

2026 Rule of Law Report - targeted stakeholder consultation

Joint submission by:

Nederlands Juristen Comité voor de Mensenrechten (NJCM)

Netherlands Helsinki Committee (NHC)

Transparency International Nederland (TI-NL)

Free Press Unlimited (FPU)

RNW Media (RNW)

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

The overall situation of the Dutch justice system in 2025 reflects no progress, with several developments pointing instead toward deterioration. Although the judiciary made “incremental progress in expanding training capacity and managing workload”, this limited improvement is outweighed by significant negative trends in other parts of the justice chain. Custodial institutions experienced “serious human resource shortages and worsening working conditions”, while youth justice institutions faced “staff shortages... problems with occupancy, the quality of accommodation and treatment, and safety risks for young people. The Public Prosecution Service (OM) suffered major operational disruption due to ICT failures, including a “large-scale cyberattack” and “prolonged shutdown of OM systems”, resulting in “growing backlogs” and “exhaustion, frustration and declining morale” among staff. Social legal aid also deteriorated, with the “outflow of lawyers in social law” and evidence that “less than 1 in 4 lawyers is a social lawyer”. Taken together, these developments show that despite isolated improvements, the justice system as a whole did not advance in 2025, and several components — prisons, youth justice, the prosecution service, and legal aid — demonstrate clear regression requiring urgent attention.

Overall, while the judiciary made incremental progress in expanding training capacity and managing workload (as has already been reported on), the broader justice system — especially custodial institutions — continued to face serious human-resource shortages and worsening working conditions throughout 2025.[1] The director of the DJI in December 2025 announced a ‘code black’ for prisons being overfull and detainees having to wait for long periods of time.[2]

[1] [Hoge werkdruk in gevangenissen: 4 op 10 medewerkers overwegen te stoppen, blijkt uit rondgang | EenVandaag](#)

[2] [Code Zwart. Uitstel is geen optie. | dji.nl](#)

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

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

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

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

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

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

Lawyers representing prisoners in maximum security have now stopped visiting these clients because they claim they can no longer do so confidentially because of camera surveillance. The cameras were installed on the first of November because of a new law that came into force that day. The cameras are focused on the faces of both the lawyers and the detainees and on the table which could allow confidential documents to be read. It is not sufficiently clear to the lawyers what will be done with the footage during and after a visit. This has resulted in prisoners no longer feeling safe discussing their cases with their lawyers. It is very important to know if recording the visits in the way it is now, so being able to lip-read conversations and being able to read the files when a prisoner is having a confidential conversation with their lawyer, is a violation of the right to confidential communication with a lawyer under article 6 of the ECHR.

There is also the explicit public debate about the rule of law surrounding the Bar Association's rule of law quick scan for the 2025 elections. In the run-up to the parliamentary elections of 29 October 2025, the Dutch Bar Association requested an independent expert committee to review whether the election programmes of all political parties were in line with the principles of the rule of law.[1] The resultant report identified a record number of proposals at odds with the rule of law. This observation in turn invoked criticism from politicians and academics,[2] sparking a debate on which criteria were applied, on the

conception of the rule of law itself and on the space for politics to deviate from existing international and constitutional obligations.[3]

[1] Dutch Bar Association, Commissie rechtsstatelijke toets verkiezingsprogramma's: recordaantal voorstellen in strijd met de rechtsstaat, 20 October 2025.

[2] See Advocatenblad Editorial Board, 'Rapport over partijprogramma's oogst kritiek', Advocatenblad, 30 October 2025.

[3] For one critique, see K. de Goede, Constitutionele politiek en het rapport van de NOvA-commissie, 27 October 2025. For the committee's response to the criticism, see E. Mak et.al., De Commissie rechtsstatelijke toets getoetst: nadere toelichting, 27 October 2025.

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

5000 character(s) maximum

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)

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

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

Not for prosecutors or judges, but: Remuneration in social law is low, resulting in a decline in the number of social lawyers. Shortage of social lawyers in various regions and areas of law. Social law is not attractive to young people, partly because of the low remuneration. The above is at the expense of legal protection for those seeking justice and equality before the law in the Netherlands.

Commissie van der Meer II report has been published. The committee, chaired by Herman van der Meer, investigated whether the (fixed) fees are still appropriate and whether the reference income (set by the government) is achievable for a social lawyer. The answer to the first question is that most fees are still appropriate, but that the complexity surcharges in particular are too low. The committee proposes increasing these surcharges by 35%. The answer to the second question is that a lawyer working in a law firm cannot earn this reference income.

The report "Balie in beeld" by NOVA dated 24 February 2025 shows that there is an outflow of lawyers in social law. Compared to five years ago, a decline of almost 13 percent was perceived. Less than 1 in 4 lawyers is a social lawyer.¹

Shortages in certain areas of law are expected. In some areas of law, there is an aging population of lawyers, while at the same time there are few young people entering the profession. This is the case in

¹ Although most social lawyers work in Amsterdam (701), Limburg has the highest relative number of lawyers working on a pro bono basis (45%). In absolute numbers, Overijssel has the fewest social lawyers (190).

asylum and refugee law, where 31% of lawyers are aged 60+ and only one lawyer is under 30. This is a possible indication of future shortages. Already, in some districts, there are no lawyers specializing in certain areas of law (“Balie in beeld” by Nova February 24, 2025).

Funding will be made available for social legal aid in 2026. The State Secretary for Legal Protection announced this in a letter to parliament on Thursday, June 26 of 2025. In 2026 the cabinet will allocate an additional €30 million to the legal aid system on a structural basis. This is the same amount that was previously announced for 2027. The State Secretary is also extending the existing subsidy for the professional training of social lawyers by approximately €2.5 million. This subsidy will cover the costs of professional training for 175 new social lawyers. In addition, the outgoing State Secretary wants to make an advance payment possible for starting lawyers who have not yet received any additional payments and for lawyers who are experiencing temporary payment problems due to external factors.

The professional association, Nova, is pushing for the introduction of an office allowance. Without this allowance, the remuneration for lawyers working in an office setting remains far too low, making it impossible for social lawyers to train the new lawyers. It is also a way to achieve a healthy business with good management and a long-term plan that can operate in a future-proof manner.²

The Van der Meer II Commission has recommended investing €40 million per year, with immediate effect. The €30 million for 2026 and 2027 is therefore actually still insufficient. To prevent the departure of young social lawyers and to compensate for the aging of social lawyers, structural investments will have to be made in this sector. This will ensure that everyone retains the right to a lawyer.

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[single market relevance] Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

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

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 2025, persistent ICT failures at the Dutch Openbaar Ministerie (OM) became a visible threat to the continuity of criminal proceedings. A cyberattack during the summer led to prolonged system outages, significant case backlogs and further procedural delays. The NVvR and OM staff raised concerns about exhaustion, frustration and ongoing ICT malfunctioning. Parliamentary questions by D66 highlighted delayed access to information for defence lawyers and prolonged pre-trial detention. The State Secretary

² “Nova blij met nieuwe investeringen in sociale advocatuur per 2026”, advocatenorde.nl Juni 26th of 2025

acknowledged outdated ICT systems while emphasising the OM's responsibility for operational management. These developments raise serious rule of law concerns, as delays undermine timely access to justice, equality of arms and procedural fairness under Article 6 ECHR. The Commission should include a clear recommendation for structural investment in secure and interoperable prosecutorial ICT systems and safeguards for continuous digital access.

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

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

5000 character(s) maximum

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 in the introduction)

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

A legislative proposal (TK 2025/26, 36 831, nr. 2) has been introduced to prohibit municipalities from prioritising recognised refugees (status holders) for social rental housing. This marks a significant shift in how the principle of equality is interpreted within the Dutch legal framework. The proposal is based on a formal view of equal treatment, in which the government argues that treating refugees the same as other housing applicants would create a more equitable environment. However, this approach conflicts with the substantive or material interpretation of equality, as advocated by the Advisory Division of the Council of State. (TK 2025/26, 36 831, nr. 4) The Council argues that by ignoring the existing inequalities faced by refugees, who typically lack local networks and resources compared to domestic residents, the state risks violating Article 1 of the Constitution. This article requires measures to ensure equal outcomes for those starting from disadvantaged positions.

After its submission on 4 October 2025 (TK 2025/26, 36 831, nr. 2) the bill received detailed evaluation by the Raad van State with government commentary (TK 2025/26, 36 831, nr. 4). Parliamentary committees on housing and constitutional rights subsequently discussed the proposal, leading to the submission of a committee report on 16 December 2025 (TK 2025/26, 36 831, nr. 5). As of late 2025, the bill remains under consideration and has not been adopted.

Adoption of the proposal will lead many asylum seekers to stay for a longer time in the asylum centres. This is particularly important, especially considering that the Dutch reception system remains in a prolonged state of emergency rather than a temporary crisis. More than 40% of asylum seekers are still housed in emergency or crisis facilities, many of which do not meet the minimum standards for physical and mental health^[1]. This situation has already been judicially recognised as unlawful for vulnerable individuals.^[1] Such substandard reception conditions constitute violations of the Reception Conditions Directive and, in some cases, potentially amount to inhuman or degrading treatment contrary to Article 4 of the Charter of Fundamental Rights of the European Union.

The Commission should recommend that the Netherlands align its housing allocation policies with the substantive interpretation of equality as required by Article 1 of the Constitution and the guidance of the Raad van State. Specifically, the government should be urged to re-evaluate the prohibition on municipal prioritisation to prevent the systematic exclusion of refugees from the housing market due to their unique disadvantages. Additionally, the state should be encouraged to conduct a thorough impact assessment of these housing policies to ensure they do not lead to discriminatory outcomes or violate the dignity of individuals granted international protection with special attention to the needs of vulnerable groups such as LGBTQIA+ persons and children.

^[1] Battjes et al. *Kroniek van het migratierecht* 37 NEDERLANDS JURISTENBLAD (2025).

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 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

With regards to the revolving door recommendation, the Dutch government announced a new law in 2022 that would address the revolving door and which followed the GRECO fifth round of evaluations. The law was introduced during the Rutte IV cabinet and was passed in 2025 under Schoof I. Parliament improved the law on several fronts. For example, by taking away the ability of ministers to provide exemptions in cases where there is no meaningful conflict of interest. Ministers could decide this on their own accord. Parliament thought the exemption could be abused and amended the law accordingly. With regards to the recommendation on transparency between government and third parties contacts, in March 2025, the Minister of the Interior and Kingdom Relations decided not to introduce a transparency register for ministers and state secretaries. This decision was taken despite a parliamentary majority in favour of such a register. The Minister argued that a lobby register would be disproportionate and that transparency should instead be ensured through existing instruments, rules, and legislation.

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/specialised 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

The Dutch government published a government-wide anti-corruption approach in June of 2025.³ The approach has multiple pillars it rests on. The first part of the strategy indicates that the WODC (Wetenschappelijk Onderzoeks en Data Centrum; Scientific Research and Data Center) will analyse where the largest corruption risks are present in the Netherlands. This is a first in the Dutch case and is a good development. This will allow for a clearer view onto what the risks in the Netherlands are and what appropriate strategies would be to reduce corruption. This rest of the anti-corruption approach is in a large part focused on reinforcing existing anti-corruption policies and bringing attention to the issue of corruption at a higher political level. In principle, this is not a bad development. Nonetheless, many further steps can be taken, such as the creation of dedicated anti-corruption bodies to further reinforce the anti-corruption system in the Netherlands. The approach does not adhere to what can be considered a full-fledged

³ <https://www.rijksoverheid.nl/actueel/nieuws/2025/06/20/kabinet-presenteert-gecoördineerde-aanpak-tegen-corruptie>

national anti-corruption strategy. This should – at a minimum – encompass all ministries and executive agencies. In addition, the approach excludes many areas of corruption that require the attention of the government such as political finance, undue influence by foreign states, financial crime, foreign bribery, and sanctions. Lastly, many of the anti-corruption initiatives mentioned in the approach already exist, the plan introduces little new initiatives to combat corruption. The issue of corruption, however, is becoming more salient as the new EU anti-corruption directive will likely impose new guidelines for a national anti-corruption strategy, including harmonised definitions of corruption offences.

In terms of international cooperation, the Dutch government largely sees corruption as a problem for a level playing field. The government states that it cooperates in several different international fora (anti-bribery group of the OECD, Implementation and review group of the UNCAC, GRECO, and the anti-corruption working group of the G20) to counter corrupt practices.

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

5000 character(s) maximum

There are multiple authorities within the Netherlands tasked with the prevention and detection of corruption. Importantly, there is not one single anti-corruption body, as such it is an institutionally splintered playfield. Taking this into account, there are multiple different institutions to consider when analysing the Dutch government's approach to preventing corruption as well as the independence of these different institutions. Much of the analysis within this part relies on the recent report written by the Instituut voor Publieke Economie (Institute for Public Economy) and the Stichting Weerbare Democratie (Foundation for Resilient Democracy).⁴ This report analyses the independence of nineteen state-funded institutions responsible for ensuring and enshrining the rule of law within the Netherlands. The institutions range from the High Court of Auditors (Algemene Rekenkamer) to the States General (Staten-generaal). Particularly interesting in this regard are the National Criminal Investigations Department (Rijksrecherche), the High Court (Hoge Raad) and judiciary in general and the Whistleblowers Authority (Huis voor Klokkenluiders).

Considering firstly the prevention of corruption, there is no specific institution that is tasked directly with the prevention of corruption. Rather, this is generally split between the ministries of Justice & Security and Internal Affairs & Kingdom Relations. Moreover, there are several institutions that have an indirect preventative effect through either repressive consequences or supportive measures. As such, the National Criminal Investigations Department arguably has a preventative function through the deterrent effect of sanctions. The effective independence of this institution, as per the report by the IPE, is measured according to three levels: legal independence, organisational independence, and financial independence. The Criminal Investigations Department scores the following: Legal: 2/3; Organisational: 2/3; Financial: 1/3. This suggests some level of independence, but clearly highlights significant shortcomings, especially when it comes to financial independence.

Similarly, the judiciary should be considered vis-a-vis a repressive preventative effect. In this case, not all parts of the judiciary were analysed, nonetheless the analysis of the high court and the Council for the Judiciary (the governing institution of the judiciary) provide some insight into the effective independence of the judiciary as a whole. For the high court the following results are presented: Legal independence: 3/3; Organizational independence: 3/3; and financial independence: 2/3. The Council for the Judiciary scores 2/3 on all points. These results point to a generally independent judicial system that, as a result, should be able to effectively prosecute corruption and corruption related crimes. Nonetheless, steps can still be made, particularly regarding the financial independence of judicial institutions.

In terms of the detection of corruption, there are several other institutions to consider. Next to the Criminal Investigations Department, the Whistleblower Authority and the Ombudsman are important institutions to take into account. The Whistleblower Authority presents a particularly important institution for detecting corruption (or other forms of illicit behaviour) early on. In terms of independence, it scores: Legal: 3/3; organisational: 2/3 and financial: 1/3. This scoring indicates a good legal basis for independence but remains problematic in terms of financial independence. It highlights that funding may not be structural

⁴ <https://www.instituut-pe.nl/highlights/kwetsbaarheden-waakhonden-democratie>

enough and provides too much leeway to the central government for questions surrounding financing. As such, this highlights a structural problem with this institution.

The National Ombudsman plays an important role in highlighting issues that citizens have pertaining to the government. As such, this institution can play a role in detecting corruption through the reports of citizens. In terms of independence, it scores 3/3 on legal independence, 1/3 on organisational independence, and 3/3 on financial independence. This indicates that the central government may have too much sway or say in the selection process of the ombudsman. Importantly its financial and legal position are well maintained; reforms in the selection process may, however, be necessary.

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

As mentioned above, the Dutch government only presented an anti-corruption approach in 2025. This is a good development but leaves much room for improvement, both in scope and depth of the approach.

Considering the recent adoption of this approach, implementation is hard to judge. Possible issues lie in the fact that it is not a cross-ministry approach and measuring performance of the results as clear objectives and indicators are lacking. In addition, the approach excludes many areas of corruption that require the attention of the government such as political finance, undue influence by foreign states, financial crime, foreign bribery and sanctions.

In terms of what can be expected most quickly are the results from the WODC corruption risk analysis. In the letter from the government to the parliament presenting the anti-corruption approach, the government indicates that these results are expected at the beginning of 2026.

B. Prevention

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

5000 character(s) maximum

In March of 2025, the Minister of the Interior and Kingdom Relations decided not to introduce a lobby register. This decision was taken despite a parliamentary majority in favour of such a register. The minister argued that a lobby register would be disproportionate, and that transparency should instead be ensured through existing instruments and rules. This is despite lobby registers being a widely accepted and used instrument.

Regarding the revolving door, some progress has been made. This is through the “Wet regels vervolgfuncties bewindspersonen” (Law on follow-up functions of ministers and state-secretaries).⁵ This law was adopted by the House of Representatives in 2025. It regulates the type of positions that former ministers and state secretaries are allowed to hold after leaving office. In particular cases, former ministers and state secretaries are required to, during a period of two years after leaving office, request advice from the “Adviescollege rechtspositie politieke ambtsdragers” (Advisory committee on the legal position of political officeholders) before starting a high-level position within the private, public or semi-public sector.⁶ The law is yet to enter into force, but this indicates a positive step. Moreover, several amendments were adopted in 2025 that further increases the scope of this law such as the amendment by Van Nispen and Dassen requesting that the cabinet adopts a code of conduct for ministers and state secretaries.⁷

⁵ <https://www.transparency.nl/nieuws/2025/06/wet-regels-vervolgfuncties-bewindspersonen-integriteit/>

⁶ https://www.eerstekamer.nl/wetsvoorstel/36549_wet_regels_integriteit_en

⁷ <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?qry=wetsvoorstel%3A36549&cfg=wetsvoorsteldet>

Conversely, we emphasise the need for additional rules in the Senate. Currently, there is no adequate sanctioning mechanism for integrity violations in the Senate. Based on the code of conduct, the president and vice presidents (Huishoudelijke Commissie) of the Senate play a supporting role in the assessment of breaches of the code of conduct and supports Senators with the declarations on the Senate website. There is also a confidant people can speak to. However, we would recommend establishing an independent oversight body that is at an appropriate distance from day-to-day politics, can administer sanctions and can investigate breaches provided by citizens.

Together with Germany, the Netherlands is the only EU country where trading in influence is not a criminal offence yet. In Germany there is an advanced Bill that, if entering into force as it stands, criminalizes trading in influence but in the Netherlands, there are still no proposed provisions on trading in influence in the legal framework. In June 2025, Member of Parliament Van Nispen (SP) tabled a resolution to criminalize trading in influence in the Netherlands and called on the government to work towards a broad definition of trading in influence in the negotiations of the Council of the European Union on the EU Anti-Corruption Directive.⁸ The resolution received a majority in the House of Representatives. With the provisional agreement on the EU Anti-Corruption Directive reached by the European Parliament and Council in December 2025, the Netherlands is required to finally close this gap in legislation. This not only provides legal clarity but also strengthens the credibility of the Dutch anti-corruption framework.

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

The coming Law on political parties (Wet op de politieke partijen) is set to further regulate the financing of political parties within the Dutch context. This law was sent to parliament on the 13th of May 2025 after several years of preparation. Many aspects of the Law on the financing of political parties were adopted into the new law while also adding several articles. An important recent addition is that of requiring political parties to have membership and an internal party democracy. This amendment to the law was brought to parliament in December of 2025, after which the parliament agreed to send the amendment to the Council of the State for its opinion.⁹ This amendment to the Wpp would require parties to have active membership.

Further provisions within the Wpp include the regulation of political finance. In large part this has stayed the same since the law on the financing of political parties. Nonetheless, a worrying vulnerability has been added vis-a-vis the previous law. Namely the possibility for foreign persons to donate to political parties. This has been limited to 250 euros (with the argument that this would allow foreign persons to be able to be members and pay the according party fees). This was not present in the previous law, however.

An important development is the debate surrounding the Wet Open Overheid (Woo; Law on open government, the Dutch freedom of information law). In particular, the Ministry of Internal Affairs and Kingdom Relations sent a letter to the chairman of the cabinet formation process arguing for a simplification and limitation of the Woo.^{10 11} The argument from the ministry is that the application of the Woo is too time-intensive and too costly to keep applying in its current manner. One of the ways in which the ministry suggested reducing the cost of this process is to charge citizens (excluding journalists) the cost for requesting more than a set amount of documents from the government.¹² Similar calls to reduce the administrative cost and burden have been coming from the parliament, in particular from the leader of the Christian Democrats Henri Bontenbal, currently in talks to form the new cabinet. This worrying congruence of standpoints may have major implications for policy vis-a-vis freedom of information. That is,

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⁸ <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2025Z12369&did=2025D28224>

⁹ <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?qry=wetsvoorstel%3A36742&cfg=wetsvoorsteldetails>

¹⁰ https://www.ftm.nl/artikelen/ministerie-wil-openbaarheidswet-woo-kortwieken?utm_source=linkedin&utm_medium=social&utm_campaign=MinisterieWOO

¹¹ <https://www.tweedekamer.nl/kamerstukken/detail/detail?id=2025D51234&did=2025D51234>

¹² <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D51234&did=2025D51234>

limiting the freedom of information restricts the capacity of citizens and civil society organisations to effectively monitor government activity. Within the context of corruption this is particularly worrying as openness of government reduces the risk of corruption or corrupt acts within government due to scrutiny from outside.

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

The Dutch government announced a new law in 2022 that would address the revolving door and which followed the GRECO fifth round of evaluations. The law was introduced during the Rutte IV cabinet and was passed in 2025 under Schoof I.

Parliament improved the law on several fronts. For example, by taking away the ability of ministers to provide exemptions in cases where there is no meaningful conflict of interest. Ministers could decide this on their own accord. Parliament thought the exemption could be abused and amended the law accordingly. Despite this significant step forward, the law could have been strengthened in a few areas. MP Chakor's amendment to add a control mechanism to the law, allowing the Advisory Board on the Legal Position of Political Office Holders to verify the accuracy of data provided by government officials, was rejected. Such a control could prevent errors or incomplete information in the advisory process. MP Van Nispen's amendment to extend the lobbying ban to all civil servants also failed to pass. Furthermore, there was no majority for the amendment by Van Nispen and Sneller to remove the exception to the lobbying ban, which allows for business contact between a former and a sitting government official. This exception creates a risk of conflicts of interest, as demonstrated in the past when former Minister Cora van Nieuwenhuizen interfered with her successor Rob Jetten after her departure.

Also, compliance issues remain with the asset and interest declarations in the House of Representatives and with the overall mandate of the integrity committee. Follow The Money surveyed the members of the new House of Representatives and revealed that eleven MPs appear to have failed to properly register their secondary activities and income in the mandatory public register, in violation of the code of conduct. The integrity committee, which is supposed to enforce the code of conduct, does not actively check the MPs' own registration.¹³

--> For the three previous points, **please also provide information and figures on their application /enforcement if available to you**, 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

Debate is ongoing over a revision of the whistleblower legislation. At the end of 2022, the House of Representatives had already passed the requirement to establish anonymous reporting channels and to grant supervisory and sanctioning powers to the House for Whistleblowers. However, its implementation was postponed by the then Minister, as further regulations were required. Meanwhile, an online consultation for a General Administrative Order on anonymous reporting has taken place, and the Minister has commissioned scientific research into the House's supervisory role. While many parties responded

¹³<https://www.ftm.nl/artikelen/kamerleden-weer-in-de-fout-met-bijbanen-en-neveninkomsten?share=jenbJcDhjPR9eu6OJn22WYbmKf80tnS0JYApHYQPJKPxNfeJlx7zM6wPC4lc8Q%3D%3D>

positively to the General Administrative Order to enable anonymous reporting, pressure from employers' associations led to the withdrawal of the proposal. According to the former Minister, the General Administrative Order presents too many practical and legal obstacles. Its implementation will be included in a subsequent amendment of the law, with the submission of a new bill scheduled for 2026. Furthermore, further research for the sanctioning regime is planned for 2026, as well as a number of evaluations.¹⁴

Currently, the Dutch Whistleblower Protection Act does not meet all requirements of the EU Whistleblower Protection Directive as it does not provide sanctions for violations of whistleblower protection, i.e., retaliation, legal proceedings against a whistleblower, obstruction of reporting, and violation of the whistleblowing policy. A commitment to impose administrative sanctions exists, but the sanctions regime still needs to be developed. However, the Whistleblower Protection Act does provide penalties for reporting false information. Hence, under the current law, an employer cannot be sanctioned for harming a whistleblower, while the whistleblower can be sanctioned by the employer for breach of confidentiality or for libel or slander when spreading incorrect information.

TI-NL considers that, under the former act on whistleblower protection, the "public interest" criterion was often applied too rigidly, and as a result many reports of wrongdoing were not classified as whistleblowing reports, meaning the whistleblower received no protection. In an attempt to clarify the public interest requirement in the Whistleblower Protection Act, the government has added additional requirements that the suspicion of wrongdoing should be either part of a pattern, structural in nature or serious/broad in scope. When explaining these ambiguous conditions, the Minister of Interior explicitly stated that transgressive behaviour and corruption do not necessarily fall under this definition. The current numbers seem to point to the same issue as under the former Act. In 2024, the Whistleblower Authority received 467 requests for advice, of which only 26 have been classified as wrongdoing under the Whistleblower Protection Act. Furthermore, although there were 28 requests for investigation, only two investigations were concluded in 2024. The main reasons for this were the lack of a public interest, the lack of reasonable grounds to suspect misconduct, and/or the lack of a work-related context.¹⁵

The unnecessary requirement in the Dutch Whistleblower Protection Act that there must be a "public interest" at stake before someone has the right to receive whistleblower protection creates uncertainty and undermines the law in various ways. For example: how does a whistleblower know in advance whether something will be labelled as a 'wrongdoing with public interest'? Isn't every case of corruption or abuse wrongdoing? It is precisely on this point that the court also seems to be siding with us. In October 2024, the court of appeal in Den Bosch ruled that a whistleblower in a nursing home had been wrongfully dismissed. Previously, the subdistrict court judge had found this to be correct, because there was no 'patron', ergo, no 'public interest', so no whistleblower case and protection. The court of appeal in Den Bosch has confirmed that the whistleblower was wrongfully dismissed. The whistleblower suspected a homicidal offence, and the court of appeal finds that this is by definition a public interest, even if it is not structural.¹⁶ While the purpose of the Whistleblower Protection Act is to give whistleblowers certainty, the public interest requirement does exactly the opposite and creates uncertainty for (potential) whistleblowers and therefore also unnecessary burden on courts. To provide much-needed certainty to potential whistleblowers and to not miss out on any opportunity to prevent or solve issues at an early stage, the government should broaden the legal definition of wrongdoing by removing the restrictive requirement that the public interest must be at stake.

[single market relevance] 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

¹⁴<https://www.rijksoverheid.nl/documenten/kamerstukken/2025/07/10/kamerbrief-over-stand-van-zaken-klokkenluider-sdossier>

¹⁵ <https://www.huisvoorklokkenluiders.nl/documenten/2025/03/14/jaarverslag-2024>

¹⁶ Court of Appeal 's-Hertogenbosch (Gerechtshof 's-Hertogenbosch): *Whistleblowers nursing hom unfairly fired (Klokkenluider verpleegtehuis onterecht ontslagen)*, 10 October 2024, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Gerechtshoven/Gerechtshof-s-Hertogenbosch/Nieuws/Paginas/Klokkenluider-verpleegtehuis-onterecht-ontslagen.aspx>

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, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

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Several worrying signs in the high-risk sectors of the maritime industry have come to the forefront in 2025. A telling example is the court proceedings that started against Damen Shipyards at the end of November 2025. The Dutch Public Prosecutor alleges that Damen Shipyards did not adhere to international sanctions against the Russian Federation and in addition is accused of bribery, forgery and money laundering.^{17 18 19} Damen Shipyards is the largest shipyard company in the Netherlands and also processes defence orders for multiple EU countries. Competitors Boskalis and Van Oord are allegedly involved in a massive Romanian corruption scandal in which managers from both companies allegedly offered millions in bribes for a dredging project.²⁰ Furthermore, shipbuilder Royal IHC has been under fire for years for a suspicious multi-billion-dollar deal with the Brazilian state oil company, and IHC is said to have frustrated an external corruption investigation.²¹

In its recent anti-corruption approach, the Dutch government states that a clean private sector is fundamental.²² The government notes that they will specifically focus on high-risk sectors; however, they only highlight the transport and logistics sectors. In its approach, the government puts a lot of responsibility on the sector itself and chooses to only go for the low-hanging fruit. In the anti-corruption approach, the government notes that it still needs to develop an approach specifically for these high-risk sectors. This indicates that the current plans are far from complete. The government further notes that they intend to do this in public-private cooperation. They provide some cursory insights into potential plans, such as further use of technology to track and trace containers in the ports and the random use of search dogs at flower auctions in order to deter drug trafficking. Considering the breadth of the risk of corruption this is clearly an inadequate approach.

Despite these first steps it is very evident that further steps need to be taken. Moreover, the government should take a more proactive role in preventing corruption in all high-risk sectors. This is all the more the case for, for example, the defence sector which is set to receive billions of euros in the coming years under the rearmament packages. Ensuring that money is spent in a clean and transparent manner is fundamental in this sector due to the sheer amount of (taxpayer) money and the potential to undermine public trust in this effort if the money is not spent in an accountable manner. Considering that the twin

¹⁷ <https://www.transparency.nl/nieuws/2025/12/damen-shipyards-voor-de-rechter-wegens-corruptieverdenking/>

¹⁸ <https://nos.nl/nieuwsuur/artikel/2593065-arrestaties-bij-damen-voor-omzeilen-ruslandsancties-bij-scheepsbouwproject>

¹⁹ <https://www.om.nl/actueel/nieuws/2025/04/25/om-vervolgt-damen-shipyards-en-directieleden>

²⁰ <https://www.ftm.nl/artikelen/corruptieonderzoek-boskalis-en-van-oord?share=qHmz4obzDhJ1gcXG8AsiCeZvDSNV8csqIJkrqeT8SjrMte6lh7IR56EmnBYvGw%3D%3D>

²¹ <https://www.ftm.nl/artikelen/koninklijke-scheepswerf-frustreerde-corruptie-zuonderzoek-nederlandse-staat?share=EAOACbUSistXu1JjIJlilKEHQZFXS7z5iNYj6HYRXWGsuRquuF%2FWA2G8x2GzEQ%3D%3D>

²² <https://open.overheid.nl/documenten/1cb649ba-5ebe-43d0-8e37-e82067b3f369/file>

brother of the state-secretary of defence has recently taken up a high-level position with a Dutch drone manufacturer indicates that this sector may be vulnerable to conflicts of interest.²³ In other words, this suggests that the Dutch government has much ground yet to cover to reduce corruption risks within high-risk sectors.

In order to ensure an appropriate approach to high-risk sectors the government ought to take a more proactive approach. This would require sector specific strategies as well as a generally cross-cutting anti-corruption strategy. In short, the Dutch government lacks a specific approach to high-risk sectors.

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

5000 character(s) maximum

Within the National Criminal Investigation Department (Rijksrecherche), increasing attention is being paid to the growing role of corruption within organised crime and infiltration of organised crime in state institutions. Government security systems and procedures are constantly improving, and precisely because of this, the vulnerability now lies with people. Civil servants who are of interest to criminals often work in implementation. These include, for example, employees involved in issuing permits. Hospitality businesses are attractive to criminal organisations for money laundering. But they first need a hospitality permit: a civil servant can help them obtain one.²⁴ To make government organisations more resilient to this type of corruption, the National Criminal Investigation Department is working with a team of 40 account managers in its prevention program who visit municipalities throughout the country.

Generally speaking, there is room for improvement in public procurement. For example, the Court of Audit has pointed to shortcomings in financial management and procurement processes at many ministries, leading to concerns about the legitimacy of expenditure.²⁵ Furthermore, data and information on planned tenders and awarded contracts are fragmented across various platforms and systems, and the data within these platforms is often incomplete. In recent years, the Netherlands ranked among the lowest-performing EU Member States accurately reporting definitive contract values. Disclosing contract award details to the public builds trust in government among citizens. It makes clear what we spend taxpayers' money on and how that benefits them as well as the country. In the Netherlands, despite procurement has been considered a high-risk area in different studies and evaluations, public procurement is not included as a strategic objective in the anti-corruption framework.

C. Repression

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

5000 character(s) maximum

The Netherlands consistently ranks among the world's most competitive industrialized economies. It offers an attractive business and investment climate and remains a welcoming location for business investment from all over the world. The strong financial infrastructure developed in the Netherlands since the 1950s makes it a popular transit country for multinational companies and wealthy individuals. Due to its position as an important financial center in the world, the Netherlands has a special responsibility in combating corruption, money laundering, tax evasion and fraud.

²³<https://www.ad.nl/binnenland/tweelingbroer-staatssecretaris-gaat-bij-drone-bedrijf-werken-terwijl-leger-miljoenen-in-vesteert~a5421a392/?referrer=https%3A%2F%2Fduckduckgo.com%2F>

²⁴<https://www.nederlandtegengeorganiseerdemisdaad.nl/actueel/weblogs/weblog/2024/bestrijden-en-voorkomen-van-corruptie-binnen-de-overheid>

²⁵ <https://www.pianoo.nl/nl/actueel/nieuws/algemene-rekenkamer-ar-over-fouten-het-inkoopbeheer>

However, the countries' role in international money laundering scandals and the lack of prosecution in foreign bribery cases has tarnished its international reputation. The Netherlands has been criticized by the OECD Working Group on Bribery and several others for an insufficient level of investigation activities and a low level of enforcement, especially given the size and risk profile of the Dutch economy. The results of Transparency International's "Exporting Corruption" repeatedly categorizing the Netherlands as limited enforcer against foreign bribery, confirm this.²³ In the period 2018-2021, the Netherlands opened 11 corruption investigations, commenced two cases and concluded three cases with sanctions. The main weaknesses are the tendency to enter into settlements that are opaque; a failure to increase prosecution of individuals with responsibility for foreign bribery; the decentralised organisation of enforcement and the inadequacy of complaints mechanisms and whistleblower protection. There are no published, updated statistics on foreign bribery enforcement. An annual enforcement report contains overall developments, statistics and data but does not have separate foreign bribery enforcement data. Our recommendations are to publish clear statistics about foreign bribery cases; avoid settlements to allow for greater transparency in the enforcement of foreign bribery and increase overall awareness and confidence in enforcement; further increase the protection of whistleblowers; and increase transparency and involvement of stakeholders by publishing information about ongoing investigations and decisions/settlements.

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible).

There is no official data available on the number of investigations, prosecutions, final judgments and sanctions for corruption offences. While the Dutch Public Prosecution Service (NPPS) publishes general enforcement data and provides aggregate data to Parliament, specific statistics on corruption cases (especially foreign bribery) are not fully public; they're often shared with the OECD but not integrated into national statistics, and settlement agreements lack full transparency, although large ones get press releases. This means you won't find a public dashboard of all corruption offenses, but you can find reports, investigations, and some enforcement figures through the NPPS and related bodies like the FIOD.

Considering that the WODC is only now analysing corruption risks in the Netherlands (with, as aforementioned, the report's expected publication date being Q1 of 2026) it is unsurprising that data on corruption offences is difficult to find. This indicates a serious shortcoming in the Dutch anti-corruption framework as publication of statistics on corruption offences provide an empirical insight into the phenomenon of corruption in the Netherlands and enables to measure the effectiveness of the enforcement of corruption over the years.

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

As mentioned above there is no official data available on the number of investigations, prosecutions, final judgements and sanctions. As such providing an overview of specific cases is not immediately possible. Several high-profile cases may provide an insight into typical corruption related offences; however, these do not provide a complete picture.

Cases include: Damen Shipyards alleged contravention of sanctions against Russia, bribery, forgery and money laundering;²⁶ the alleged involvement of Boskalis and Van Oord in a Romanian corruption scandal;²⁷ the selling of personally identifiable information (PII) to criminals and databrokers by municipal

²⁶ <https://www.transparency.nl/nieuws/2025/12/damen-shipyards-voor-de-rechter-wegens-corruptieverdenking/>

²⁷ <https://www.ftm.nl/artikelen/corruptieonderzoek-boskalis-en-van-oord?share=qHmz4obzDHJ1gcXG8AsiCeZvDSNV8cslJlkrqeT8SjrMte6lh7IR56EmnBYvGw%3D%3D>

level bureaucrats in Amsterdam;²⁸ and the suspension of one of the Second Chamber members due to non-compliance with rules surrounding disclosure of ancillary positions.²⁹ All these cases point to a broad scale of different forms of potentially corrupt behaviour and ranges from legal persons to natural persons and from (potential) conflicts of interest to alleged criminal behaviour. Moreover, the case against Damen Shipyards should be of particular interest to the European dimension as it has received large orders from member states outside of the Netherlands. For example, Germany ordered six frigates at an estimated value of 7 billion euros.³⁰

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

There are several major obstacles in the Dutch context that hinder the investigation and prosecution of high-level and complex corruption cases. Firstly, the fragmented anti-corruption framework in the Netherlands may lead to unclear responsibilities with different investigative institutions. Moreover, due to the fact that there is not one single anti-corruption body, investigating and prosecuting corruption becomes less of a (political) priority. Further problems such as the legality of trading in influence in the Netherlands (as one of the only Member States where this is still legal) further narrow legal definitions of corruption. Particularly in complex cases this narrows the scope of the investigations. Such stringent definitions may have played a role in the trial against Richard de Mos vis-a-vis alleged bribery accusations, leading to his eventual acquittal in 2024.³¹

Further issues with complex cases in the Netherlands lie with the investigation and prosecution of foreign bribery and corruption. The Dutch government investigates foreign corrupt practices by Dutch individuals or companies significantly less than domestic cases.³² This is despite the fact that the Netherlands has committed itself to reducing foreign bribery via the OECD. In cases of foreign bribery and corruption the Netherlands tends towards settling outside of court instead of starting criminal investigations. An important reason for this is that the public prosecutor, due to the complex nature of international corruption cases, is often not able to reach the required burden of proof to start prosecutions.³³ In such cases implementing a requirement for an 'accurate system of internal (accounting) controls', as was formerly required under the USA's Foreign Corrupt Practices Act (FCPA) may improve the capacity of the public prosecutor.³⁴ Previously, Dutch companies had to fear strict US enforcement. Now that this is lifted with the suspension of the FCPA, the risks of foreign bribery for Dutch companies have decreased further. This likely increases the risk appetite of Dutch companies.

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

²⁸<https://www.occrp.org/en/feature/data-dealers-and-bomb-plots-inside-the-netherlands-shadow-market-for-stolen-data>

²⁹ <https://www.transparency.nl/nieuws/2025/05/schorsing-thierry-baudet-nevenfuncties/>

³⁰ <https://nos.nl/artikel/2574308-scheepsbouwer-damen-krijgt-270-miljoen-staatssteun-om-uit-de-problemen-te-blijven>

³¹ <https://www.omroepwest.nl/nieuws/4850768/voorwaardelijke-straf-voor-richard-de-mos-voor-lekken-geheime-informatie-geen-omkoping>

³² <https://www.transparency.nl/wp-content/uploads/2024/01/Position-paper-Reactie-TI-NL-op-NL-standpunt-m.b.t.-EU-anti-corruptiepakket.pdf>

³³ <https://www.transparency.nl/wp-content/uploads/2024/01/Position-paper-Reactie-TI-NL-op-NL-standpunt-m.b.t.-EU-anti-corruptiepakket.pdf>

³⁴ <https://www.transparency.nl/wp-content/uploads/2024/01/Position-paper-Reactie-TI-NL-op-NL-standpunt-m.b.t.-EU-anti-corruptiepakket.pdf>

As with many other parts of the Dutch anti-corruption approach, information on the effectiveness of criminal and non-criminal measures is not immediately available. As a consequence of not publishing specific corruption offences data, the effectiveness of measures taken is hard to judge. This in itself speaks to a broader point, made multiple times already in this consultation. Namely, that the Dutch government lacks a proactive approach to anti-corruption policy, making scrutiny of existing policies more difficult for external stakeholders.

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

5000 character(s) maximum

An important development, and indicator of the general approach of the Dutch government to anti-corruption policy, is the burying of a recent report investigating the corruption risks within the central government.³⁵ This report, presented to the Ministry of Justice & Security, drew several worrying conclusions. Its analysis suggests that the government does not do enough to protect its civil servants against corruption risks.

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<https://www.transparency.nl/nieuws/2025/10/kritisch-rapport-over-corruptie-onder-de-pet-gehouden-door-justitie-en-veiligheid/>

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

The recommendation was to take forward the planned reform of public service media to enhance its governance and its ability to uphold journalistic standards, taking into account European standards on public service media. The Commission deemed “Some progress” had been made in its 2025 report. However, the Netherlands has not taken steps to enhance the governance of public service media in line with European standards.

On the contrary, the major reforms proposed in 2025—such as dissolving NTR, reducing the number of broadcasters, and removing membership requirements—have raised concerns among experts and civil society about the potential weakening of editorial independence, diversity, and the ability of PSM to fulfil its democratic role. Even though the government proposing these measures has since fallen, it is a worrying development that these suggestions were made.

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

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

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

5000 character(s) maximum

The Dutch media and telecommunications authorities — the Dutch Media Authority (Commissariaat voor de Media, CvdM) and the Authority for Consumers and Markets (ACM) — continue to operate as independent regulators and generally contribute effectively to safeguarding media freedom and pluralism. Their institutional independence and enforcement record are confirmed in the Media Pluralism Monitor 2025, which highlights both authorities as functioning effectively within their mandates.[1] The CvdM's annual Mediamonitor further strengthens transparency by providing detailed data on ownership structures and pluralism in the Dutch media market.[2] The ACM has also demonstrated its effectiveness through recent merger assessments and conditions imposed on major media consolidations.[3] The implementation of the European Media Freedom Act (EMFA) has begun to influence the regulatory

landscape: the CvdM now participates in the newly established European Board for Media Services, and EMFA's harmonised rules on media concentration and editorial independence are gradually being integrated into national practice, as outlined in policy communications from the Ministry of Education, Culture and Science.[4] However, despite these institutional strengths, both the Media Pluralism Monitor 2025 and the Netherlands Helsinki Committee's Rule of Law Report 2025 highlight persistent structural risks, particularly high levels of media ownership concentration and political pressure on public service media.[5] Overall, while the authorities function effectively and EMFA implementation has reinforced their role, the broader media environment continues to require close monitoring to ensure pluralism is maintained.

[1] European University Institute, *Media Pluralism Monitor 2025 – Country Report: Netherlands*.

[2] Commissariaat voor de Media, *Mediamonitor 2024/2025*.

[3] Authority for Consumers and Markets (ACM), *Merger Decisions in the Media Sector 2024–2025*.

[4] Ministry of Education, Culture and Science (OCW), *Policy Communications on EMFA Implementation, 2024–2025*.

[5] European University Institute, *Media Pluralism Monitor 2025*.

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

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

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
- **[single market relevance]** 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

Local media: The Advisory Division of the Dutch Council of State has issued its opinion on a proposed amendment to the Media Act 2008 aimed at strengthening local public broadcasting. The proposal seeks to improve the functioning of local public broadcasters by shifting their funding from municipalities to the national government, reducing the number of broadcasters to eighty larger regional entities, revising the designation procedure, and assigning the NLPO a coordinating role.

The Council of State agrees that strong local journalism is essential but finds that the government has not sufficiently demonstrated that the proposed measures will actually improve funding or strengthen local journalism. It warns that larger broadcasters may become more distant from local communities, making it harder to fulfil their public mission.

The Council advises against fixing the maximum number of eighty broadcasting areas in law, as this would make it difficult to adjust boundaries if regions prove too large or lack a coherent identity. It also recommends reconsidering how advisory criteria are divided between municipalities and the NLPO to ensure local broadcasters maintain strong local ties, and clarifying that the NLPO does not exercise public authority.

Finally, the Council calls for clearer safeguards in the law to protect sensitive personal data of representatives of social, cultural, religious, and ideological groups involved in local broadcasting.[1]

[1] [*Advies over het voorstel om de uitvoering van de publieke mediaopdracht op lokaal niveau te versterken - Raad van State*](#)

[single market relevance] Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

There is evidence that media pluralism in the Netherlands faces pressure due to increasing market concentration, particularly following the acquisition of RTL Nederland. The Dutch Media Authority (Commissariaat voor de Media) notes that this merger reduces the number of major commercial media companies from four to three, significantly strengthening the already dominant position of DPG Media. DPG now holds leading positions across all major markets—print, online news, television, and radio, resulting in increased reach and growing ‘opiniemacht’ (the ability to influence public opinion).

Although DPG Media has internal safeguards such as editorial statutes and independent foundations to protect editorial independence, the Commissariaat stresses that these mechanisms cannot fully eliminate risks. Structural factors—such as organisational culture and commercial interests—may still influence editorial decisions. As a result, a residual risk to pluralism remains.

At the same time, the establishment of new independent foundations for NU.nl and RTL News as a condition of the merger represents a positive development, offering additional protection for editorial independence. Furthermore, the Commissariaat is expanding its monitoring efforts. In addition to tracking diversity of providers, brands, and audience use through the longstanding Mediamonitor, it will begin monitoring content pluralism and production diversity, following a parliamentary request (motie Kwint). Independent researchers have been commissioned to ensure that content analysis remains at arm’s length from government influence.[1] There is a 5-year strategy in place which the Mediamonitor will apply between 2025 and 2030, with three pilots having started last year: Experiences of journalists around pluralism; Unique and similar reporting; and Diversity in themes, sources and viewpoints.[2] Results of these will be reported on in future cycles.

[1] [*Mediamonitor 2025*](#), p. 16-17

[2] See [*Monitor-pluriformiteit.pdf*](#)

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

For the third year in a row an increase has been recorded in the numbers of journalists being attacked. PersVeilig, the press safety monitor organisation, states it is a noteworthy development that there were more reports in 2025, as the number of 'violent' demonstrations, often a cause for increased violence against journalists, was lower than in 2024 (a year which saw a high number of such demonstrations).[1] In 2025, there were 106 threats, 67 incidents of intimidation, and 55 cases involving physical violence. Most of these occurred on the street while a journalist or photographer was working. In 86 instances, they were verbally threatened or harassed. In 2024, that number was still 'only' 68. The above totals 262 reports, against 249 in 2024 and 218 in 2023.[2]

Several incidents in 2025 illustrate how political rhetoric in the Netherlands increasingly challenged the credibility of independent journalism. Senior government figures publicly questioned the neutrality of public broadcasters, most notably when Vice-Prime Minister Mona Keijzer amplified online claims that the NOS was spreading "propaganda". This prompted strong criticism from media experts and fellow cabinet members who warned that such accusations were unfounded and harmful to public trust.[3] Keijzer also repeatedly suggested that the NOS was politically biased, leading the broadcaster's editor-in-chief to state that her accusations undermined the integrity of journalists. Over the course of one month, she posted or retweeted 12 messages with similar accusations, doubting political neutrality and quality of information.[4] Media analysts described her approach as "trollenlogica" (Troll logic) and warned that such statements from senior officials erode trust in public broadcasting.[5] Similar concerns arose when other political leaders characterised public broadcasting as biased or activist, contributing to a broader pattern in which journalists were portrayed as unreliable or politically motivated.[6] Reporting from Dutch news outlets, but also e.g. universities[7] highlighted that these statements went beyond normal political critique and risked undermining the essential democratic role of a free and independent press.[8]

[1] [262 incidenten gemeld bij PersVeilig in 2025, geweld tegen journalisten neemt toe - PersVeilig](#)

[2] [262 incidenten gemeld bij PersVeilig in 2025, geweld tegen journalisten neemt toe - PersVeilig](#)

[3] [Kabinetsleden nemen afstand van verdachtmakend X-bericht Keijzer over NOS;](#)

[4] [Mona Keijzer wekt toorn Kamer na aanval op NOS: 'Echt ridicuul' | Politiek | AD.nl](#)

[5] [Gaat vicepremier Keijzer \(BBB\) te ver met kritiek op NOS? - DIT](#)

[6] [Haagse speldenprijes richting pers worden steeds kwaadaardiger; Kritiek mag, maar verdachtmaken van journalistiek raakt de democratie](#)

[7] [Aanval op NOS door vicepremier ondermijnt de rechtsstaat - Universiteit Leiden](#)

[8] [Kritiek mag, maar verdachtmaken van journalistiek raakt de democratie](#)

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

5000 character(s) maximum

In 2025, the Ministry of Justice and Security has introduced a bill that would criminalize the "glorification of terrorism." The proposed legislation would make slogans, statements, or symbols associated with terrorist organizations punishable, irrespective of context. As currently drafted, the law could expose journalists to prosecution for routine reporting activities, including the publication of images or the quotation of individuals involved in terrorist acts. During its public consultation phase, the draft bill attracted an exceptionally high level of engagement: more than **11,500 submissions were recorded on the official online consultation platform**, a unusual great response than is typical for such exercises.[1] Although the bill is currently under advise at the Council of State (Raad van State) and will subsequently be under parliamentary consideration, its current wording poses a serious threat to press freedom. As its broad and vague provisions could allow authorities to pursue politically motivated prosecutions against journalists and criminalize routine reporting activities, it can create a chilling effect on public debate by discouraging the media from covering issues of public interest for fear of legal consequences.

[1] <https://www.internetconsultatie.nl/terrorisneverheerlijking/b1>

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

In the Netherlands, public access to government documents is governed by the Wet open overheid (Woo), which has been in force for three years. In 2025, the Woo has been under increasing political pressure, with several politicians, including the Minister of Internal Affairs, calling for restrictions to its scope.^[1] The Minister has suggested limiting the types of documents subject to Woo requests. Under these proposals, policy advice, draft documents, and internal emails would be excluded from disclosure. In addition, a cap would be introduced on the number of Woo requests an individual or organisation may have pending at any one time. Another proposed measure would allow the costs of processing Woo requests to be charged to applicants, although journalists would be exempt from these fees.^[2]

If implemented, these reforms would have a direct and substantial impact on the ability of journalists to hold public authorities to account and their role as watchdog of society. In recent years, investigative journalists have relied heavily on Woo requests to uncover several political and administrative scandals. Restricting access to information under the Woo would therefore significantly weaken public scrutiny and transparency.

[1]<https://www.villamedia.nl/artikel/onderzoeksjournalisten-woedend-over-voorstellen-voor-inperking-woo>

[2]<https://www.tweedekamer.nl/kamerstukken/detail/detail?id=2025D51234&did=2025D51234>

In 2025, RNW Media, in collaboration with Utrecht University, conducted a research project entitled Rerouting Digital Identities and Creating Counter Narratives: a public engagement project with migrants in the Netherlands. The study included a content analysis of 125,000 articles on migration published in Dutch media between 2000 and 2024, in conjunction with in-depth interviews with migrants producing digital content and a focus group with migrant professionals navigating the Dutch institutional context.

The research indicates that migration has become increasingly visible in Dutch media coverage over time. It is predominantly framed within broader thematic contexts such as integration, national politics and legislation, conflict and security, foreign affairs, and cultural or historical narratives. The ideological leaning of media outlets appears to influence framing, with right-leaning outlets more frequently presenting migration as a “crisis,” while left-leaning outlets more often emphasized humanitarian perspectives, including refugees and children. Political actors, particularly from the political right, are highly prominent in migration-related discourse, contributing to a prevailing migration-as-a-problem framing.

While RNW Media's research addresses Dutch media more broadly, these findings are particularly relevant for public service media, given their statutory mandate to provide accurate, reliable and pluralistic information in support of democratic participation. Although public service media in the Netherlands are generally considered institutionally independent and operate within a framework that safeguards editorial autonomy, the dominance of political voices and limited representation of migrant perspectives raise concerns about the inclusiveness of public discourse. The tendency towards a crisis or problem framing may constrain pluralism and limit the visibility of lived experiences and counter-narratives, which are essential to informed democratic debate.

Qualitative findings from interviews and focus groups further suggest that migrants perceive a rise in anti-immigrant sentiment and experience constraints in expressing their perspectives publicly, often due to fear of social or professional repercussions. This self-censorship risks reinforcing existing imbalances in media representation and challenges the role of public service media in reflecting societal diversity.

Fit with the European Media Freedom Act (EMFA)

In terms of safeguarding editorial independence and ensuring pluralism, the research does not suggest

formal political interference but negative narrative shaping due to the above mentioned reasons is the concern. Media systems can be formally free yet functionally narrow.

A second concern is the extent to which online media play into this picture. Both in terms of empowering marginalized voices, but also their ability to counter right-wing narratives. It is unclear to RNW Media whether online media has become a credible source of information (and representation) for marginalized communities, as they identify less with official forms of media due to lack of representation and trust. But it remains a concern to study the relation between political narratives and trust in media.

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

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In April 2024, Free Press Unlimited published a research report investigating the impact of legal pressure on Dutch journalism^[1]. The research shows that increasing legal pressure on media and individual journalists in the Netherlands leads to self-censorship, and psychological and financial pressure on freelance journalists and smaller media outlets. The legal pressure was, in some cases, severe: penalty payments of tens of thousands of euros and threats to seize a journalist's house.

In October 2024, the Ministry of Justice and Security published the draft law for implementing the European anti-SLAPP Directive. Free Press Unlimited, together with the Dutch anti-SLAPP working group has expressed its concerns that the proposed implementation law does not provide sufficient protection for victims of SLAPPs in the Netherlands. In some respects, the minimum standards outlined in the Directive are not met, let alone the best practices recommended by the Council of Europe.

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

The definition and indicators to assess a SLAPP have not been included in the draft Act. By not including SLAPP indicators in the law, Dutch judges are given little guidance when assessing potential SLAPP cases - a significant issue given the limited case law on this topic. In the interest of legal certainty, this guidance is crucial. The criteria from the Directive introduce indicators of a SLAPP that do not align with current Dutch jurisprudence on abuse of procedural law (Article 3:13 BW), further underscoring the need to enshrine them in law.

- With the exception of the provision on securities, the Explanatory Memorandum states that the safeguards for early dismissal and full compensation for costs as outlined in the Directive are already provided for in Dutch law. However, by not making specific safeguards available for SLAPP targets, the Draft Act does not offer effective access and hereby does not meet the minimum standards of the Directive.

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

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

The Dutch anti-SLAPP working group has expressed these concerns in the public consultation for the proposed law. In addition to the points discussed above, the working group also raised that the draft Act solely covers cross-border cases and not domestic cases. The EU encourages member states to extend these safeguards to domestic SLAPP cases as well (in line with the Council of Europe's anti-SLAPP recommendations). As many SLAPP cases in the Netherlands lack a cross-border element, it is important that the law is applicable to domestic cases as well. In the updated Explanatory Memorandum, the

government has indicated that the law must also apply to domestic cases. However, this is not yet regulated in the current text of the law itself.
The law will be discussed in Parliament in April 2026.

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

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

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Link with trust in public service media

The findings of the RNW study show three areas of concern:

1- Visibility without representational diversity erodes trust and creates structural imbalance. According to the findings migration coverage has increased noticeably. Political actors (especially from the right) dominate discourse. Migrant voices and lived experiences are comparatively marginal. For audiences (particularly migrants and adjacent communities) this signals that public media reproduces institutional and political framings instead of social realities. That perception undermines trust because public media appear independent in form, but not in agenda setting outcomes.

2- Crisis framing as a form of attack on trust3- Migrant audiences and asymmetry in trust results in self-censorship and harms representation further.

The repeated “migration-as-problem” framing has a specific trust effect: it narrows interpretive space and makes scarce alternative viewpoints. It conditions audiences to expect alarmist narratives. For public interest media, this is especially damaging because their legitimacy rests on expanding public understanding.

Majority audiences may still trust public media as reliable, migrant audiences may experience them as misrepresentative. Asymmetry matters because trust in public media is not binary. It is distributed unevenly across social groups. A system trusted by some but alienating to others fails its democratic integration function. A chilling effect on free speech harms representation.

Strategic conclusion

- Public authorities and media stakeholders should support continuous, independent analysis of media framing and political discourse, particularly on migration, to assess how narratives such as “crisis” are used and how political actors shape public debate. There should be strengthened pluralism by ensuring more inclusive representation of voices, notably those of migrants and other groups directly affected by policy discussions, to better reflect societal diversity. Furthermore, editorial practices should not have a problem-oriented framing and enable the visibility of lived experiences and counter-narratives that contribute to informed democratic participation.
- There also needs to be more investment in digital media literacy initiatives to increase public understanding of how mainstream and social media discourses influence perceptions and attitudes. This will lead to more resilient, inclusive, and democratic digital media ecosystems.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

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Narrowed space for civil society: Although the Commission's 2025 report acknowledged that "the space for civil society organisations has narrowed and is affected by a combination of funding cuts and a risk of new legal obstacles"^[1], no recommendation was made with regards to this point.

We have noted several worrying developments:

- Worsening conditions for CSOs and increasingly hostile political discourse.
- Draft Law on Transparency of CSOs raising concerns about data access, vague offences, preventive sanctions, and stigmatising language.
- Growing political push to restrict protests despite most being peaceful.
- Ineffective, lengthy, and insufficiently independent procedures for complaints about police violence.
- Increasing use of emergency orders to restrict protests, leading to mass arrests and forced removals without solid legal basis.
- Political pressure to limit CSO-led public-interest litigation, including calls to cut funding and tighten representativeness requirements.
- Proposal for administrative banning of organisations based on vague criteria, raising risks of politically motivated bans.

^[1] European Commission, 2025 Rule of Law Report: Country Chapter on the rule of law situation in the Netherlands, SWD(2025) 919 final, 8 July 2025.

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders*/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 in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

** This includes also the consultation of social partners*

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[single market relevance] 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)

The incompatibility of the Asylum Emergency Measures Act with the EU acquis

The European Commission should address the incompatibility of the Asylum Emergency Measures Act with the EU acquis and recommend that the Netherlands align family reunification rules with Directive 2003/86/EC, Article 8 ECHR, ICCPR Articles 17 and 23, and CRC Articles 3 and 10, by ensuring individualised assessments of dependency and family life, avoiding categorical exclusions and removing arbitrary waiting periods or eligibility conditions that undermine the effective enjoyment of family unity.

The Central Agency for the Reception of Asylum Seekers (COA) raises significant rule of law concerns due to persistent shortcomings in transparency and access to legal remedies, particularly regarding transfers between regular reception locations used as punitive measures, other disciplinary sanctions, including room changes without regard for sexual orientation or gender identity, as long-distance transfers intended to sever social connections with friends or loved ones. Under Article 1:3(1) of the General Administrative Law Act (Algemene wet bestuursrecht), only written public-law acts qualify as administrative decisions, yet COA frequently implements transfers and sanctions as informal or factual acts rather than as written decisions. Although Article 72(3) of the Aliens Act (Vreemdelingenwet) as *lex specialis* provides that such factual acts may nevertheless be treated as a decision and can therefore be challenged through objection and appeal procedures, and case law confirms that COA transfers constitute challengeable acts (ECLI:NL:RVS:2024:2011), COA systematically fails to inform asylum seekers of this possibility. Unlike specific measures such as termination of reception benefits, which Article 5(2) of the Centraal Orgaan opvang Asielzoekers (Wet COA) explicitly requires to be formalised in written decisions, transfers, and most other sanctions remain unregulated with respect to form and notification requirements. Consequently, asylum seekers receive neither written reasoning documenting the grounds for measures taken against them nor information about their right to object, rendering the existing legal framework for administrative review practically inaccessible. This dual deficiency undermines legal certainty and effective access to justice.

The same barrier arises when asylum seekers report safety concerns, as COA's inaction or insufficient response is not communicated through any formal notification, effectively depriving affected individuals of timely access to an effective remedy.

In 2025, the practice continued, with transfers between reception centres, including those used as punitive measures, occurring immediately, often after perceived disruptive behaviour, without written notification or information about the right to object. Despite the legal framework allowing challenges to such factual acts, many asylum seekers remain unaware of this possibility, and transfers occur before any meaningful legal review can take place, significantly impacting access to legal assistance, continuity of healthcare, and social support networks.

Case law from the Council of State (ECLI:NL:RVS:2024:2011), confirmed in subsequent judgments, confirms that COA transfers must be treated as appealable factual acts when they decisively affect a person's reception position and no other remedy is available. This established jurisprudence, originating from earlier case law, underscores that the legal avenue for challenging COA measures exists. However, COA's persistent failure to issue written, reasoned decisions documenting the grounds for transfers and other sanctions, combined with the systematic omission of informing individuals of their right to object, renders this legal framework practically inaccessible. The absence of formalised decision-making is particularly acute when asylum seekers, including vulnerable groups such as LGBTQIA+ persons (see Issue 1), report safety concerns to COA: the absence of formalised responses or decisions means there is no clear avenue to challenge COA's inaction or inadequate measures through administrative review. This dual deficiency undermines the practical effectiveness of legal protection and risks infringing the right to an effective remedy, as emphasised in *M.S.S. v Belgium and Greece* regarding the necessity for remedies to be effective in practice, not merely in law.

To address these issues, a recommendation for 2026 is for the Netherlands to implement explicit administrative rules requiring COA to issue written, reasoned decisions for transfers used as punitive measures and other disciplinary sanctions that significantly affect reception conditions, clearly documenting the grounds for the measure and informing affected individuals of their right to object under Article 72(3) Aliens Act. Additionally, COA should establish a formalised procedure for responding to safety reports from asylum seekers, particularly from vulnerable groups, ensuring that any decision to act

or refrain from acting is communicated in writing with reasons and information about available remedies. Such rules would ensure that asylum seekers have practical and timely access to legal remedies, reinforcing essential principles of legal certainty, transparency, and the right to an effective remedy.

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

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LGBTQIA+ asylum seekers in Dutch reception centres face persistent safety and health risks, particularly due to institutional neglect and a lack of procedural and physical safeguards, raising concerns about the effective implementation of legal standards. Despite international human rights obligations (e.g. ICCPR, art. 2, 9, 26; ICESCR art. 2 in conjunction with 12) and EU legislation emphasising the need for special attention to applicants with special reception needs (Directive 2013/33/EU, art. 2(k) and many relevant provisions, such as art. 11, 17(2), 18, 19, which further clarify that LGBTQIA+ persons fall within this category, with Directive 2024/1346, art. 24(f)), the Netherlands primarily employs a formal equality approach. Authorities assume that identical treatment suffices, overlooking the heightened vulnerabilities linked to sexual orientation and gender identity, which undermines the effectiveness of minimum protection standards.^[1] Additionally, there is no process to challenge the inaction or decisions of state officials regarding safety reports.

^[1] For detailed research, see: Kudret, Hüseyin Ali, 'Ensuring Safety and Health for LGBTIQ+ Asylum Seekers in Dutch Reception Centres: Upholding the Netherlands' International Human Rights Obligations in the Context of Equality and Non-Discrimination' (2) *Jaarboek Vreemdelingenrecht* (2025); COC Nederland, *Welcoming Equality 2023-2025 Report*, 2025 <https://coc.nl/wp-content/uploads/2025/10/250724-Welcoming-Equality-2023-2025-DEF-EMBARGO.pdf> (accessed 12 Jan 2026)..

The existing crisis reached a critical and fatal level in 2025, highlighting the lethal consequences of the persistent safety gaps. In March 2025, a Russian transgender teenager who had been placed in Ter Apel was sexually assaulted and subsequently died in a reception centre.^[1] This tragedy followed a period where over 750 incidents of violence were recorded between 2023 and 2024,^[2] underscoring the severity of the hostile environment, where asylum seekers are advised by officials to 'hide their identity for their safety'.^[3] The concerns raised by asylum seekers attending COC Nederland's Cocktail Meetings regarding their safety in asylum centres remain pertinent.

While parliamentary discussions have acknowledged these issues, official responses have often dismissed them as isolated or unrelated to sexual identity, lacking transparent evidence. Authorities resist necessary structural measures—such as consistent vulnerability assessments or specialised accommodations—arguing that general standards are adequate or fearing stigma from special arrangements.^[4] Currently, there is no mechanism for asylum seekers to challenge actions or decisions made by the Central Agency for the Reception of Asylum Seekers (COA) when they report safety issues and no effective measures are taken. (See also Issue 2)

Access to healthcare is also compromised. Although asylum seekers are entitled to the same health services as nationals, LGBTQIA+ individuals face barriers to specialised mental health care, including long wait times and insufficient trauma sensitivity. Emergency reception facilities lack the necessary resources to meet these needs, exacerbating psychological distress and increasing self-harm risks. The same applies to gender-affirmative healthcare. This is heightened in the case of LGBTQIA+ children.

^[1] LGBT Asylum Support, <https://lgbtasylumsupport.nl/nl/minderjarige-trans-asielzoekster-overlijdt-op-tragische-wijze-in-verwaarloosde-toestand-in-een-opvang-voor-volwassenenlgbt-asylum-support-stuurt-12e-brandbrief-over-nalatige-overheid-naar-minister-f-2/> (Accessed 19 December 2025).

^[2] NL Times, <https://nltimes.nl/2024/03/11/lesbi-an-gay-trans-asylum-seekers-feel-unsafe-dutch-shelters-aid-organizations> (Accessed 19 December 2025). For more detailed research, See: COC Nederland (2025).

^[3] Kudret (2025) pp.25, 38.

^[4] Tweede Kamer (TK), Aanhangsel van de Handelingen 2020-2021, No. 3256; TK, Begroting Justitie en Veiligheid 2021-2022, 35925 VI, No. 93; TK, Wet gemeentelijke taak mogelijk maken asielopvangvoorzieningen 2023-2024, 36333, No. 43; TK, Aanhangsel van de Handelingen 2024-2025, No. 2689.

For 2026, the Netherlands should ensure effective application of EU and international standards for special reception needs by focusing on timely identification of LGBTQIA+ vulnerabilities in a gender and age sensitive manner, implementing targeted safety measures, and ensuring access to appropriate

physical and mental health care. This approach reinforces that adherence to the rule of law relies not just on formal compliance but on meaningful and differentiated implementation of protections in practice. In case the measures are not taken, there must be an appeal option for the individual to challenge the decision, which is often not a decision.

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

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The goal to become “the harshest asylum regime ever” has been leading the Dutch Asylum policy.^[1] One of the ways The Asylum Emergency Act proposes to restrict derivative residence rights is by limiting family reunification to nuclear family members only, excluding unmarried partners, foster children, dependent adult children and other dependents as a rule.^[2] The Dual Status System Act, introduces differentiated protection statuses accompanied by distinct conditions. In particular, the imposition of waiting periods as well as housing and income requirements for b-status beneficiaries may significantly delay or effectively hinder access to family reunification.^[3]

These measures raise concerns under ICCPR Articles 17 and 23 that protect against arbitrary interference. Furthermore, while the possibility for unmarried partners and adult children to rely on Article 8 ECHR remains formally intact, the new legislation's lack of recognition of these groups as family places an additional burden on these applicants, thereby risking the undermining of effective access to the protection of family life. If the Dutch Government implements its proposed asylum regime, it will trigger unmanageable secondary movements for other EU member states and undermine both the principle of loyal cooperation and the Common European Asylum System.^[4]

[1] Government of the Netherlands. Minister Faber: The Netherlands will have the strictest asylum regime ever. Available at: <https://www.government.nl/latest/news/2024/09/13/minister-faber-the-netherlands-will-have-the-strictest-asylum-regime-ever> (Accessed 11 January 2026).

[2] Tweede Kamer. Asielnoodmaatregelenwet. Available at: https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36704&utm_ (Accessed 20 December 2025); VluchtelingenWerk Nederland. Wat staat er in de asielwetten?. Available at: <https://www.vluchtelingenwerk.nl/nl/nieuws-en-kennis/onze-themas/asiel/wat-staat-er-de-asielwetten> (Accessed 20 December 2025).

[3] Tweede Kamer. Wet invoering tweestatusstelsel. Available at: <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36703> (Accessed 20 December 2025).

[4] Verfassungsblog. Balancing on the Edge of Loyalty and Legality A Holistic Approach to the New Dutch Asylum Measures. Available at: <https://verfassungsblog.de/dutch-migration-law-eu-law/> (Accessed 11 January 2026).

In March 2025, the Dutch cabinet advanced a legislative package consisting of the Asylum Emergency Measures Act (Wetsvoorstel 36 704) and a corrective adjustment bill (Novelle 36 855), alongside the Dual Status System Act, with the stated aim of reducing asylum inflows and easing pressure on reception facilities.^[1]

The bill was adopted by the Tweede Kamer but remained under examination in the Eerste Kamer throughout 2025 and therefore had no legal effect pending a final vote.^[2] However, advisory bodies and the civil society organisations warned that the proposed family reunification restrictions were not supported by convincing evidence of effectiveness in reducing workload and costs, and disproportionately interfered with asylum seekers' rights.^[3]

[1] Eerste Kamer der Staten-Generaal. Asielnoodmaatregelenwet. https://www.eerstekamer.nl/wetsvoorstel/36704_asielnoodmaatregelenwet (Accessed 20 December 2025).

[2] *ibid.*

[3] Adviesraad Migratie. Advies over Wijziging van de Vreemdelingenwet en de Algemene Wet Bestuursrecht in Verband met Maatregelen om de Asielketen te Ontlasten en de Instroom van Asielzoekers te Verminderen (Asielnoodmaatregelenwet). (2025). pp. 13-14; Netherlands Section of the International Commission of Jurists for Human Rights (NJCM). Letter regarding the asylum (emergency) measures law. (2025); NL Times. Council for the Judiciary urges PVV Minister not to submit her asylum bills. Available at: https://nltimes.nl/2025/01/27/council-judiciary-urges-pvv-minister-submit-asylum-bills?utm_ (Accessed 20 December 2025).

Regime for constitutional review of laws

5000 character(s) maximum

The first issue concerns Article 57 of the Constitution, according to which one cannot combine membership of parliament with the role of minister or state secretary (Section 2), except when a member of a caretaker government is already elected as member of parliament, while the new government has not yet been installed (Section 3). The government has now submitted to public consultation a draft constitutional amendment to Section 3 of Article 57, clarifying that this exception does not apply to someone who is a member of parliament first and then is asked to join a caretaker government. This is already the common understanding of the provision, but its current formulation still gives rise to discussion. Another draft constitutional amendment submitted this year, is meant to create the possibility for someone who is both member of parliament and member of a caretaker government, to choose to have themselves temporarily replaced in parliament. This provision would reduce two problems arising from the combination of both roles: conflict of interest and de facto absent members of parliament. By clarifying and streamlining this regime, the two proposed amendments are expected to strengthen institutional checks and balances.

The second development concerns malfeasance in office. This year, the government submitted to public consultation a draft constitutional amendment and additional draft law aimed at changing the regime for prosecuting malfeasance by public officials. Mostly, the proposed changes will increase the fairness of the procedure by shifting the competence to start an investigation from the government or House of Commons to the Prosecutor-General at the Supreme Court. However, the government also proposes to scratch the penal provisions on public malfeasance from the Criminal Code (Articles 355 and 356), on the grounds that they are too vague and overlap with the political responsibility of ministers viz-a-viz parliament and the system of adjudication under administrative law. In a reaction to the public consultation, we have argued that this justification is not sufficient: specifically regarding the conscious signing of decrees contrary to the Constitution (covered by Art. 355 Section 1 Criminal Code), the punishable offense is clear and foreseeable, while general rules are excluded from administrative adjudication (Art. 8:3 Section 1 subsection a General Administrative Act). When the government is supported by a majority in parliament, parliamentary control alone might not be enough of a check. Thus, we fear that scratching the penal provisions might lead to a gap in justiciability/accountability. Our concern is heightened by the fact that this change is quietly included in a larger revision, at a time when ministers openly hint at pursuing actions that are qualified as unconstitutional by their advisors.

B. Independent authorities

Independence, resources, capacity and powers (including effective access to relevant data) 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

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of

supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] 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

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

5000 character(s) maximum

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

Regarding right to protest: A study by public broadcaster NOS shows that Dutch authorities increasingly rely on emergency powers often severely restricting the right to peaceful assembly. Mayors frequently use emergency orders, which has a significant impact on the fundamental rights of citizens, including freedom of assembly.^[1] An emergency order is frequently used to disperse or ban protests, even though existing law already provides sufficient powers, leading to excessive restrictions and practices such as mass arrests and forced removal of protesters (“administrative displacement”).^[2] These measures raise serious legal concerns: emergency orders do not provide an adequate legal basis for depriving individuals of liberty under Dutch constitutional law or the ECHR. Courts, including the Council of State in a July 2025 ruling, have confirmed that removing peaceful protesters under emergency ordinances lacks legal grounds.

Regarding Public Interest Litigation: In November 2025, the evaluation committee concluded that while the WAMCA has some uncertainties, these are typical of major reforms and can largely be resolved through case law rather than legislative change. The State Secretary subsequently confirmed that no revision of the WAMCA law is needed.^[3]

Regarding public participation and access to information: In 2025, access to information and public participation in the Netherlands faced mounting challenges despite strong legal frameworks. The implementation of the Open Government Act (WOO) remained deeply flawed, with response times to information requests far exceeding legal deadlines, limiting the ability of citizens, journalists and CSOs to engage in timely oversight and advocacy. In a parliamentary debate some motions were submitted that could further weaken the implementation of the WOO.^[4] While the most harmful motions were rejected, the Ministry of Interior in a letter to the ‘formateur’ who was tasked with forming a new government coalition, proposes measures to simplify and restrict the WOO.^[5]

Meaningful public participation weakened as consultations were increasingly perceived as late, selective or symbolic, with key policy decisions often taken before civil society input was sought. A growing number of CSOs have the feeling that consultation processes have become less meaningful.^[6] Trust between government and civil society continued to erode, and advocacy and lobbying by CSOs were more frequently met with suspicion in political debate.

^[1] <https://nos.nl/artikel/2591625-rechten-burgers-vaker-ingeperkt-met-noodmaatregelen-soms-langdurig>

^[2] [AA20220452.pdf](https://openstate.eu/nl/2025/05/maatschappelijke-organisaties-sturen-brandbrief-aan-de-kamer/)

^[3] [Rechtsstaat en Rechtsorde | Tweede Kamer der Staten-Generaal](https://openstate.eu/nl/2025/05/maatschappelijke-organisaties-sturen-brandbrief-aan-de-kamer/)

^[4] <https://openstate.eu/nl/2025/05/maatschappelijke-organisaties-sturen-brandbrief-aan-de-kamer/>

^[5] <https://openstate.eu/nl/2025/12/position-paper-in-reactie-op-voorgestelde-inperking-van-de-woo/>

^[6] https://www.verwey-jonker.nl/wp-content/uploads/2025/09/124460_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf

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 a study commissioned by the National Human Rights Institute, 86% of the surveyed CSOs indicated that the conditions for their work have worsened over the past two years.^[1] Political discourse increasingly casts critical CSOs as threats rather than democratic watchdogs, with parliamentary support growing for measures that prioritise public order over the protection of peaceful activism.

The draft law on Transparency of CSOs, that is expected to increase pressure on civil society organisations, is still pending in the Senate. The relevant Senate committee held an expert meeting on 25 November 2025, where experts expressed concerns about, amongst other points, the competence for the mayor to retrieve data on donations, the extra pressure on the public prosecution service, the vagueness of the sanctioned offenses and the possibility of preventive sanctioning (problematic with regards to human rights infractions), and the necessity of data use.^[2] Input for the second report will be presented on 13 January 2026.^[3] The law was renamed from 'Law on Transparency of Civil Society Organisations' to 'Law on transparency and against undermining by civil society organisations'. This reframing in itself already has a stigmatising effect on civil society organisations, as was also noted by the National Human Rights Institute.^[4]

Moreover, the government and parliament are further pursuing ways to increase authorities' control over demonstrations. The protest-turned-riot that took place on 20 September 2025 in The Hague prompted members of parliament to call for enhanced possibilities to restrict protests.^[5] While the vast majority of protests proceed without incidents (97%^[6]) many politicians and members of government are portraying protests as disruptive and calling for more restrictions. Three draft laws have been submitted to public consultation over the past year, aimed at providing the mayor with more competences to surveil and restrict demonstrations.^[7] On 11 December 2025, the Scientific Research and Data Centre published its anticipated study on the right to protest.^[8] A key finding is that it is not advisable to introduce further legal restrictions on the right to protest. Instead, the study points to the importance of facilitating peaceful demonstrations and highlights practical barriers in this regard.

Complaints about police violence during protests face lengthy procedures and rarely provide effective remedies. Investigations are often inadequate and lack independence, as most cases are handled by the police themselves.^[9] These complaint procedures are not always in line with ECHR standards that require an independent investigation after complaints of inhuman treatment and police violence. Few cases lead to prosecution, and judicial review does not always assess whether force was strictly necessary under ECHR standards.^[10]

Following some high-profile CSO lawsuits against the state political debate has increasingly questioned the legitimacy of public-interest litigation. Some MPs called for cutting CSO funding and restricting their ability to bring cases. A 2023 parliamentary motion urged exploration of stricter conditions for CSOs litigating against the state, particularly tighter representativeness requirements.

A draft law to allow the administrative banning of organisations allegedly undermining public order was introduced alongside efforts to outlaw motorcycle gangs. It would have given the Minister of Justice broad powers based on a vague definition, raising fears of politically motivated bans of organisations. Although the Senate rejected the proposal for lack of necessity,^[11] it illustrates a wider trend of expanding public-order powers without sufficient safeguards. After rejection seemed likely, the minister announced plans to further explore "banning organisations suspected of links to terrorist groups".^[12]

^[1] See College Rechten van de Mens, Jaarrapportage 2024-2025 Tegenspraak onder druk, [Jaarrapportage 2024-2025: Tegenspraak onder druk](#) | College voor de Rechten van de Mens

^[2] Dutch Senate, [Verslag van de vergadering van de commissie voor Justitie en Veiligheid \(J&V\) op 25 november 2025](#), 25 November 2025.

^[3] See Dutch Senate, [Wet transparantie en tegengaan ondermijning door maatschappelijke organisaties](#).

^[4] See College Rechten van de Mens, Jaarrapportage 2024-2025 Tegenspraak onder druk, [Jaarrapportage 2024-2025: Tegenspraak onder druk | College voor de Rechten van de Mens](#)

^[5] See motions no. 797, 798, 805 and 811 on Dutch House of Representatives, [Debat over het verloop van de anti-immigratiedemonstratie in Den Haag](#), 25 September 2025.

^[6] <https://open.overheid.nl/documenten/dpc-a5d776d6b8cdc8fef258be39acdb5563935f5fc6/pdf>

^[7] Draft law on online-driven public order disruptions, submitted to [public consultation](#) on 7 April 2025; Draft law on data collection with regards to public order, submitted to [public consultation](#) on 4 July 2025; Draft law on the criminalisation of face-covering clothing at demonstrations, submitted to [public consultation](#) on 19 December 2025.

^[8] N.J.L. Swart et al., *Het recht om te demonstreren in de democratische rechtsstaat: onderzoek naar het Nederlandse demonstratierecht vanuit internationaalrechtelijk, empirisch, rechtsvergelijkend en rechtstheoretisch perspectief*, Groningen: Rijksuniversiteit Groningen 2025.

^[9] <https://www.amnesty.nl/actueel/amnesty-international-wil-beter-toezicht-op-politiedatabanken-in-nederland>

^[10] [njb09_de-beoordeling-van-politiegeweld-in-nederland.pdf](#)

^[11] https://www.eerstekamer.nl/nieuws/20250527/senaat_verwerpt_bestuurlijk_verbod

^[12] <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D21746&did=2025D21746>

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

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

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

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We attach a document which explores multiple issues regarding children's rights.

In addition, we want to highlight the issue that women's rights are under pressure. The Netherlands has one of the largest gender pay and pension gaps in the EU according to EIGE's Index.³⁶

GREVIO calls for urgent action on gender-based violence, for more safe shelters, for specialist services for women at risk of intersectional discrimination, for expanding emergency barring orders and for reforming domestic violence definitions in law and in practice with the convention's.³⁷

Acknowledgement is needed that gender-based violence stems from inequality and disproportionately affects women, impacting the determination of child custody and visitation arrangements after violence

³⁶ Atria.nl, 'Gender equality index: the Netherlands is ranked fifth', 3 December 2025, <https://atria.nl/kennis/nieuws/gender-equality-index-2025-nederland-staat-op-plek-vijf>.

³⁷ Council of Europe, 'Tackling violence against women in the Netherlands: important legal and policy changes, but more shelters and clearer understanding of domestic violence are needed', 21 October 2025, <https://www.coe.int/en/web/istanbul-convention/-/tackling-violence-against-women-in-the-netherlands-important-legal-and-policy-changes-but-more-shelters-and-clearer-understanding-of-domestic-violence-are-needed>.

and divorce, exposing women and children to prolonged risk from (ex-)partners.³⁸ There is a backlash on legal practitioners/defenders who dare to address these systematic responses by framing and reprimanding them (in last year's questionnaire a senior-judge is included, in this one a social advocate)³⁹ resulting in further victimization and silencing of women by (legal) institutions for revealing gender-based violence.⁴⁰

63% of applicants for compensation of the *Toeslagenaffaire*⁴¹ are recognized as victims, mainly women, and a vast majority is still waiting for adequate compensations, even for child-protection measures like out-of-home placements of their children due to wrongful debts and financial instability.⁴² These protection measures due to lacking financial resources instead of offering help is still practice, as aid-seeking homeless (undocumented or migrant) women are threatened with child-protection measures by municipalities.⁴³

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

5000 character(s) maximum

Supporting document upload

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

³⁸ Ibid, see previous note (92).

³⁹ Advocatenblad.nl, 'Mr. X. cannot substantiate coercive control', 3 December 2025, <https://www.advocatenblad.nl/2025/12/03/mr-x-kan-intieme-terreur-niet-hard-maken/>.

⁴⁰ Volkskrant.nl, 'How the lives of victims of coercive control only gets worse because of judges and institutions', 21 September 2025, <https://www.volkskrant.nl/binnenland/hoe-het-leven-van-slacht-offers-van-intieme-terreur-door-rechters-en-instanties-vaak-alleen-maar-slechter-wordt-b6c44834/>.

⁴¹ There are 43.724 recognized victims out of a total of 69.443 applicants, with a total number of 115.557 child-victims, and mainly single or divorced women are affected. Herstel.toeslagen.nl, 'Facts and figures: dashboard week 50', 12 December 2025, <https://herstel.toeslagen.nl/dashboard-kinderopvangtoeslag/>.

⁴² Herstel.toeslagen.nl, 'Cabinet acknowledges the extra suffering of children placed out of home', 2 July 2025, <https://herstel.toeslagen.nl/kabinet-erkent-extra-leed-uithuisgeplaatste-kinderen/>.

⁴³ Investico.nl, 'Municipalities threaten homeless mothers by taking their children away', 9 December 2025, <https://www.platform-investico.nl/onderzoeken/gemeenten-dreigen-dakloze-moeders-met-afnemen-kinderen/gemeenten-dreigen-dakloze-moeders-met-afnemen-kinderen>

