

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the 'type of information' outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☒ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Main Areas of Work

- ☒ Justice System
☐ Anti-corruption
☐ Media Pluralism
☐ Checks and Balances
☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
☐ Belgium
☐ Bulgaria
☐ Croatia
☐ Cyprus
☐ Czechia
☐ Denmark
☐ Estonia
☐ Finland
☐ France
☐ Germany
☐ Greece
☐ Hungary
☐ Ireland
☐ Italy
☐ Latvia
☐ Lithuania
☐ Luxembourg
☐ Malta

- ☒ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Surname

Email Address of the organisation

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

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Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☒ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

The workload of judges and public prosecutors is still (too) high. It is true that the Minister of Justice met the magistrates in a previously concluded employment conditions agreement with a (one-off) financial compensation to compensate for the high workload, but effective measures to reduce the workload in real terms have not yet been taken.

Furthermore, the conclusions of the State Commission on the Rule of Law have shown that due to shortcomings in the legal aid system (too few social lawyers), the thresholds for access to justice have become considerably higher. An increase in the fees of the funded legal aid providers is necessary to guarantee access to justice for everyone. In addition, the State Commission argues that a separate chapter on the financing of the rule of law should be integrated in the government budget.

<https://www.staatscommissierechtsstaat.nl/onderwerpen/rapport/documenten/rapporten/2024/07/02/index>

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

In recent years, there has been a strong focus on attracting more judges and prosecutors. Extensive campaigns have been launched (also for support legal positions) on which until this day sufficient suitable candidates can be selected.

The judiciary is still not succeeding in meeting the strongly experienced desire to achieve more diversity in the judiciary. It is still unclear why lawyers with a bi-cultural background are not interested in a position within the judiciary, or are not considered suitable for it.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

On 16 May 2023, the Minister for Legal Protection submitted a bill to the House of Representatives to make it possible for judges who reach the statutory dismissal age of 70 to remain employable as judges or deputy justices until the age of 73. The House of Representatives agreed to that proposal.

At the time of the corona epidemic, this measure was already temporarily introduced, but the scheme for it ended on 15 July 2023. In addition to reducing the capacity shortage and the backlog of cases being dealt with, employability must make a positive contribution to the workload and processing times in the judiciary. The three-year period will be used to assess whether the deployment as substitutes can be made structural. One of the main causes for the lack of capacity is the age-related outflow of judges and justices. More and more judges and justices are approaching the legal dismissal age of 70.

The remuneration for deputy judges is low and needs to be improved, according to the Dutch Association for the Judiciary. The ongoing negotiations on the employment conditions agreement will look at this further.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

For a number of years, the Dutch Association for the Judiciary has been trying to enforce compliance with the agreement to allow more advancement to senior positions at the Public Prosecution Service (the so-called "contigentering"). To date, too little positive progress has been made in the negotiations in this regard.

Allocation of cases in courts

5000 character(s) maximum

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

5000 character(s) maximum

Since the cabinet (Schoof-I) took office in July 2024, the discussion about the (necessity) of an independent judiciary has gained extra momentum. Although the government has not yet announced any measures to restrict the independent judiciary in any way, scientists and commentators believe that the representation of a number of parties represented in the cabinet is not reassuring in advance. The PVV is now the largest party in the Netherlands. Its leader, Geert Wilders, has been critical of the judiciary in the past ("fake judges" who are said to be "crazy"). The fact that the discussion is being conducted openly can in itself be seen as positive.

It is also positive that the chairman of the Council for the Judiciary said during his New Year's speech that the appointment of members of the Council for the Judiciary should be disconnected from politics. Currently, the Minister of Justice is still the one who appoints members of the Council. This appointment procedure has been criticized for some time. The Dutch Association for the Judiciary has been advocating for years to revise the appointment procedure of members of the Board.

(<https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Paginas/Nieuwjaarstoespraak-2024-tekst.aspx>).

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

In 2024, a new Code of Conduct for the Judiciary came into force. This code of conduct applies to everyone who works in the judiciary, i.e. government officials, but also judges. The Dutch Association for the Judiciary has insisted that this new code should explicitly refer to the (existing) NVvR-Judges' code. After all, judges are (partly) bound by different ethical and professional standards than government officials. The Code of Conduct for the Judiciary has therefore been criticized by academia. The Dutch Association for the Judiciary is in the process of revising and updating the existing Judges' Code. This is planned for the year 2025.

<https://www.rechtspraak.nl/SiteCollectionDocuments/Gedragscode%20van%20de%20Rechtspraak.pdf>.

https://www.inview.nl/document/id014d6eb8c9a24323b16988f15ae3405d/nederlands-juristenblad-de-nieuwe-gedragscode-voor-de-rechtspraak?ctx=WKNL_CSL_85&tab=tekst

Independence/autonomy of the prosecution service

5000 character(s) maximum

In 2023, the (new) Board of Procurators General set out a new policy line. In terms of content, the Board wants to further improve the core tasks of investigation and prosecution and to settle criminal cases more quickly. This means more focus on criminal law and less on, for example, the prevention of criminal offences, for which other organizations are primarily responsible. The board wants to settle more criminal cases more quickly via the so-called ZSM-method (ZSM=as quickly as possible). In settling these cases, even more emphasis is placed on legal precision and accountability as required by, and visible in, the reports of the Procurator General at the Supreme Court as supervisor of the Public Prosecution Service.

The prioritization outlined above can be interpreted both positively and negatively. More focus on criminal law can help, for example, to shorten processing times, so that litigants and victims know where they stand more quickly. On the negative side, there is strong guidance from above, which can limit the individual span of the public prosecutor (independent assessment of the case) in certain cases.

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

5000 character(s) maximum

The supervision of the legal profession is constantly evolving. Since the evaluation of the Legal Profession Position and Supervision Act (Wpta) in 2019, the discussion around the governance of supervision has accelerated. At the moment, the legal profession is supervised by the 11 so-called deans, which are lawyer-directors of the local bar association. The (previous) Minister for Legal Protection wanted this supervisory task to be moved to a new Independent Supervisor of the Legal Profession (OTA). This regulator will supervise and enforce all lawyers registered in the Netherlands, regardless of both the government and the profession. Parliament has yet to debate the bill to this effect.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

Trust in the judiciary and Dutch judges remains high. Of all institutions, trust in the judiciary was highest in 2023 (78 percent). In 2012, trust in the judiciary was still 69 percent.

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

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

5000 character(s) maximum

The remuneration for court interpreters is under serious pressure in the Netherlands. Although the Minister of Justice previously increased the hourly rate for court interpreters, the pressure on the rates remains (too) great. In practice, interpreters are sometimes not available or they have to leave a hearing prematurely. The Netherlands has two official (court) languages: Netherlands and Frisian. There are only two interpreters Frisian available now.

After a period of major cutbacks, the funded legal aid has been somewhat propped up again, but the outflow of social lawyers is large. Young lawyers are opting less and less for social advocacy, which puts a lot of pressure on legal aid to less well-off litigants. The NOvA (Bar Association) is advocating more government funding for social advocates and is supporting a dedicated course at Tilburg University.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

The Dutch Association for the Judiciary is responsible for concluding with the Minister of Justice a so-called employment conditions agreement, which regulates, among other things, the salaries of judges and public prosecutors. The previous agreement (valid until 1 July 2024) included financial compensation to compensate to some extent for the high workload. New negotiations started in 2024 and are expected to be concluded in January 2025. In the negotiations, the Dutch Association for the Judiciary has drawn attention to, among other things, the classification of public prosecutors and judges in training.

The subsidy that the Dutch Association for the Judiciary receives from the Ministry of Justice was halved a few years ago. The current subsidy relationship was supposed to be the subject of discussion in 2025, but for the time being the subsidy for the current year has been secured.

In order to remain competitive in the tight labor market, the Dutch Association for the Judiciary wants to have a labor market study carried out. The aim is to see to what extent the salary and fringe benefits of judges and public prosecutors (and the supporting legal functions) are still competitive. At the moment, that research has not yet been carried out.

It is already clear that the salaries of legally trained support staff (court lawyers and public prosecutor's secretaries) are not always competitive. There are many vacancies for skilled legal personnel.

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

The Public Prosecution Service invests in training for public prosecutors to become more resilient. These trainings are due to increased threats towards officers. The supporters of the Dutch Association for the Judiciary praise these training courses (although officers often have to cross a mental threshold; officers tend to always keep going and not easily admit their vulnerability).

The way in which courts invest in contact and dialogue with so-called chain partners (the legal profession, the Public Prosecution Service) is also positive. This is done, for example, through so-called "Spiegelbijeenkomsten" (Mirror meetings).

Although the training capacity of the SSR training institute has been increased in recent years, the training of new judges and prosecutors is still under pressure, due mainly to the availability of on-the-job trainer-judges /prosecutors.

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

The judiciary in the Netherlands offers more and more digital access for litigants and professionals. For example, in 2024, digital options for people who have been placed under guardianship or are under administration and their mentors/administrators were introduced. The Judiciary switched to archiving message traffic in the cloud at the end of 2024.

A new Code of Criminal Procedure is scheduled to be introduced in 2029. Work is currently underway to update and align the systems of the Public Prosecutor's Office and the judiciary.

The ICT infrastructure especially for the Public Prosecution Service suffers from software systems that do not fit after software updates have been installed. Even basic office software frequently fails. Occasionally sufficient hardware is lacking.

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

In 2024, the Judiciary published a magazine entirely dedicated to law and tech. Attention was paid to assessing evidence that is suspected to have been manipulated by means of AI. Training in the field of law and tech is available.

Not everyone within the judiciary and the Public Prosecution Service is convinced of the need to keep up with developments in the field of AI.

<https://www.rechtspraak.nl/SiteCollectionDocuments/rechtstreeks-2024-02.pdf>

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

In the Netherlands, the investigation and prosecution of (large-scale) fraud/corruption is concentrated in the so-called Functional Public Prosecutor's Office; this is a specialist, nationally operating part of the Public Prosecution Service.

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

The workload at the Centrale Raad van Beroep (the higher appeal body in cases in the field of social security law) has decreased considerably in recent years. At the end of December 2023, 56 percent of the backlog was equal to or less than one year.

Attempts to shorten lead times have not yet yielded success everywhere. For example, the backlogs at the Amsterdam Court of Appeal (civil) have increased considerably with appointing periods for multiple proceedings to well over a year. The Arnhem-Leeuwarden Court of Appeal has now taken over cases from Amsterdam. Providing mutual assistance to cover deficits elsewhere can be seen as positive in itself, according tot the Dutch Association for the Judiciary.

Any other developments related to the justice system - please specify

5000 character(s) maximum

For many years, so-called team-chairmen-non-judges have worked in some courts. These civil servants were not judges, but they did lead a team of judges (planning and control, scheduling hearings, etc.). The work of these chairmen-non-judges also included conducting so-called performance interviews. This practice was fundamentally criticized by various courts, because it could put pressure on the independence of judges. For this reason, the presidents asked the Attorney General (AG) of the Supreme Court for an opinion. The AG sent his opinion to the presidents in June 2024 in which he indicated that non-judges are indeed not allowed to conduct performance reviews with judges. The AG did not comment on other subjects, not even after the Dutch Association for the Judiciary had asked for it. In the meantime, it seems that team chairmen-non-judges no longer have a task within the Dutch judicial system with regard to the conduct performance interviews.

The disadvantage of the development outlined above is that the position of team chairs is more difficult to fill. Judges do not always have the time or capacity to fill leadership roles. Given the shortage in the labor market and the high workload, the need for sufficiently qualified (support) staff is high. Measures such as these meet the need to safeguard the independence of judges, but also potentially increase the workload for judges.

Although independence is not immediately threatened, the high workload remains a cause for concern. Premature outflow of public prosecutors and judges is not imaginary, as was also shown by a survey conducted among its members by the Dutch Association for the Judiciary

<https://www.nvvr.org/wp-content/uploads/Brief-NVvR-aan-PG-inzake-teamvoorzitter-niet-rechter-def.pdf>

<https://www.nvvr.org/oproep-nvvr-voorkom-onnodige-uitstroom-van-rechters-en-officieren/>.

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

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A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

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Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

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Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

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B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

As pointed out earlier, in 2024 a new Code of Conduct for the Judiciary came into force. This code of conduct applies to everyone who works in the judiciary, i.e. government officials, but also judges. The Dutch Association for the Judiciary has insisted that this new code should explicitly refer to the (existing) NVvR-Judges' code. After all, judges are (partly) bound by different ethical and professional standards than government officials. The Code of Conduct for the Judiciary has therefore been criticized by academia. The Dutch Association for the Judiciary is in the process of revising and updating the existing Judges' Code. This is planned for the year 2025.

https://www.inview.nl/document/id014d6eb8c9a24323b16988f15ae3405d/nederlands-juristenblad-de-nieuwe-gedragscode-voor-de-rechtspraak?ctx=WKNL_CSL_85&tab=tekst.

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

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Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

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--> For the three previous points, **please also provide information and figures on their application/enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

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Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

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C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

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Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

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Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

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Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

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Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

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III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

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A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

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Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

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

5000 character(s) maximum

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B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

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Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

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Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

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C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

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Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

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Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

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Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

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Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

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IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Not all ministers of the newly appointed cabinet seem to endorse the importance of legislative advice. At the end of December, the Minister of Asylum and Migration offered two bills for advice, but gave a very short advice period. Both the Council for the Judiciary and the Dutch Bar Association objected to this extremely short advisory period. The Dutch Association for the Judiciary, which also has a task in the field of legislative advice, was not asked for advice at all.

<https://www.rechtspraak.nl/SiteCollectionDocuments/Brief-verzoek-advies-wetsvoorstellen-tweestatusstelsel-asielnoedmaatregelen2.pdf>

<https://www.advocatenorde.nl/nieuws/minister-faber-van-asiel-en-migratie-ondermijnt-democratische-rechtstaat-nova-vreest-voor-gevolgen>

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

5000 character(s) maximum

The Public Prosecution Service wants to settle more and more cases through a so-called penalty order. In these cases, it is the public prosecutor (and not the judge) who disposes of a case through a settlement, although appeals are still possible. Previously, there was quite a bit of criticism of this way of settling. Victim Support has pointed out that the victim's position is compromised.

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

The Netherlands do not have a constitutional court. Judges are also not allowed to rule on the compatibility of laws enacted by parliament with the constitution. However they are allowed to rule on the compatibility of those laws with international treaty obligations. One of the governing parties (NSC) is actively advocating the establishment of a constitutional court. Advisory bodies, including the Dutch Association for the Judiciary, are generally not in favor of the establishment of a separate constitutional court. There seems emerging consensus that constitutional review should be introduced for all laws. This was also stated by the State Commission on the Rule of Law in its report "De gebroken belofte van de rechtsstaat".

<https://www.nvvr.org/adviezen/constitutionele-toetsing/>

<https://www.staatscommissierechtsstaat.nl/onderwerpen/rapport/documenten/rapporten/2024/07/02/index>

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

The Netherlands Institute for Human Rights, the institute that deals e.g. with discrimination complaints, has been in an administrative crisis for the past two years. In 2023, a conflict escalated at the top, when four of the eight board members reported intimidation, discrimination and favoritism by the president. An investigation committee led by former justice minister Sorgdrager came to the conclusion that there was no question of a general social abuse or a "pattern of discrimination". Moreover, the researchers concluded that the problems in the college were already there before the president took office. However, the committee criticized the way in which the chairman had acted. On 13 December 2024, the Council of Ministers approved the nomination of four new alternate members to the Netherlands Institute for Human Rights.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

On 24 October 2023, the National Ombudsman presented his study *Herstel bieden: een vak apart* (Providing reparation: a profession in its own right). In this study, he reported on ten government processes that caused citizens damage and the way government tried to repair these damages (e.g. the immaterial compensation scheme in Groningen (earthquakes), the settlement of claims after the floods in Limburg and Brabant, the consequences of Q fever and the childcare allowance recovery operation). Central question was how government agencies deal with the needs of victims when setting up and implementing recovery projects. The conclusion was that the government does not put citizens first and does not learn from previous restoration projects. At the end of 2024, the cabinet had still not responded to the report, to the dissatisfaction of the National Ombudsman who allowed himself to be interviewed about it. His main complaint: The government does not listen.

This conclusion was supported by the report presented by the State Commission on the Rule of Law in June

2024. The state commission concluded that the promise of the rule of law is not being fulfilled for a significant group of citizens. This is the result of political decision-making or the lack of one. Too often, the rule of law is not leading in the actions of politicians, administrators and government employees. The government has become too complicated and legal protection is inadequate. Parliament and the government should speed up the repair of the rule of law, according to the state commission.

<https://www.nationaleombudsman.nl/professionals/nieuws/interview/2024/ombudsman-van-zutphen-de-overheid-luistert-niet>

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Since 2023, the Council for the Judiciary has been working on increasing the number of published judgments where possible with the resources currently available. The number of published judgments has increased from almost 50,000 (49,800) in 2022 to more than 58,000 (58,200) in 2023 of the 1,4 million cases decided. Figures for 2024 are not yet known.

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

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Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

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Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

On 9 April 2024, the European Court of Human Rights dealt with the obligations of states under the European Convention on Human Rights (hereinafter: ECHR) in the context of climate change in three cases. In one of those cases (Verein Klimaseniorinnen Schweiz v. Switzerland), the Court ruled that Switzerland had violated Article 8 of the ECHR and Article 6 (1) of the ECHR (the right of access to the courts). The Court emphasized the importance of collective action in the context of climate change. On 6 June 2024, the then Minister of Economic Affairs and Climate Policy responded to the House of Representatives about the significance of these matters for the Netherlands.

<https://www.rijksoverheid.nl/documenten/kamerstukken/2024/06/06/uitspraken-europees-hof-voor-de-rechten-van-de-mens-in-klimaatzaken>

A new cabinet has taken office in July 2024. It is not yet clear what follow-up the current cabinet will give to these (and other) rulings. However, various politicians have criticized the way in which legal bodies speak out on, in particular, climate cases.

The so-called Hoofdlijnenakkoord (Outline Agreement) explicitly states that the government will investigate whether and how further requirements can be imposed on the representativeness of interest groups with an idealistic goal on the basis of Article 3.305a of the Dutch Civil Code. Clear intention of this research is to examine the opportunity to limit access of public interest groups to pursue their cause in courts and thereby to limit access to justice.

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

In Dutch society (as elsewhere) the differences between groups are increasing. Demonstrations are the order of the day. Pro-Palestine or pro-Israel protesters and climate activists who have united in the group Extinction Rebellion stand out. The public administration takes action against occupations of public roads, but this has not yet led to large-scale persecution of demonstrators. Opinions differ about the scope of the right to demonstrate. The Dutch Liberal Party (VVD) announced in January that it wants to set limits to the right to demonstrate.

<https://www.vvd.nl/nieuws/om-het-demonstratierecht-te-beschermen-moeten-we-grenzen-stellen/>

The mayor of Amsterdam has been criticized several times (including by the leader of the largest political party, the PVV), for interpreting the right to demonstrate too broadly. Till now, the cabinet has rallied behind the mayor.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

In 2024, Free Press Unlimited published a study into the extent and impact of legal pressure on Dutch journalism. Although there are no so-called Strategic Lawsuits Against Public Participation (SLAPPs) in the Netherlands to date, the legal pressure on journalists is indeed increasing, the researchers of Free Press Unlimited note. The majority of the journalists and editors-in-chief surveyed stated in this study that legal action, ranging from demand letters to procedures, increases after publications. It is feared that this leads, among other things, to a certain degree of self-censorship among journalists in order to avoid legal proceedings.

<https://www.freepressunlimited.org/sites/default/files/documents/Een%20onderschat%20probleem%2C%20disproportionele%20juridische%20druk%20op%20de%20Nederlandse%20journalistiek.pdf>

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

In the Netherlands, there are numerous (private) funds that aim to financially support civil society organisations and human rights defenders.

The government has made a sharp reduction in subsidies. For example, during the last budget debate, the Minister of Foreign Affairs announced that he would significantly reduce contributions to various civil society organisations that are active in the field of human rights, among other things. The previously announced cut in the subsidy of the Dutch Association for the Judiciary is withdrawn for the year 2025.

<https://open.overheid.nl/documenten/e3572cd7-ed09-408e-b375-ab3b50575f91/file>

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

As already noted, the State Commission for the Rule of Law presented its report on the broken promises of the rule of law in June 2024. The recommendations from the report are expected to remain a topic of discussion in the coming cabinet term.

At the end of 2024, the House of Representatives voted with broad support from both the opposition and the coalition to grant ProDemos (House for Democracy and the Rule of Law) additional financial resources in 2025. It is about an extra million euros in 2025 to involve more young people and adults in the democratic rule of law.

Concerns about the (future of the) democratic rule of law are increasing in the Netherlands. In het Hoofdlijnenakkoord (Outline Agreement), the new cabinet explicitly stated that it would comply with the provisions of the Constitution.

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Through lively discussions about the relationship between the state powers and the importance of an independent rule of law, topics such as the appointment of administrators of the judiciary and the relationship between the Council for the Judiciary and the minister have been placed prominently on the agenda again. As already mentioned, the chairman of the Council for the Judiciary now also believes that appointments of members of the board of the Council for the judiciary should be out of the hands of the minister, as the Dutch Association for the Judiciary has been advocating for years.

On the negative side, the increasing polarization in the country and the associated fierce accusations (and sometimes threats) against public administrators, such as ministers, mayors, aldermen, as well as judges, prosecutors and lawyers, are negative. Concerns about the power of big tech, the breakdown of independent journalism and fake news are also vivid in the Netherlands.

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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