

EU Charter Report 2023 – Input from The Netherlands

19 July 2023

Question	Answer
<p>1. Which judicial and non-judicial remedies are available in your Member State:</p> <p>a. In criminal, civil and administrative cases;</p>	<p>District courts are authorized to deal with criminal and civil cases, including labour-related cases and consumer-related cases, but excluding civil servant cases. Appeal proceedings are heard by one of the Courts of Appeal, or by the Supreme Court if it concerns an appeal judgement in cassation. In administrative law, one can first raise objections against a decision with the administrative body that made the decision. Thereupon one can appeal the decision at an administrative court. The highest competent courts in administrative law are the Administrative Jurisdiction Division of the Council of State, the Trade and Industry Appeals Tribunal (economic administrative law), and the Administrative High Court (social insurances, social services and civil servant-related cases).</p> <p>The following website contains more information about the Dutch judicial system: https://e-justice.europa.eu/523/EN/legalsystemseuandnational</p> <p>The Netherlands Commercial Court (NCC) was created on 1 January 2019. The NCC (NCC District Court and NCC Court of Appeal) is situated in Amsterdam and well positioned to swiftly and effectively resolve international business disputes. Proceedings and judgements are in English. The NCC has the expertise to communicate effectively and provide swift and firm guidance in complex litigation.</p> <p>Aside from the regular pathway to justice, citizens can also opt for alternative dispute. In cooperation with several organizations 75 different arbitration committees have been set up across the Netherlands where Dutch citizens can submit their complaints.</p> <p>It is possible to refer a case from the judiciary to mediation with the consent of the parties. A legal basis for a referral is, amongst others, found in article 818 of the Civil Procedure Code and article 51h of the Criminal Procedure Code.</p> <p>As of 1 March 2023 a subsidy is granted in the event of a referral from the judiciary to mediation, in order to make mediation more accessible. With this subsidy the first two and a half hours of mediation will be free of charge for litigants who are not eligible for legal aid. For those who already make use of legal aid, mediation remains free of charge. The judiciary, the Legal Aid Board and the Ministry of Justice and Security promotes the subsidy through their websites and on certain social media. The subsidy is set for a period of two years. The aim of the Minister for Legal Protection is to make this subsidy structural if the evaluation of the subsidy proves to be positive.</p> <p>The Legal Aid Act provides legal standardization from the government for mediations in which litigants make use of legal aid or mediations referred from the judiciary. Mediators who act in such mediations must be registered with the Legal Aid Board. The registration conditions of the Legal Aid Board include professional competence and quality requirements.</p> <p>The Minister for Legal Protection aims to create and develop a central register for all forms of mediations, with professional competence and quality requirements, in order to help litigants find a high-quality mediator.</p> <p>Restorative justice can be used both inside and outside the criminal process. With the use of restorative justice, victims and suspects or convicts can discuss the consequences of a (possible) criminal offense and make amends where necessary. An important condition for the use of restorative justice is voluntariness: both victims and suspect or perpetrator must agree. Secondary victimization must also be prevented as much as possible.</p>
<p>b. in cases of discrimination;</p>	<p>Regular judicial remedies are available in cases of discrimination (see under 1a). In addition, the Netherlands Institute for Human Rights (NIHR) has the competence to give opinions in discrimination cases. The jurisdiction of the NIHR is laid down in the Wet College voor de rechten van de mens (WCRM). It can investigate an allegation of discrimination if the conduct, practice or regulation falls within the competence of the institute. The conduct complained of has to be based on one of the explicitly mentioned grounds of differential treatment, such as religion, nationality and age. Discrimination is forbidden on 12 different grounds in the situations mentioned in the equal treatment legislation, such as work and the offering of goods and services. In 2022 the institute received 670 requests for an opinion and gave 160 opinions. Most opinions were given on the ground of handicap or chronic illness (40), gender (38) and race (38).</p>

	<p>The National Ombudsman assesses complaints about all aspects of public administration, including complaints about discrimination. For example complaints about ethnic profiling by the police or the right to housing for travellers.</p>
c. in the field of consumer legislation;	<p>Alternative dispute resolution is also used in consumer protection law. There are four recognised alternative dispute resolution bodies for consumers; the Dutch Foundation for Consumer Complaints Boards (SGC), the Dutch Institute for Financial Disputes (Kifid), the Rent Tribunal, and the Dutch Foundation for Health Insurances Complaints and Disputes (SKGZ).</p> <p>These bodies offer complainants a quick and low-cost means of resolving a dispute out of court. They are recognised by the Dutch government and the European Commission.</p>
d. in the field of employment legislation;	See under 1a.
e. in other fields, including as regards non-judicial remedies.	No input
<p>2. Does your Member State provide information on the available remedies, and the steps to be taken during a judicial process / when accessing non-judicial remedies:</p> <p>a. To parties of criminal proceedings;</p> <p>b. To parties of civil proceedings;</p> <p>c. To parties of administrative proceedings;</p> <p>d. Persons accessing non-judicial remedies.</p>	<p>The websites of the Dutch government, the judiciary (https://www.rechtspraak.nl/naar-de-rechter), the Supreme Court (www.hogeraad.nl) and the Dutch organization that collects fines (www.cjib.nl), as well as the websites of other decision-making bodies, contain public information about the different legal remedies that are available to citizens or companies if they would like to object to decisions made by the Dutch government.</p> <p>On these same websites, one can also find information about legal remedies for disputes between citizens and companies. Also, organizations focused on consumer protection law inform and/or advise about the existence of these options.</p> <p>In regards to administrative law, each provided decision contains information about the available legal remedies. In criminal law suspects, victims and witnesses are informed about their rights as soon as the criminal proceedings start (for instance when the suspect is arrested or during the first interrogation).</p> <p>Organizations in the criminal justice chain have an important role in pointing victims and suspects/offenders to restorative justice facilities. For example, the police are experimenting with pilots to point parties to restorative justice at the earliest possible stage – even in cases that do not lend themselves to criminal prosecution. Furthermore, from the action plan to strengthen the chain approach to sex cases, work is being done on informing victims and suspects/convicts earlier, more often and in other ways about the possibility of using restorative justice.</p> <p>Also see, 1b.</p> <p>The websites of the government, the Judiciary and the Legal Aid Board offer information on the use of mediation in a conflict between citizens and/or companies. The Judiciary also uses animations in the process.</p>
<p>3. Does your Member State use digital tools to facilitate access to justice?</p>	<p>To enhance access to justice, various digital tools are used by the government, the judiciary, the legal professions and other providers of legal services.</p> <p>Mainly, the focus is on providing objective and reliable information to litigants about their rights and obligations. For this purpose, the Ministry of Justice and Security manages (among other) designated webpages of the government website www.rijksoverheid.nl. To improve the comprehensibility, infographics and film material explaining the various methods of dispute resolution will be added to the content of those webpages.</p> <p>Reliable information is also available through the websites of the professional associations of lawyers, bailiffs and civil-law notaries. For the audiences of people with intellectual disabilities and individuals with low literacy, an increasing number of legal service providers use infographics, film and audio fragments on their websites. A fine example is the cooperation of the KNB (Royal Association of Civil-law Notaries) with “Steffie”, resulting in the website: www.notaris.steffie.nl.</p> <p>Objective and reliable advice for the target audience of civilians (not entrepreneurs or organizations) is available through the website www.juridischloket.nl. On this website (also managed by the government) litigants can choose from topics that are derived from frequently asked questions in the legal aid practice. For advice, litigants can use a chatbot named “Julo”. This could include an advice on whether or not a court action is necessary. Or a summary of documents a litigant needs to start a divorce procedure.</p> <p>In the legal field of family law, worth mentioning as a digital tool is www.uitelkaar.nl. Through this website, managed by a social enterprise, divorce procedures are digitally facilitated.</p>

	<p>In general, a growing number of law firms and other legal service providers add a chatbot to their websites, to provide an easy access to the information that is available.</p> <p>Important to enhance access to justice for all different groups of litigants is also the availability and accessibility of legal advice and sufficient support – including legal aid – in exercising their rights and resolving their disputes. The information, whether or not a litigant is entitled to legal aid, is available through the website www.rechtsbijstand.nl of the ‘Raad voor de Rechtsbijstand’, the Dutch Legal Aid Board. The judiciary aims to ease access to certain law procedures while offering the use of video conferencing. For instance: Rechtbank Limburg, on demand, uses video conferencing between the court room and the town hall of Venray for handling a request for administration and/or mentorship. For a growing number of legal proceedings, litigants can send their requests and other legal documents via the digital portal of the judiciary.</p>
<p>4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:</p> <p>a. Interpretation and translation services;</p>	<p>If someone is not able to speak the Dutch language, an interpreter can be used in cases at the expense of the Dutch state. This specifically applies in the criminal and immigration chain. The regulation applies to foreign language speakers, but also to users of sign language interpreters. If the judicial authorities, whether or not at the request of the accused, have ordered the summoning and assistance of an interpreter or have been granted or assistance from an interpreter pursuant according the law, these fees shall also be at the expense of the Dutch state. This also applies when a citizen litigates under the legal-aid system. These provisions apply from the right to a fair trial.</p>
<p>b. Measures to facilitate access by persons with disabilities, such as measures relating to accessibility of court houses and other resources for people with disabilities;</p>	<p>Enhancing access to justice is a fundamental objective in the Netherlands. All courthouses meet the regulations stipulated in the ‘Handboek voor Toegankelijkheid’, which is based on the relevant legislation concerning accessibility. This also applies to the realization of new courthouses or the renovation of existing courthouses. The recommendations made following a national review of all courthouses (regarding e.g. restroom and parking facilities, entrances and doorways) will be implemented during the second half of 2023, resulting in renewed certification for all courthouses.</p> <p>Digital access to the judiciary’s website is strengthened through, for instance, the use of accessible language (B1 level) and the use of software to increase accessibility of information (text, image, video). The judiciary offers judges educational resources concerning the use of accessible language. A law regarding the use of videoconferencing during court hearings in civil and administrative law will be introduced soon.</p> <p>The website Rechtspraak.nl is certified as ‘drempelvrij’ (‘barrier-free’), which means that the website is accessible to all citizens, including persons with a disability. With the results of customer research, the judiciary ensures that the appropriate content is developed. The website is regularly assessed by an independent agency to check whether all requirements for certification are met.. Furthermore, the Judiciary aims to meet the international standards laid down in the Web Content Accessibility Guidelines (WCAG) version 2.1, level AA and the ISO/IEC 45500 for design, development and management of websites. For the most part, Rechtspraak.nl meets these guidelines. Finally, if needed, there are sign language interpreters available during court proceedings.</p> <p>Another key aspect of enhancing access to justice is the ongoing reform of the government-funded legal aid system. This reform encompasses a range of measures designed to improve access to information, advice, and legal aid and assistance. One significant change has been the introduction of free legal aid by phone. This service is available through the national Legal Aid Center (het Juridisch Loket) and allows people to get legal advice from a qualified legal advisor over the phone. Free legal advice via e-mail remains an option.</p> <p>Legal aid websites have been enriched with a digital assistant and a goal-oriented structure to provide guidance and clarity. The information on these websites has also been made more accessible by the use of plain language (B1 level). Some of these websites offer a function that adjusts the contrast, making them partially suitable for people with visual impairments.</p> <p>In addition to these online services, legal aid centres and social legal advisers also provide personal services at physical locations throughout the Netherlands. The system reform also focuses on strengthening local and regional networks and improving the cooperation between the social and legal domain. This involves strengthening multidisciplinary cooperation among local and national entities, such as municipalities, courts, social legal advisers, and the national Legal Aid Centre. The key principle is to provide an early and comprehensive solution for the litigants.</p>
<p>c. Legal aid;</p>	<p>In certain cases, the government may pay a certain amount towards the court fees and the fees charged by a lawyer and/or mediator. The subsidised legal aid system involves the assignment of counsel. How much legal aid you receive depends on your income and assets.</p>

	<p>The following two measures are part of the Dutch government's commitment to ensuring that everyone has access to justice, regardless of their circumstances.</p> <p>Neighbourhood justice experiments are being carried out in an increasing number of locations throughout the Netherlands. These experiments involve neighbourhood courts, which provide an alternative approach to justice. The underlying principle is that individuals who commit crimes often face a multitude of problems. By addressing these root problems, neighbourhood courts aim to help individuals break the cycle of crime and enhance safety, livability, and social well-being in communities.</p> <p>Moreover, this approach offers greater accessibility compared to traditional justice systems. It is grounded in local contexts and exhibits a less formal structure than conventional courts, fostering an environment where individuals feel more comfortable discussing their problems. Despite being relatively new, this approach has already demonstrated its potential. As a result, there will be an exploration to develop a national, sustainable, and standardized framework for legal assistance within the domain of neighbourhood justice.</p> <p>Additionally, there exists a temporary regulation known as Ratz, which aims to provide legal aid to individuals who are considered self-reliant but encounter challenges when navigating the legal system. This regulation was established as a response to the Dutch childcare benefits scandal. It was developed in light of feedback received from the community of social lawyers, who highlighted the shortcomings in existing laws and regulations that created obstacles for perceived self-reliant citizens seeking legal aid. The objective of the Ratz is to address these shortcomings and ensure that self-reliant citizens have adequate access to legal aid.</p> <p>The Ratz is a pilot project and is currently undergoing evaluation. The outcomes of this evaluation will assist the government in determining the most appropriate means of providing legal aid to individuals who fall under this category in the future.</p>
<p>d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;</p>	<p>Victims in the Netherlands can obtain free help, advice and information from a variety of organisations. Crime victims additionally have a number of rights. Even if they are not Dutch residents. Those in the Netherlands for business, study, tourism or a family visit are also entitled to support following a crime.</p> <p>The Police Victims' Desk assists victims during the police investigation. After that, a case goes to the Public Prosecution Service (OM). There victims can go to the Victim Information Point. Police and the Public Prosecution Service work closely together with Slachtofferhulp Nederland (Victim Support Netherlands) and Schadefonds Geweldsmisdrijven (the Violent Offences Compensation Fund).</p> <p>In the Netherlands there is an opt-out referral system in place. If a victim is reporting a crime to the police they can indicate themselves if they want to be approached by Victim Support Netherlands. If victims don't indicate it by themselves the police asks if they have any objections if their data would be passed on to Victim Support Netherlands. If this is not the case, the referral to the victim support service happens automatically. The police provides the contact details digitally via the Basic Provision Enforcement (BPE) registration system to Victim Support Netherlands. This happens every day overnight. Victim Support Netherlands will then call the victim within 2 working days to ask how they are doing and if they need support.</p> <p>If a victim has not (yet) filed a complaint at the police station, another way to find support is through Slachtofferwijzer.nl. This website is a private initiative of the Victim Support Fund, which is subsidized by the Ministry of Justice and Security. On this website, available since 2012, victims, their loved ones, caregivers and interested parties can find information about practical, legal, emotional and financial assistance from various agencies. The website also contains specific information for victims of domestic and sexual violence. Approximately 45,000 unique visitors per month seek for information on this website.</p> <p>In addition to receiving informative letters from different organisations, a victim can sometimes also follow their case on the website MijnSlachtofferzaak (MyVictimcase). They will be notified if this is possible. This chain-wide victim portal is an initiative of the Ministry of Justice and Security and five chain partners (Victim Support NL, Police, Public Prosecution Service, the Central Judicial Collection Agency and the Violent Offences Compensation Fund). On this portal victims can find information about the progress of their case at any time of the day in a well-organized way and through one entrance. It is an additional service to the regular provision of information from chain partners to victims. For the moment, the portal is only available in English. However, the portal is constantly improved.</p>

	<p>Employees of Victim Support Netherlands support victims practically, legally or emotionally. For example, they will help victims out to fill out forms. Victims can also contact Victim Support Netherlands if they require assistance in reporting a crime to the police. Victims can visit the website or call 0900-0101 from within the Netherlands. If their telephone provider does not accept this number then they can call 116-006 instead. The website is available in Dutch or any chosen language via the Google Translate toolbar. Assistance is provided free of charge.</p> <p>If someone is a victim of sexual assault or rape, they can obtain immediate support from het Centrum Seksueel Geweld (the Sexual Assault Center). They are available day and night. Victims can visit the website or call 0800-0188. The website is available in Dutch and English. Victims can alternatively use the translate button in their browser. Their assistance is provided free of charge.</p> <p>Veilig Thuis (Safe Home) offers advice and support on matters concerning domestic violence and child abuse. Veilig Thuis is a place for people who are looking for help or who are worried about others. Victims can visit the website in both Dutch and English or call 0800-2000 all day and night without charges. They can also call anonymously for advice.</p> <p>In addition, Victim Support Netherlands offers victims legal support during the criminal process and in case of a temporary restraining order.</p>
<p>e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;</p>	<p>In the Netherlands there are no fast-track proceedings available specifically for vulnerable parties. Het Actieplan Versterken ketenaanpak zedenzaken (the Action Plan Strengthening Chain Approach to Vice Cases) of the Ministry of Justice and Security has the main objective of reducing processing times in vice cases in general. A broader ambition is to improve and further professionalize the approach to vice cases by organizations in the criminal justice chain. In a chain expert group, including police, public prosecutor, victim support and restorative mediation, actions in the chain are coordinated even better.</p> <p>The Judiciary has focused on enhancing the social effectivity and accessibility of the judiciary from a people-centred perspective. Innovative ideas are tested through pilots at courts throughout the country. Among these is the initiative around complex divorce that consists of an abridged legal procedure and contributes to reducing the number of conflicts between parents during divorces and preventing harm to children as much as possible. The initiative will run until October 2023 and be evaluated thereafter.</p>
<p>f. Other measures.</p>	<p>Other measures to remove financial barriers:</p> <p>The law states that victims sometimes do not have to pay for a lawyer. This applies, for example, if someone is a victim of a serious violent or sexual crime, or if the victim is a minor and a special guardian has been appointed. After notification by the police, the victim will be assigned a (picket) lawyer for free.</p> <p>If someone suffers damages as a result of the crime, they can seek compensation for damages. In that case, they join the criminal proceedings as an injured party. Victims can explain their claim at the hearing. Victim Support Netherlands or a lawyer can give the victim more information about recovering their damages.</p> <p>The Violent Offences Compensation Fund gives financial compensation to people who have become a victim of a violent crime resulting in serious psychological or physical injuries. They provide compensation if a victim did not (fully) receive compensation from the perpetrator or an insurance company.</p>
<p>5. Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective.</p>	<p>In the 'Politie-instructie Zeden, kinderpornografie en Kinderseksuïerisme' (Police Instruction on Vice, Child Pornography and Child Sex Tourism), it follows that reports are only recorded by certified police officers who have specialised knowledge and skills. The police have specially trained interrogators for hearing young children and vulnerable persons (with possible psychological problems). In addition, each police unit has the expertise of detective psychologists. In the case of hearing a vulnerable person, the detective may consult with the detective psychologist beforehand. In addition, an interrogation with a vulnerable person is audio-recorded according to the guidelines for audio and audiovisual recording of interrogations. During the interrogation, the detective can be coached from the control room by a detective psychologist.</p> <p>The prosecution's 'Aanwijzing zeden (2016A004)' (Instruction on Vice) provides frameworks and rules for the criminal approach to vice cases. This instruction contains a number of relevant points for (vulnerable) victims of vice cases.</p> <p>From the moment the police learn of a sex offence, victims are entitled to victim rights. Many victims of sex offences have increased vulnerability, e.g. due to minority, mental disability, mental illness or secondary victimisation. In sex offences, proactive</p>

consideration of the specific interests of the victim and the context in which the offence took place should be given to whether criminal action should be initiated. Preventing secondary victimisation is of great importance.

Before a report is recorded, firstly, there is in principle an informative conversation between the police and the reporter. The informative conversation serves, on the one hand, to inform the reporter about the consequences of reporting and the possible impact of the criminal justice process. In addition, information is given on the possibilities of assistance, victims' rights and legal assistance. On the other hand, based on the content of the conversation, the police and the public prosecutor weigh up whether criminal action is appropriate and, if so, how.

If the reporter is also the victim, in principle, the interview with the reporter is conducted without the presence of anyone other than the reporter's counsel. This principle can be deviated from, but only if and to the extent that the person accompanying the victim does not have a role that might affect the investigation into the facts. This could include situations where this person himself or herself may need to be heard as a witness, cases where he or she played a role in the decision to go to the police or situations where this person is otherwise involved in the case. The refusal of a request to be heard in the presence of another person shall be recorded in the record, stating the reasons.

After the informative interview, a reporter is in principle granted a reflection period before making a report. This applies in particular to situations where the reporter and the suspect know each other. When discussing the possibility of taking reflection time, the victim may indicate a wish to waive this. This wish is respected if it appears that the victim has formed a thorough and considered opinion on the consequences of starting the process of investigation and prosecution. There may also be reason to waive reflection time in other cases, such as in situations of current abuse or red-handed situations.

If the report reveals that the victim and/or perpetrator is a vulnerable person - minors or the mentally handicapped spring to mind - then depending on the nature of the vulnerability, it may be decided to adopt a different working method and, for example, to conduct a studio interview (first).

Child victims are preferably heard only once in a criminal case. An audiovisual recording is generally made of this hearing. This is not provided to the defence in connection with the protection of the minor's privacy. Where necessary, depending on local arrangements, the recording can be viewed by the defence at a police station or at the magistrate's office. The recording can also be viewed by the court in cases where it needs to do so. The public prosecutor always opposes the showing of the recording in a public part of the court hearing.

In cases where the defence interest requires further questions to be asked of a minor, it is suggested, where possible, that the defence and/or the examining magistrate have these questions asked by the same persons who initially heard the victim, in the same (studio) setting as the initial interrogation. The defence and the examining magistrate can watch via a link and have additional questions asked where necessary. Recordings are made of this interrogation.

Similar measures are considered for victims with specific needs, such as mental or physical disabilities, a mental or psychological disorder or (severe) psychological problems, or if there are other circumstances that would make an interrogation in another setting more burdensome.

Information for victims should be findable, offered in a low-threshold manner and in line with information needs. There is also always at least one vice investigator permanently accessible about the progress of the case. During the first contact with the police, when a report is made or an informative conversation is held, the victim receives the contact details with which the victim can contact the police by telephone or e-mail. A victim can therefore always contact the police himself, for example to inquire about the status of the vice case or for questions about (referral to) counselling, legal assistance or other additional information. In the public prosecutor's office, victim coordinators, who are a first point of contact for victims of vice cases, are

It follows from the prosecution's 'Aanwijzing slachtofferrechten (2021A003)' (Instruction on Victim's Rights) that all victims who do not or insufficiently master the Dutch language are entitled to assistance by an interpreter. Also, at the victim's request, all procedural documents can be translated by the public prosecutor's office free of charge. This can also be done orally or in the form of a summary. The victim is also

	<p>entitled to be assisted by a lawyer, legal representative or a person of his/her choice from the first moment. In the interests of the investigation or the victim, the latter two may be refused. However, assistance by a lawyer can never be refused.</p> <p>Victims and suspects/or perpetrators may need the use of restorative justice. Restorative justice is already increasingly being used in sex cases. For example, with every report of sexual abuse, the police considers the possibility of restorative justice. Knowledge about restorative justice is present in all police vice squads. The government's policy is aimed at further encouraging this. For example, additional resources are being made available for restorative justice organizations to deal with more cases and efforts are being made to make restorative justice more widely known. The use of restorative justice is voluntary and safeguards are in place to prevent secondary victimisation. The use of restorative justice can involve a conversation between victim and perpetrator/suspect, but also sending a letter, shuttle mediation or sending flowers.</p>
<p>6. Does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.</p>	<p>The Dutch Civil Code allows for the possibility of the appointment of a special curator to support a minor. The court can assign a special curator in the best interest of the child, or at the request of the child or the parents or guardian. A special curator supports the child inside and outside the courtroom and advocates for the child and represents their interests. Upon appointment, the court determines the exact duties of the special curator, which may include assisting the child in expressing its wishes to the court, reporting to the court, advising on what would be in the best interest of the child and having conversations with involved parties.</p> <p>In addition, in cases of custodial placement, efforts of the certified institutions are always aimed at placing the child back where they resided permanently prior to the custodial placement. This aligns with principles laid down in the Convention on the Rights of the Child and the European Convention on Human Rights. Moreover, the determination to make a custodial placement permanent is made by the court, upon request by the certified institution or the Child Care and Protection Board. Both these principles are expected to be laid down in in an amendment of the Dutch Civil Code.</p>
<p>7. Does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims? If yes, in which areas of law is this possible? Please provide examples of good practice you consider effective.</p>	<p>Victims are entitled to an authorized representative who speaks on behalf of the victim. If a victim is assisted by a lawyer, there is no need for an authorization. If a victim has someone other than a lawyer assisting them in court proceedings, they must authorize this party in writing. For example, a lawyer from legal aid insurance or from a trade union, a family member, a close friend, or an employee of Victim Support Netherlands.</p>
<p>8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?</p>	<p>One aspect that is of high importance is the improvement of processing times in court proceedings and the reduction of incurred delays. Because of the necessary measures to prevent the spreading of COVID-19, the scheduled work and already existing processing times further increased in the last couple of years. Structural reduction of processing times has proven to be a challenging task. The judiciary therefore prioritizes this issue. The judiciary has put in place a program 'Timely Justice' to help reduce the work load and to improve the processing times in all jurisdictions. Some examples of measures are:</p> <ul style="list-style-type: none"> - So called "open house chambers" (inloopkamers) that have been established to eliminate backlogs; - Mutual assistance among courts to solve older cases; - In criminal law, the consultative committee of administrative parties in the criminal justice system (Bestuurlijk Ketenberaad) has established norms concerning processing times in seven prioritized work flows (subversive crime, youth crime, serious sexual crimes, serious traffic offenses, appeal cases and the execution of penalties). <p>The progress is monitored by the consultative committee of administrative parties in the criminal justice system (Bestuurlijk Ketenberaad). The consultative committee also discusses and promotes cooperation within the criminal justice chain with organizations working on these matters as well as the judiciary and the national organization that supports victims (Slachtofferhulp Nederland).</p> <p>To improve processing times, additional financial resources have been provided by the government to supplement the capacity of the judiciary and reduce the workload of judicial personnel. The capacity of the judiciary is therefore an important focal point in being able to achieve adequate and timely legal protection. By making additional funds available and increasing the training capacity of new judges, despite the expected outflow of staff, capacity of the judiciary is expected to increase in the coming years. The temporary raising of the statutory dismissal age of judges and counsel from 70 to 73 years is also expected to contribute to extra capacity of judges and counsel.</p> <p>The Council for the Judiciary requests yearly attention in its annual report for issues that judges have come across in legislation and/or policies. In 2022, judges observed</p>

	<p>problems relating to the following matters: child protection, consumer protection, and systematically late decisions on requests by government bodies. The Parliament was informed about these problems and, in cooperation with the responsible ministers, aims to find solutions to these problems. For instance, a plan was developed to improve legal protection in relation to child services (letter of 18 November 2022, Kamerstukken II, 2022-2023, 31 839, no. 913). Concerning the issue of attention for legal protection in new legislation and access to justice that the Council for the Judiciary had previously reported on, the Council indicated that it had observed improvements.</p> <p>The following two points of development have been identified with regards to effective legal aid protection.</p> <p>Firstly the decline of social lawyers. Social lawyers play a crucial role in our society by assisting the most vulnerable people in finding solutions to their legal problems. However, the number of social lawyers has been declining in recent years.</p> <p>The government is concerned about this decline and has developed a plan of action to promote the recruitment and retention of current social lawyers. The plan includes a number of measures, such as improving the salaries of legal aid providers and providing more training opportunities. The implementation of this plan shall be closely monitored by the Ministry of Justice and other relevant parties.</p> <p>Secondly, the Scientific Research and Documentation Centre's (WODC) report on the system of subsidized legal aid in light of the Dutch childcare benefits scandal. In 2021, the WODC was asked to investigate the application and scope of the self-reliance criterion in relation to the Dutch childcare benefits scandal. The WODC's report concluded that the system of government-funded legal aid had not functioned properly.</p> <p>The report found that the framework conditions for the intended elaboration of the self-reliance criterion were inadequate, and that the policy of the Legal Aid Board (Raad voor Rechtsbijstand) was too strict. As a result, many people who were eligible for legal aid were denied it. The report's findings are currently under evaluation by the Ministry of Justice and Security. The government is currently working on solutions to the problems identified in the report, and is considering how to implement the report's recommendations.</p>
<p>9. Is there any significant, recent case-law from your Member States on ensuring effective legal protection, which you would like to mention?</p>	<p>The jurisprudence of the European Court of Human Rights (ECtHR) is closely monitored by the Dutch government and has helped the Dutch legislature determine which choices to make regarding rules of criminal procedure. The case law of the ECtHR has been relied upon in modernizing the new Code of Criminal Procedure which was recently sent to the Lower House of Parliament. For example, the case law of the ECtHR concerning Article 5 of the European Convention on Human Rights (ECHR) has played a role in the choice for a somewhat different embedding of the test of detention by the examining magistrate. In regards to Article 6 ECHR, ECtHR jurisprudence has influenced the statutory regulation in numerous places. One example is the shaping of the decision-making power of the presiding judge in assessing witness requests. The guidelines laid down by the ECtHR in its jurisprudence on Article 8 ECHR have played an important role in standardizing the application of powers in investigation. Positive obligations arising from Article 8 ECHR have also been kept in mind; victims of serious crimes are entitled to have these offenses adequately investigated, prosecuted and punished by the State.</p> <p>An example of fairly recent case law of the Court of Justice of the European Union (CJEU) that is important for Dutch criminal law practice is the Prokuratuur judgment (CJEU March 2, 2021, C-746/18, ECLI:EU:C:2021:152) on access to retained traffic and location data. In the judgment, the CJEU ruled that EU law precludes national legislation that grants the public prosecutor the power to decide on access to traffic and location data, in so far as precise conclusions can be drawn therefrom regarding the privacy of the data subject. The CJEU held that access by the competent national authorities to retained data must be subject to prior review by a judicial authority or by an independent administrative entity.</p> <p>Another relevant recent ruling relates to a ruling in cassation by the Supreme Court (Nov. 15, 2022) relating to the deadline for submitting requests for the investigation at the criminal court hearing. According to the ruling, there is room to take into account circumstances where it will not be considered the fault of the defense that the request was not made within the statutory deadline, for example if the late request is based on information that only became available after that (extended) deadline (ECLI:NL:HR:2022:1625).</p>
<p>10. Are there any significant, recent decisions by equality bodies or other non-judicial remedies on</p>	<p>No input</p>

**ensuring effective legal protection,
which you would like to mention?**