendations made on its governance structure.

## **Netherlands 2025**

### **Information from: Netherlands Institute for Human Rights**

# Human rights defenders and civil society space

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## Laws and measures negatively impacting civil society and Human Rights Defenders

The Dutch NHRI's human rights monitoring and reporting found indications of developments that negatively impact on freedom of association, freedom of assembly, freedom of expression, create barriers in access to information and law and policymaking processes, limit access to funding – including from foreign sources.

The institution has preliminary findings in this regard and not all above challenges pertain to existing laws, policies, or measures, but mostly to recent developments with regards to stated intentions by the current government. Such intentions include:

- Article 3:305a of the Dutch Civil Code provides for the possibility for public interest organisations to initiate court proceedings to defend the interests of individuals. The government is investigating whether and how additional requirements could be imposed on such organisations. This could negatively impact their access to court and the right to freedom of association, as this measure complicates and restricts litigation by civil society organizations.
- The government has the intention to introduce a ban on unwanted foreign financing of, among others, Dutch associations, foundations, religious communities or informal organisations. This is linked to the legislative proposal 'Transparency of Social Organisations Act (Wet transparantie maatschappelijke organisaties)'. This law potentially limits the access to funding of civil society. Many civil society organisations have criticized this initiative as it could hinder the functioning of legitimate civil society organisations and leads to unnecessary recording of personal data of donors.
- The government has the intention to make a firmer distinction between (peaceful) demonstrations and disruptive actions. This can have an effect on freedom of assembly, as this proposed distinction could lead to arbitrary decision making on the lawfulness of demonstrations, legal uncertainty and discourage demonstrations. In this connection, in January 2025, the [Research and Data Centre](#) commenced a research to establish whether the current regulation of the right to demonstration in national law are adequate. The outcome of the research is expected in August 2025.
- The government is researching the possibility of a possible extension of police powers in the event of (or threats of) public order disturbances. This could have a negative effect on freedom of assembly, as it could discourage future demonstrations due to privacy considerations.

## Practices negatively impacting civil society and human rights defenders

The Dutch NHRI's human rights monitoring and reporting found indications of the practices that could negatively impact on civil society space and/or reduce human rights defenders' activities in relation to negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public; intimidation, harassment or violence before, during or after protests; surveillance by state actors.

The Institute has taken note of reports of intimidation, harassment, and violence before, during, and after protests by the police, including the mobile police unit. For instance, reports were made on police violence after a pro-Palestine demonstration on the Dam Square in Amsterdam on 13 November 2024. A large group of protesters had gathered on locations where demonstrations had been prohibited on the ground of an emergency ordinance. This had been issued by the mayor of Amsterdam in response to the unrest that erupted in Amsterdam in connection with a football match between Amsterdam's Ajax and Maccabi Tel Aviv on 7 November 2024. The violence was allegedly committed in the Western Harbour area in Amsterdam, where participants in the pro-Palestine demonstration on the Dam Square on 13 November were put on buses by order of the mayor. This type of transport is also known as 'administrative displacement' and has previously been declared unlawful by the Dutch Court. The police and the office of the public prosecutor investigate the incidents, in order to establish the facts and whether the police acted in accordance with their instructions on the use of force in the exercise of their tasks.

Similarly, concerns have been raised regarding the use of surveillance technologies, such as the use of facial recognition during protests, which may discourage participation and infringe on privacy rights. Lastly, the enforcement of emergency ordinances, including demonstration bans, while aimed at maintaining public order, has also raised questions about proportionality and the potential restriction of peaceful civic engagement.

The Dutch NHRI also reports on initiatives, frameworks, or policies for the protection of human rights defenders that exist at the national level.

The Dutch NHRI reports on the existence of specific protection mechanisms for human rights defenders includes: [Shelter City](#) is a project for human rights defenders which is initiated by the NGO [Justice and Peace](#) and is [supported by the Dutch government](#). Shelter City supports seriously threatened human rights defenders with visa applications and temporary protection - providing safe places in the Netherlands where they can spend 3 months, during which they can recover and expand their knowledge and network.

The Dutch NHRI also notes the inclusion of human rights defenders in human rights action plans through the inclusion in the development of the National Action Plan on Human Rights. Key stakeholders such as civil society organisations were involved in the process of developing the [National Action Plan on Human Rights 2020](#). This included the setting up of a focus group with civil society representatives which contributed during all the stages of the development process. The [National Action Plan on Human Rights 2020](#) clearly states that the work and commitment of civil society is vital for the realisation of human rights (p. 7), therefore the views of civil society representatives were taken into account in the development of the NAP. An important gap is however that the National Action Plan does not include a strategy to protect human rights defenders/ civil society organisations, or to generally protect the space for civil society actors to operate.

A gap in the protection of HRDs are the upcoming large funding cuts which have an effect both nationally and internationally on HRDs and civil society. As of 2025, the new [Dutch government has planned major cuts](#) in the Dutch commitment to human rights, democracy and the rule of law. For the period up until 2028 this includes a nearly 40% cut in the funding for the protection and promotion of human rights, including the Human Rights Fund (a decrease of 24% - 16.99 EUR - in 2025, up until 38.9% in 2028). Through the Human Rights Fund the Netherlands provides financial support to human rights defenders and non-governmental organisations that promote human rights worldwide. Moreover, there will be cuts in the budget for the MATRA and SHIRAKA programmes, as well as in the Official Development Assistance (ODA) - which includes working on strategic partnerships and strengthening civil society worldwide. [A coalition of civil society organisations](#) has called on the government that funding for the protection of human rights and the space for civil society needs to be guaranteed, and stressed that the major budget cuts undermine the credibility of The Netherlands as an advocate of human rights.

## Activities of NHRIs to support civil society space and Human Rights Defenders

In 2024, the Dutch NHRI took initiatives to promote civil society space and human rights defenders. More specifically, in 2024, the Institute adopted its policy plan 2025. Civic space in the Netherlands is one of the themes on which the Institute will focus. This will include awareness raising on the issue, as well as the formulation of recommendations to the government.

The Dutch NHRI also took several initiatives to protect civil society space and human rights defenders, including monitoring, issuing recommendations and opinions. In 2024, the Institute started its work on its annual status report 2024. For this year, the theme is civic space in the Netherlands. The project will result in the publication of a report in September 2025, with recommendations

to the government. In the meantime, the Institute informs the public and advises parliament and government on the right to demonstration. Further, it has published recommendations with regard to SLAPPs, and has emphasized the importance for civic society to start lawsuits in the public interest, for example in climate cases.

## **NHRI's recommendations to national and regional authorities**

The Institute will expand and specify our recommendations to national authorities in 2025, based on our upcoming report. At this stage, it has the following recommendations pre-empting this report:

### **Use a human rights-based approach to the protection of civil society and human rights defenders**

The Netherlands should apply a human rights based approach by solidifying knowledge on human rights and civil society within the government and applying this knowledge while creating laws and policies. The Netherlands should ensure that laws and regulations safeguarding civic space and human rights defenders are robust and applied consistently. Restrictions on rights such as the right to assembly and expression should meet proportionality and necessity tests. Recent challenges, such as the proposed sharper distinction between peaceful protests and order-disrupting actions underline the importance of avoiding vague definitions that could lead to arbitrary restrictions.

### **Promote engagement with civil society**

National authorities should engage in sustained and meaningful dialogue with civil society, including human rights defenders, particularly on issues affecting civic space. This will ensure that policies are informed by those most directly impacted, fostering transparency, shared responsibility and a sense of ownership over decisions that affect civic space.

### **Ensure access to financial resources for civil society based on the right of association, and in order to effectively implement human rights policies**

Maintain an enabling environment in which associations can freely seek, receive and use resources, without discrimination and undue interference. Ensure associations' right to access resources from domestic, foreign or international sources is explicitly recognized, protected and facilitated in national legislation, regulations and policies, in line with international human rights norms and standards. Respect and facilitate associations' right to generate resources through their own activities.

The Dutch NHRI also recommends to European actors to:

- Ensure that EU transparency obligations do not negatively impact civic space nationally.
- Ensure that when EU law (e.g. on securitisation, immigration, smuggling) is transposed into national law, this does not allow for the criminalisation of HRDs, civil society organisations or civilians for assisting migrants based on human rights.

## Netherlands 2025

### Information from: Netherlands Institute for Human Rights

#### Functioning of justice systems

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The Dutch NHRI's human rights monitoring and reporting identifies significant challenges affecting access to justice and/or effective judicial protection in your country in the area of access to legal aid and respect for fair trial standards.

In recent years, there have been significant budget cuts with regard to subsidised legal aid, creating serious obstacles in access to justice for large groups of people. As of yet, the national government has not presented any concrete plans to address this structural problem.

Fair trial standards are under pressure in multiple ways. One example is that courts rarely and only reluctantly impose a sanction when law enforcement officers overstep their authority. A second example is that the procedural safeguards in asylum proceedings are being restricted, creating a risk that such procedures may fall short of the requirements of an effective remedy.

In relation to the progress regarding follow-up and implementation by state authorities of European Courts' judgements (namely the European Court of Human Rights in Strasbourg - ECtHR, and the Court of Justice of the European Union in Luxembourg - CJEU), the Dutch NHRI reports that following the judgements by the European Court of Human Rights in the cases of Hasselbaink 73329/16), Maassen 10982/15) and Zohlandt (69491/16), in which the Court found a violation of article 5 ECHR in relation to a lack of proper reasoning underpinning remand orders, the Netherlands has been under supervision by the Council of Europe's Committee of Ministers to improve its legal practice. The Institute is currently conducting an investigation into the current practice of motivating remand orders by domestic courts.

The Dutch NHRI supports the implementation of the European Courts' judgements by referring to the judgements of European Courts in the reports

and recommendations to state authorities, engaging with a national coordinator of the execution of judgements of the European Court of Human Rights, engaging with courts, carrying out awareness raising of the general public and human rights education. The Institute endeavours to employ these means listed above to support implementation of ECtHR judgements, whenever circumstances necessitate this.

In the Netherlands, procedures for the selection of judges for the European Court of Justice and the European Court of Human Rights are in place (Procedure voor de voordracht van kandidaten voor benoeming bij Europese rechterlijke colleges.). The procedure is adequate and the vacancies in the respective courts are made public. At the same time, transparency of the procedure and the level of independence and experience with European judicial systems in the national advisory commissions warrants attention. It is important that the members of these commissions have thorough knowledge of the law, the case-law and the proceedings.

## **NHRI's recommendations to national and regional authorities**

- Underline the importance of subsidised legal aid, as an important pillar of the right to an effective remedy and the principle of access to justice.
- Ensure accountability in law and in practice of government officials overstepping their legal competences.
- Maintain proper procedures for the selection of judges, including those serving at the European level (ECHR, ECJ).

## **Netherlands 2025**

### **Information from: Netherlands Institute for Human Rights**

## **Media freedom, pluralism and safety of journalists**

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The Dutch NHRI's human rights monitoring and reporting identified a decline in media pluralism as well as misinformation and/or disinformation as the significant challenges affecting media freedom at the national level. There is an increasing market share held by fewer media companies. The Authority Consumers & Markets (ACM) is currently researching whether one of the biggest Media enterprises in the Netherlands is allowed to take over another party, which will result in them owning an even larger share of the Dutch

media.

The use of social media and streaming services continues to grow. This results in the use of international media platforms, instead of Dutch ones, and is a potential threat of misinformation or disinformation.

There is no decline in media independence, the situation seems to be stable. There is tradition of independent media. The media have, however, been criticized by the new government, but thus far there have not been any sanctions or actions restricting the media.

In 2024, journalists reported 249 incidents to [PersVeilig](#) (Press Safety). This organisation aims to strengthen the position of journalists against violence and aggression on the street, on social media and against legal claims. Of the 218 incidents in 2023, 147 came from women, as opposed to 51 cases by men. Numbers for 2024 are not available yet, but PersVeilig has announced that one of its key points in 2025 will be the position of women. The Institute has paid attention to this issue in the annual status report 2021 on a safe environment for public debate.

Currently, SLAPPs are not frequent in the Netherlands, but it is to be expected that more of these cases will come to light now that Dutch legislation will be in compliance with the EU Directive against SLAPPs.

The Dutch NHRI reports on the measures taken in the country to follow up on the recommendations concerning media freedom, issued by the European Commission in its [2024 EU Rule of Law Report](#), namely to: 'Enhance the governance of public service media and its ability to uphold journalistic standards, taking into account European standards on public service media.'

According to the [government programme 2024](#), public service media will be reformed. The government considers that more clarity is needed on roles and responsibilities of various media actors. Since this constitutes a thorough reform that requires time, the government has extended the current licences for another two years. The minister for Education, Culture and Science [announced](#) that a letter with the reform proposal will be submitted to parliament early 2025.

## **NHRI's recommendation to national and regional authorities**

- Develop a comprehensive approach to aggression and intimidation against journalists and other media actors, with a specific focus on high-risk groups, including women, people with a migration background, and LGBTQI+ persons.

## Netherlands 2025

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### Other challenges to the rule of law and human rights

#### NHRI's recommendations to national and regional authorities

- Guarantee the right of individuals to safely and freely participate in public debate.
- Guarantee equal protection of human rights throughout the Kingdom.
- Guarantee access to court in case of alleged infringements on human rights.

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