

Frans National contribution to the Fundamental Rights Report 2020

The Netherlands

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Franet country study: policy and legal highlights 2019

Issues in the fundamental rights institutional landscape	Second National Action Plan on Human Rights. On 12 December 2019 the Dutch government published its second National Action Plan on Human Rights . It sets out the ways in which the governments intends to fulfil its responsibility to protect and promote human rights in the Netherlands the coming years . This plan focuses on achieving access to facilities, to information and to justice..
EU Charter of Fundamental Rights	Collection of essays which reflect on the EU-charter and its effect on Dutch legal practice. At a seminar taking place on 6 December 2019 at the Radboud University Nijmegen the collection of essays “Tien jaar EU-Grondrechtenhandvest in Nederland”was presented.
Equality and non-discrimination	Explicit ban on the discrimination of transgender and intersex persons. On 1 November 2019 an amendment to the General Equal Treatment Act took effect which explicitly prohibits discrimination against transgender and intersex people.
Racism, xenophobia & Roma integration	Measures aimed at preventing ethnic profiling by the police are not fully implemented. A study on the police in Amsterdam, published in March 2019, shows that many police officers in the Netherlands are not aware of the measures taken by the authorities to prevent ethnic profiling by police officers.
Asylum & migration	.No developments in 2019.
Data protection and digital society	Growing awareness of the risks to human rights posed by the use of algorithms by government agencies. In 2019 a number of developments show a growing public awareness about the risks of algorithms : a lawsuit has started against the Dutch state about the use of secret algorithms subjecting citizens to a risk analysis, journalist disclosed reports showing how several government organisations use secret algorithms, and a plan made by member of parliament containing policy proposals to protect citizens against discrimination by the use algorithms and against the way algorithms intrude privacy.
Rights of the child	Numerous procedural rights for children embedded in Dutch criminal procedural law. On 1 June 2019 the Act implementing Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings took effect. The Act enshrined a number of procedural rights for children in Dutch criminal procedural law including the right to legal counsel, the right to an individual and medical assessment and the right to privacy.
Access to justice, including victims of crime	Investigation by the Inspectorate of Justice and Security shows that authorities failed to protect a girl who was murdered in a stalking case. The report of the Inspectorate, published in October 2019, details how the responsible authorities and agencies failed to protect a girl who faced clear dangers from her ex boyfriend. The case and the report made a major social impact and initiated a public debate on the failure of the authorities to protect women against violence. Plan of government criminalising having sex with persons against their will without using violence. On 22 May 2019 the Dutch governments sent a letter the House of Representatives outlining its plans to bring in new legislation criminalising sexual intimidation and, having sex with persons against their will and which does not involve violence.

Convention on the Rights of Persons with Disability	All polling stations must be accessible. On 1 January 2019 an amendment to the Elections Act took effect, which stipulates that all polling stations must be accessible to people with physical disabilities. But the results of a hotline opened during the elections for the Provincial Councils and the European Parliament on 2019 show that full accessibility is not realized yet.
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Chapter 1. Equality and non-discrimination

1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

From 1 January 2019 the Dutch Public Prosecution Service (*Openbaar Ministerie*) employs a new Discrimination Instruction (*Aanwijzing Discriminatie*).¹ The new Instruction pays more attention to how to prosecute so called common offences (like assault) with a discrimination aspect and how to prosecute the discrimination of transgender people.

On 12 February 2019 the Minister of Interior and Kingdom Relations sent a letter² about the progress of the government's intentions to tackle discrimination as they were presented in a letter sent to the House of Representatives on 26 April 2018.³ The letter stresses the ambition of the government to strengthen the role of the local antidiscrimination bureaus and of the municipal or local authorities in combatting discrimination, but so far no measures have been taken to strengthen local antidiscrimination bureaus and local authorities effectively. On 16 October 2019 the Minister of Interior and Kingdom Relations sent a letter to the House of Representatives outlining her policy intentions concerning the antidiscrimination bureaus.⁴ In this letter the minister considers the current role and position of antidiscrimination bureaus and formulates no new policies which might strengthen the antidiscrimination bureaus despite the title of the letter. She intends not to change the legal framework in which these bureaus work. The minister sees no problem when municipalities opt for an antidiscrimination bureau which is not independent but part of the municipal authorities.

On 1 August 2019 the Act on a limited ban for face-covering clothing (*Wet gedeeltelijk verbod gezichtsbedekkende kleding*) took effect.⁵ The Act bans wearing "face-covering clothing" including burqas and niqabs worn by some Muslim women, but also ski masks and full-face helmets in some public settings like schools, hospitals, or on public transport.⁶ Any person who

¹ The Netherlands, Public Prosecution Service (*Openbaar Ministerie*) (2019), *Aanwijzing discriminatie*, 1 January 2019, available at: <https://wetten.overheid.nl/jci1.3:c:BWBR0041649&z=2019-01-01&g=2019-01-01>

² The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2019), *Progress Government Approach Discrimination* ['Voortgang Kabinetsaanpak van discriminatie'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 12 February 2019, available at:

³ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2018), *Government Approach Discrimination* ['Kabinetsaanpak van discriminatie'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 26 April 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/04/26/kamerbrief-inzake-kabinetsaanpak-en-voortgangsrapportage-over-het-nationaal-actieprogramma-tegen-discriminatie/kamerbrief-inzake-kabinetsaanpak-en-voortgangsrapportage-over-het-nationaal-actieprogramma-tegen-discriminatie.pdf>

⁴ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2019), *Strengthening the local antidiscrimination bureaus* ['Versterking lokale antidiscriminatie Voorzieningen'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 16 October 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/10/16/kamerbrief-over-versterking-lokale-antidiscriminatie-voorzieningen/Kamerbrief+over+versterking+lokale+antidiscriminatie+voorzieningen.pdf>

⁵ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2019), 'Besluit van 10 april 2019, houdende vaststelling van het tijdstip van inwerkingtreding van de Wet gedeeltelijk verbod gezichtsbedekkende kleding', Vol. 2019, No. 165, available at: <https://zoek.officielebekendmakingen.nl/stb-2019-1651.html>

⁶ The Netherlands, Minister of Justice and Security / Minister of Interior and Kingdom Relations (*Minister of Justitie and Veiligheid / Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2018), *Act on a limited ban for face-*

violates the ban faces a fine of €150. The UN's Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance who made a visit to the Netherlands from 30 September to 7 October 2019 states that the public debate about this Act highlighted the prevalence of Islamophobic sentiment. "The political debate surrounding the adoption of this law makes plain its intended targeting of Muslim women, and even if this targeting was not the intent, it has certainly been the effect".⁷

On 12 March 2019 the Senate passed the bill amending the General Equal Treatment Act (*Algemene wet Gelijke Behandeling*) to explicitly protect transgender people and intersex people against discrimination.⁸ The current General Equal Treatment Act already protects transgender people and intersex people against discrimination but not explicitly. This bill adds a subsection to the General Equal Treatment Act which stipulates that discrimination on the grounds "gender characteristics", "gender identity" and "gender expression fall under the definition of discrimination on the ground of gender. The bill took effect on 1 November 2019.⁹

On 2 April 2019 the Minister of Justice and Security and the Minister of Education, Culture and Science submitted a plan to the House of Representatives which outlines by which policy measures the government intends to improve the safety of LGBTIs in the Netherlands.¹⁰ The LGBTI organisations explicitly asked for such a government plan. The majority of the measures in the government plan, however, are already implemented. It contained no new policy measures. The LGBTI organisations were therefore very disappointed in the plan.¹¹ The LGBTI organisations put forward several policy measures of their own in a letter sent on 30 April 2019 to the Minister of Justice and Security and the Minister of Education, Culture and Science and the House of Representatives. The policy measures put forward by the LGBTI-organisations are : the Public Prosecution Service should always demand higher penalties for discrimination, the basic training of police officers and public prosecutors should pay attention to discrimination; special detectives specialised in discrimination cases should be appointed.¹² So far the government has not adopted any of these proposals.

On 4 June 2019 the European Commission against Racism and Intolerance (ECRI) of the Council of Europe published its fifth monitoring report. Since the adoption of ECRI's fourth

covering clothing [*Wet gedeeltelijk verbod gezichtsbedekkende kleding*], available at: https://www.eerstekamer.nl/behandeling/20180717/publicatie_wet/document3/f=/vkkq3cqcjhvz7.pdf

⁷ United Nations, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2019), *End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the Kingdom of the Netherlands*, The Hague (7 October 2019), Genève, Office of the High Commissioner for Human Rights, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25100&LangID=E>

⁸ The Netherlands, Senate (*Eerste kamer der Staten-Generaal*) (2019), Act to clarify the legal position of transgender persons and intersex persons['Wet verduidelijking rechtspositie transgender personen en intersekse personen'.] Web page, available at: https://www.eerstekamer.nl/wetsvoorstel/34650_initiatiefvoorstel_bergkamp

⁹ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2019), 'Besluit van 24 oktober 2019 tot vaststelling van het tijdstip van inwerkingtreding van de Wet verduidelijking rechtspositie transgender personen en intersekse personen', Vol. 2019, No. 379, available at: <https://zoek.officielebekendmakingen.nl/stb-2019-379.html>

¹⁰ The Netherlands, Minister of Justice and Security / Minister of Education, Culture and Science (*Minister van Justitie en Veiligheid en de Minister van Onderwijs, Cultuur en Wetenschap*) (2019), 'Actieplan Veiligheid LHBTI', Letter to the House of Representatives, 2 April 2019, available at: <https://www.rijksoverheid.nl/ministeries/ministerie-van-justitie-en-veiligheid/documenten/kamerstukken/2019/04/02/tk-actieplan-veiligheid-lhbt>

¹¹ COC Nederland (2019), 'LHBTI-beweging boos over ambitieeloos actieplan tegen geweld', News release, 3 April 2019, available at: <https://www.coc.nl/homepage/lhbt-beweging-boos-over-ambitieuos-actieplan-tegen-geweld>

¹² COC Nederland (2019), 'Extra maatregelen nodig tegen geweld', News release 30 April 2019, available at: <https://www.coc.nl/homepage/extra-maatregelen-nodig-tegen-geweld>

report on the Netherlands on 20 June 2013, progress has been made in a number of fields.¹³ However, despite the progress achieved, some issues give rise to concern. The hate crime and anti-discrimination legislation does not provide for sufficiently dissuasive sanctions. The scope of application of the General Equal Treatment Act (*Algemene wet gelijke behandeling*) is too narrow and the authorities are not placed under an explicit duty to promote equality and prevent discrimination. Not all antidiscrimination bureaus are independent, and the equality bodies do not have sufficient resources for promoting equality and preventing discrimination. With regard to LGBT persons, topics such as visible intimacy, gender-ambiguous behaviour and adoption remain controversial. The perceived and actual safety and the health conditions of LGBT persons are below average, and young LGBTs do not feel comfortable to be open about their sexual orientation and gender identity at school. In its reply the Dutch government states that the existing legislation, in particular articles 137c-173h of the Criminal Code and the General Equal Treatment Act (*Algemene wet gelijke behandeling*), are adequate in tackling discrimination.¹⁴ The government states that most antidiscrimination bureaus operate effectively and provide the proper support to citizens at local level, but some action is needed to improve the bureaus which operate less effectively. The government also explains how standing policies promote the position of LGBT pupils in education.

On 11 July 2019 the State Secretary for Social Affairs and Employment sent a letter¹⁵ to the House of Representatives which reports about the progress of the 'Action Plan for Labour Market Discrimination 2018-2021'¹⁶ and the Implementation plan labour market discrimination 2018 – 2021'.¹⁷ This implementation plan and the action plan have three pillars. The first pillar is strengthening the role of the Inspectorate SZW regarding monitoring and combatting discrimination on the labour market. The powers of the Inspectorate SZW will be broadened so that supervision and enforcement will be possible regarding the recruitment and selection policies of employers. In order to broaden the powers of the Inspectorate SZW a draft bill amending The Working Conditions Act (*Arbo-wet*) and the Act on Allocation of Employees by Intermediaries (*Wet allocatie arbeidskrachten door intermediairs*) was open for consultation

¹³ Council of Europe, ECRI (2019), *ECRI Report on the Netherlands (fifth monitoring cycle)*, available at: <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>

¹⁴The Netherlands, Dutch government (2019), Response from the Government to ECRI's 5th monitoring cycle report on the Netherlands, available at: <https://rm.coe.int/government-comments-on-the-fifth-report-on-the-netherlands/168094c565>

¹⁵ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2019), 'Progress on Action plan Labour market discrimination 2018 – 2021' ['Voortgangsrapportage Actieplan Arbeidsmarktdiscriminatie 2018-2021'], Letter to the House of Representatives, 11 July 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/07/11/kamerbrief-voortgangsrapportage-actieplan-arbeidsmarktdiscriminatie-2018-2021/kamerbrief-voortgangsrapportage-actieplan-arbeidsmarktdiscriminatie-2018-2021.pdf>

¹⁶ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2018), 'Letter on Action plan Labour market discrimination 2018 – 2021', ['Hoofdlijnenbrief Actieplan Arbeidsmarktdiscriminatie 2018 – 2021'], Letter sent to House of Representatives (*Tweede Kamer der Staten Generaal*), 19 June 2018, available at: www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/06/19/hoofdlijnenbrief-actieplan-arbeidsmarktdiscriminatie-2018-%E2%80%93-2021/hoofdlijnenbrief-actieplan-arbeidsmarktdiscriminatie-2018-%E2%80%93-2021.pdf

¹⁷ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2018), 'Implementation plan labour market discrimination 2018 – 2021', ['Implementatieplan Arbeidsmarktdiscriminatie 2018-2021'], Letter sent to House of Representatives (*Tweede Kamer der Staten Generaal*), 22 November 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/11/22/kamerbrief-implementatieplan-arbeidsmarktdiscriminatie-2018-2021/kamerbrief-implementatieplan-arbeidsmarktdiscriminatie-2018-2021.pdf>

from 7 October 2019 to 4 November 2019.¹⁸ This bill mandates that each employer will implemented a working method which indicates how discrimination during the recruitment process will be prevented. In case an intermediary, such as an employment agency, is involved, the employer must check whether this agency has a working method. The Inspectorate SZW has the authority to check whether employers have a working method and to impose a fine on the employer if he has failed to implement such working method.

In the first months of 2019, inspections were carried out by the discrimination team of Inspectorate SZW in four economic sectors, in which the Inspectorate SZW imposed a compliance requirement in 70% of the cases. Most of the compliance requirements aim to remedy an incomplete Risk Inventory and Evaluation (RI&E) or insufficient information and education for employees.

The second pillar of the Action plan aims at developing applicable instruments for employers, personnel officers and works council members in order to combat prejudices in recruitment and selection. By July 2019 most of the projects in this pillar were started but were not yet completed. The third pillar aims at stimulating knowledge and awareness of discrimination. Most of the activities in this third pillar are still in progress.

So far the only element of the of the 'Action Plan for Labour Market Discrimination 2018-2021'¹⁹ on which progress has been made is strengthening the role of the Inspectorate SZW regarding monitoring and combatting discrimination on the labour market. In a letter to the State Secretary for Social Affairs and Employment the Netherlands Institute for Human Rights encourages the government to continue to make progress with the other elements of the Action plan.²⁰

On 24 September 2019 the Senate passed a bill amending, among other things, article 137d of the Dutch Criminal Code which criminalizes the incitement of hatred, discrimination or violence towards persons because of their race, religion or beliefs, their sex, their hetero- or homosexual orientation or their physical, mental or intellectual disability.²¹ The amendment increases the maximum penalty for inciting hatred, discrimination or violence on the basis of a discriminatory motive from one to two years.²² With this amendment the governments intends to give a clear message that public statements inciting hatred or discrimination are intolerable. The government

¹⁸ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2019), Draft bill on supervision of non-discriminatory recruitment and selection [Conceptwetsvoorstel toezicht discriminatievrije werving en selectie], available at: https://www.internetconsultatie.nl/wet_toezicht_discriminatievrije_werving_en_selectie/document/5007

¹⁹ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2018), 'Letter on Action plan Labour market discrimination 2018 – 2021', ['Hoofdlijnenbrief Actieplan Arbeidsmarktdiscriminatie 2018 – 2021'], Letter sent to House of Representatives (*Tweede Kamer der Staten Generaal*), 19 June 2018, available at: www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/06/19/hoofdlijnenbrief-actieplan-arbeidsmarktdiscriminatie-2018-%E2%80%93-2021/hoofdlijnenbrief-actieplan-arbeidsmarktdiscriminatie-2018-%E2%80%93-2021.pdf

²⁰ The Netherlands, Netherlands Institute for Human Rights (*College Rechten van de Mens*) (2019), 'Commentary on Draft bill on supervision of non-discriminatory recruitment and selection' ['Reactie wetsvoorstel toezicht discriminatievrije werving en selectie'], Letter to State Secretary for Social Affairs and Employment, 30 June 2019, available at: <https://publicaties.mensenrechten.nl/file/b8b1a8d1-9c59-47ed-b78e-57887e0182eb.pdf>

²¹ The Netherlands, Senate (*Eerste Kamer der Staten-Generaal*) (2019). 'Herwaarderung strafbaarstelling actuele delictsvormen', Web page, available at: <https://www.eerstekamer.nl/wetsvoorstel/35080/herwaarderung>

²² The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2018), Amendment of among other things the Criminal Code in connection with the reevaluation of punsiability of offences of expression [*Wijziging van onder meer het Wetboek van Strafrecht in verband met de herwaarderung van de strafbaarstelling van enkele actuele delictsvormen (herwaarderung strafbaarstelling actuele delictsvormen)*], Sent to House of Representatives, 16 May 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/05/16/wetsvoorstel-en-memoratie-van-toelichting-herwaarderung-strafbaarstelling-actuele-delictsvormen-consultatieversie/Wetsvoorstel+en+MvT.pdf>

stresses that the right to freedom of expression must not be abused to create discord in society.
²³ The amendment will take effect on 1 January 2020.

On 11 November 2019 the Minister for Environment and Housing sent a letter to the House of Representatives about her approach to tackle discrimination on the housing market.²⁴ Her approach consist of three policy lines : raising awareness about antidiscrimination legislation among the actors in the housing market (estate agents, landlords/brokers, tenants, house seekers, umbrella organisation); investigating discrimination on the housing market by using mystery calls or guests and/or situation tests; implementing a few pilots in major cities to collect best practices.

2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

The Inspectorate SZW commissioned a research investigating the discrimination of temporary workers on ground of ethnicity or migration background by employment agencies not affiliated to the two trade associations of employment agencies in the Netherlands (the ABU and the NVVU).²⁵ This study was carried out by using mystery calls in the period 3 April 2019 - 6 May 2019. A sample (n=467) was taken from a directory containing all employment agencies not affiliated to the two trade associations. Researchers contacted employment agencies by telephone, posing as employers looking for temporary staff. After they aroused confidence of the staff member of the agency the mystery caller made the discriminatory request known in a natural way. The total sample shows that 40% of the discriminatory requests from potential clients are honoured. 60% of the discriminatory requests are rejected. Goal of this study is to show the range of discrimination among the employment agencies not affiliated to the two trade associations of employment agencies in the Netherlands.

A study was published compiling all discrimination-incidents in the Netherlands as registered by the Dutch police and by the Dutch antidiscrimination bureaus in the year 2018.²⁶ This study compares the year 2018 with the year 2017. The police registered 3,299 discrimination-incidents in 2018. 41% of these incidents related to ground of race, 27% of these incidents related to the

²³ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2018), Amendment of among other things the Criminal Code in connection with the reevaluation of punisibility of offences of expression [*Wijziging van onder meer het Wetboek van Strafrecht in verband met de herwaardering van de strafbaarstelling van enkele actuele delictsvormen (herwaardering strafbaarstelling actuele delictsvormen)*], Sent to House of Representatives, 16 May 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/05/16/wetsvoorstel-en-memorie-van-toelichting-herwaardering-strafbaarstelling-actuele-delictsvormen-consultatieversie/Wetsvoorstel+en+MvT.pdf>

²⁴ The Netherlands, Minister for the Environment and Housing (*Minister voor Milieu en Wonen*) (2019), (2019), 'Discrimination on the housing market' ['Discriminatie op de woningmarkt'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 11 November 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/11/11/kamerbrief-over-discriminatie-op-de-woningmark/kamerbrief-over-discriminatie-op-de-woningmark.pdf>

²⁵ Store Support (2019), Report Inspectorate SZW on mystery calling study on labour market discrimination [*Rapport Inspectie SZW mystery calling-onderzoek arbeidsmarktdiscriminatie*], Groningen, Store Support, available at: <https://www.inspectieszw.nl/binaries/inspectieszw/documenten/rapporten/2019/07/11/rapport-mystery-calling-onderzoek-arbeidsmarktdiscriminatie/Rapport+Inspectie+SZW+Mystery+calling-onderzoek+arbeidsmarktdiscriminatie.pdf>

²⁶ Walz, G., Van Bon, S. & . (2019), *Discrimination figures in 2018 : A report on registrations of reports of discrimination in the Netherlands by the police, antidiscrimination bureaus and other organisations* [Discriminatiecijfers in 2018 : Een rapport over registraties van meldingen van discriminatie-incidenten door de politie, en meldingen bij antidiscriminatievoorzieningen en andere organisaties in Nederland], Rotterdam / Den Haag, Art.1 / Nationale Politie, available at: <https://www.discriminatie.nl/files/2019-04/landelijke-rapportage-discriminatiecijfers-2018-2-16.4.2019.pdf>

ground sexual orientation, 8% related to antisemitism (considered a separate category in this study because it relates both to race and religion), 5% related to the ground religion, 1% of these incidents related to the ground disability. In 2017 the police registered 3,499 discrimination-incidents. 39% of these incidents related to the ground of race, 25% of these incidents related to the ground sexual orientation, 8% related to antisemitism (considered a separate category in this study because it relates both to race and religion), 6% related to the ground religion, 1% of these incidents related to the ground disability. The area of life on which most discrimination-incidents were registered by the police is the neighbourhood (30% in 2017 and 32% in 2018). The antidiscrimination bureaus registered 4,320 discrimination-incidents in 2018. 45% of these incidents related to the ground of race, 14% of these incidents related to the ground disability, 8% of these incidents related to the ground age, 7% of these incidents related to the ground religion and 4% of these incidents related to the ground sexual orientation. In 2017 the antidiscrimination bureaus registered 4,169 discrimination incidents. 38% of these incidents related to the ground of race, 12% of these incidents related to the ground disability, 8% of these incidents related to the ground age, 13% of these incidents related to the ground religion and 4% of these incidents related to the ground sexual orientation. The area of life on which most discrimination-incidents were registered by antidiscrimination bureaus is the labour market (28% in 2017 and 2018).

A study, based on a questionnaire held among three samples of Muslims in the Netherlands, finds that 40% of the respondents have experienced a form of Islamophobia in the period 2013-2018.²⁷ The most common form of islamophobia was verbal expression mostly experienced during daily life and in the workplace. Most respondents (63%) say that islamophobia is a social problem in the Netherlands. Respondents indicate the following social areas as having the most influence on the rise of islamophobia: the media (indicated by 90% of the respondents) and politics (80% of the respondents). Three samples of respondents participated in this study: one sample of 318 Muslims with a Turkish migration background older than 18 years who filled in the questionnaire using the Turkish language in May 2018; one sample of 323 Muslims with a Turkish migration background older than 18 years who filled in the questionnaire using the Turkish language in December 2018; one sample of 325 Muslims with various migration backgrounds older than 18 years who filled in the questionnaire using the Dutch language in December 2018.

A study based on an online questionnaire held among a convenience sample of 365 Muslims in the Netherlands in the period 21 December 2018- 11 January 2019 shows that 91% of the respondents experienced a form of discrimination on the ground of their religion in the last five years.²⁸ The discrimination experiences concern very different types of incidents; from explicit verbal or physical violence in public transport, online or on in public spaces, to hostile or stereotyping remarks by colleagues at work or at school.

A repeat of a 2015 study on discrimination on the labour market using virtual situation tests was published in October 2019.²⁹ The study was carried out in 2018 and 2019. In this study, fictitious resumes are placed on online CV databases and it is then examined how employers / recruiters

²⁷ Unal, Y. (2019), 'Ervaringen met moslim discriminatie in de Turkse gemeenschap' in: Van der Valk (ed.), *Mikpunt Moskee*, Leiden, Islamic Institute Netherlands for Education and Research.

²⁸ Abaâziz, I. (2019), Everyday Islamophobia in the Netherlands. An explorative study [*Alledaagse islamofobie in Nederland : Een verkennend onderzoek*], Meld Islamofobie, available at: https://www.meldislamofobie.org/app/uploads/2019/09/Rapport-Meld-Islamofobie_Alledaagse-Islamofobie-in-Nederland_-def_27092019.pdf

²⁹ Panteia (2019), Repeat virtual situation tests labour market discrimination. Final report [*Herhaling virtuele praktijktests arbeidsmarktdiscriminatie. Eindrapportage*], Zoetermeer, Panteia, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2019/10/09/herhaling-virtuele-praktijktests-arbeidsmarktdiscriminatie/tk-si-141492-bijlage-bij-brief-eindrapport-replicatie-virtuele-praktijktests.pdf>

react to the same CV's in terms of content, involving people from different groups. In this new study, a total of 707 fictitious CVs were placed on the internet for some time, of which, due to the limited usability of the CVs of one CV database, 638 could ultimately be included in the study. The researchers worked with one control group (native men of lower or middle age, i.e. around 23 years and around 35 years respectively) and seven test groups of fictional candidates (five groups with migration backgrounds -Antillean, Moroccan, Polish, Surinamese, Turkish, one with gender (female) and one age (old, i.e. 40 to 45 years]). In the situation tests, differentiation is only made according to the discrimination ground concerned; the other characteristics are kept the same as those of the control group. For each fictitious candidate, both the number of clicks (i.e. CVs viewed) and the number of responses from employers / recruiters (emails / voicemails and missed calls) have been recorded as much as possible.

This study shows that employers or recruiters discriminate on the basis of migration background. Although this appears to be less so compared to 2015, discrimination based on migration background still continues to exist in 2019.

An explanation for this could be the shortage on the labour market, as a result of which employers / recruiters are unable to find suitable candidates. Just as in 2015, there is no evidence for the existence of discrimination on the ground of gender. The 2019 study showed no discrimination of older people in 2019, while the 2015 study did show that older people were approached less often for vacancies.

A study on discrimination on the housing market in the city of Utrecht showed that rental agencies and private landlords in Utrecht are discriminating against potential tenants on ground of their ethnicity and sexual orientation.³⁰ In this study correspondence tests and mystery calls were used. Researchers, posing as landlords who wanted to rent out one of their properties via an agency, contacted rental agencies with a discriminatory request, too see if they would comply. The researchers managed to contact 19 agencies with a discriminatory request on the ground of ethnicity: 16 were willing to comply with a discriminatory request. And the researchers managed to contact 15 agencies with a discriminatory request on the ground of sexual orientation: 13 were willing to comply.

In the correspondence tests focusing on discrimination on the ground of ethnicity, the researchers sent emails responding to 111 advertisements by private landlords and rental agencies to assess what sort of response different ethnic backgrounds would generate. They posed as potential tenants Abdel El Amrani (foreign name) and Stef de Vries (Dutch name). The responses showed that Abdel was less likely to be considered for a property than Stef. The tests showed that candidates with a non-western name were treated unequally in 13.5% of the cases: a significant result.

In the correspondence tests focusing on discrimination on the ground of sexual orientation, the researchers sent emails responding to 53 adverts by private landlords and rental agencies to assess what sort of response different sexual orientation would generate. They posed as couples Max and Thijs (two men), and Daan and Julia (a man and a woman). The responses showed that that a couple made up of two men were not invited for interview as often as the heterosexual couple. The tests showed that homosexual couples were treated unequally in 10.9% of the cases: a significant result. The research was carried out in the period May-June 2019.

On 11 November 2019 the minister for the Environment and Housing sent an explorative study on discrimination on the housing market to the House of Representatives.³¹ The study focused

³⁰ Gielkens, D. & Wegkamp, F. (2019), Discrimination on the Utrecht housing market ; a report [*Discriminatie op de Utrechtse woningmarkt : Onderzoeksrapport*], Utrecht, Academie van de Stad / Gemeente Utrecht , available at: <https://online.ibabs.eu/ibabsapi/publicdownload.aspx?site=Utrecht&id=b75e8dca-dfe7-4015-b54f-06ae9fdb48b>

³¹ Böcker, A., Terlouw, A.& Özdemir, E. (2019), Discrimination on the rental housing market ? An exploratory study into explanations and possible approach [*Discriminatie bij de verhuur van woningen? Een verkennend onderzoek*]

on discrimination on the ground of ethnicity on the rental market (with rents between €701 and €1000). The study was carried out through desk research by an analysis of complaints received by antidiscrimination bureaus in the period 2018- 31 July 2019, an analysis of case law (by the Courts and The Netherlands Institute for Human Rights) in the period 2010-31 July 201), and by interviews with experts, private landlords and estate agents. The main conclusion is that the shortage of rental housing, particularly in the lower and middle segments in the large cities, was most often mentioned by the interviewees as a factor that - combined with the lack of a transparent distribution system such as that applied to former social housing units - increases the chance of discrimination. The problem of discrimination is hardly, if at all, on the radar or agenda of sectoral organizations, and other relevant actors. Antidiscrimination bureaus receive few complaints in the field of the housing market. The study provides an overview of policy instruments to tackle discrimination on the housing market: awareness campaigns, training, codes of conduct, mystery calls, correspondence tests, a new hotline, and an obligation for landlords and rental agencies to state their reasons for rejecting a candidate tenant.

The studies below are based on the GEMM study: a cross-national harmonized field experiment on labour market discrimination carried out in the United Kingdom, Spain, Germany, Norway, and the Netherlands.³²

This study presents the results of a large-scale field experiment using correspondence tests on ethnic discrimination in the Dutch job market. Fictitious job applications (N = 4,211) were sent to vacancies for jobs in ten different occupations in the Netherlands.³³ By examining 35 different ethnic minority groups, this study detects considerable differences in discrimination rates between western (discrimination rate 1.2) and non-western minorities (discrimination rate 1.4). Furthermore, it finds little systematic variation in discrimination regarding gender, regions, and occupations, pointing to the existence of an ethnic hierarchy that is widely shared among employers. Finally, no empirical support was found for the hypothesis that adding personal information in job applications reduces discrimination.

This study examines discrimination against job candidates of Moroccan origin in Spain and the Netherlands making use of a cross-nationally standardised field experiment consisting of correspondence tests with fictitious candidates applying for real job vacancies in Spain and the Netherlands (N=3681).³⁴ The fieldwork took place between October 2016 and May 2018. In total 3,681 applications were sent out, 2,267 in Spain and 1,414 in the Netherlands. The study found higher levels of discrimination against job applicants of Moroccan origin in the Netherlands than in Spain. Whereas job candidates of Moroccan origin are six percentage points less likely to receive a positive response from an employer in Spain, the predicted ethnic gap in call-back rates is fourteen percentage points in the Netherlands. Furthermore, while regional differences in discrimination are not related to regional unemployment figures, the authors do

naar verklaringen en de mogelijke aanpak], Nijmegen, Radboud Universiteit Nijmegen, available at: https://www.tweedekamer.nl/downloads/document?id=56ef1a6b-f605-4df8-b46e-deb9e4b332be&title=Discriminatie%20bij%20de%20verhuur%20van%20woningen_%20Een%20verkennd%20onderzoek%20naar%20verklaringen%20en%20de%20mogelijke%20aanpak.pdf

³² Lancee, B., Birkelund, G., Coenders, M., Di Stasio, V., Fernández Reino, M., Heath, A., Koopmans, R., Larsen, E., Polavieja, J., Ramos, M., Thijssen, L., Veit, S., Yemane, R., and Zwier, D. (2019), *The GEMM study: A cross-national harmonized field experiment on labour market discrimination: Technical report*, available at: <http://gemm2020.eu/wp-content/uploads/2019/02/GEMM-WP3-technical-report.pdf>

³³ Thijssen, L., Coenders, M., and Lancee, B. (2019), 'Etnische discriminatie op de Nederlandse arbeidsmarkt: Verschillen tussen etnische groepen en de rol van beschikbare informatie over sollicitanten', *Mens & Maatschappij*, 94(2), 141-176, available at: <https://www.bramlancee.eu/wp-content/uploads/2019/07/ThijssenCoendersLancee2019.pdf>

³⁴ Ramos, M., Thijssen, L. and Coenders, M. (2019), 'Labour market discrimination against Moroccan minorities in the Netherlands and Spain: a crossnational and cross-regional comparison', *Journal of Ethnic and Migration Studies*, First published online 24 June 2019, available at: <https://doi.org/10.1080/1369183X.2019.1622824>

find some evidence that in the Netherlands a larger share of Moroccans in the region exacerbates discrimination against Moroccan minorities. Altogether, the findings point to the need to give greater weight to the impact of widespread negative beliefs about ethnic minorities and how these beliefs can have a profound adverse impact on the integration of disadvantaged ethnic groups within the labour market.

This study is based on data collected from a cross-nationally harmonised field experiment to examine discrimination towards Muslim job applicants in five European countries (Germany, the Netherlands, Norway, Spain and the United Kingdom).³⁵ It focuses on job applicants originating from countries that have a substantial Muslim population: of these, some signalled closeness to Islam in their job application while others did not. With this design, the authors can empirically disentangle anti-Muslim discrimination (a 'disclosed Muslim' effect) from the possible stigma of originating from countries where Islam is prevalent (a 'Muslim by default' effect). Between July 2016 and December 2017, five harmonised correspondence tests in Germany, the Netherlands, Norway, Spain and the UK, were conducted. Alarming levels of discrimination were found, especially towards male applicants from more visible groups. Compared to majority members, applicants from ethnic minorities who volunteer in secular associations are treated less favourably, and this is particularly the case in Norway, the UK and, to a lesser extent, the Netherlands. When looking at each country separately, in the UK, Norway and the Netherlands, Muslims by default are more than 10 percentage points less likely than majority members to receive a call-back. In other words, despite visible signals of civic engagement as well as valuable, job-relevant human capital, members of ethnic minorities face severe discrimination in three of the five countries. Muslims by default are thus heavily discriminated in the Netherlands and the UK, countries that are relatively open regarding the accommodation of Islam as a minority religion. The climate of open hostility towards Muslims fostered by far-right parties in both countries may provide an explanation for the high levels of discrimination this study documented.

This study is based on a harmonised field experiment to test whether discrimination against job candidates of Turkish origin (age 23–25) varies across Germany and the Netherlands.³⁶ To examine discrimination rates in Germany and the Netherlands data from a cross-nationally harmonised correspondence study were collected between November 2016 and October 2017. In total, the authors sent out 1,587 applications: 652 in Germany and 935 in the Netherlands. The dependent variable in this study is whether the fictitious applicant received a positive call-back. Independent variables were ethnicity and diagnostic information (information in resumes: picture, grades, and labour market performance). It was found that, compared to majority candidates, job candidates of Turkish origin are on average eleven percentage points less likely to receive a positive call-back. Moreover, it was found that discrimination against Turkish minorities is significantly higher in the Netherlands than in Germany. In Germany, job candidates of Turkish origin are five percentage points less likely to receive a call-back than equally qualified majority candidates, whereas in the Netherlands this ethnic gap is fifteen percentage points. However, the presented evidence does not support the often-mentioned argument that the amount of diagnostic information in application materials explains why discrimination against Turkish minorities is lower in Germany. Overall, adding diagnostic

³⁵ Di Stasio, V., Lancee, B., Veit, S. and Yemane, R. (2019), 'Muslim by default or religious discrimination? Results from a cross-national field experiment on hiring discrimination', *Journal of Ethnic and Migration Studies*, first published online 24 June 2019, available at: <https://doi.org/10.1080/1369183X.2019.1622826>

³⁶ Thijssen, L., Lancee, B., Veit, S. and Yemane, R. (2019), 'Discrimination against Turkish minorities in Germany and the Netherlands: field experimental evidence on the effect of diagnostic information on labour market outcomes', *Journal of Ethnic and Migration Studies*, first published online 24 June 2019, available at: <https://doi.org/10.1080/1369183X.2019.1622793>

information has little effect on the relative employment chances of job applicants of Turkish origin, both in Germany and the Netherlands.

Focusing on birthplace (foreign vs. domestic) and origin group (European vs. Middle Eastern or African), this study examines the effects of cultural distance signals on discrimination against ethnic minority job applicants.³⁷ Drawing on a cross-nationally harmonised correspondence test (N = 5780), it investigates how employers in five Western European destination countries (Germany, the Netherlands, Norway, Spain, and the U.K.) respond to job applications from majority and minority group members, with minority job applicants being either very similar (domestic-born and/or European origin) to the majority population or rather different (foreign-born and/or Middle Eastern/African). Between summer 2016 and spring 2018, an international team of researchers conducted correspondence tests on ethnic discrimination in hiring simultaneously in five European countries). The researchers sent applications from fictitious job candidates to real, publicly advertised vacancies on online job markets and registered employers' responses. By experimentally varying some characteristics of the applicants while keeping other characteristics constant, this design makes it possible to identify the causal effects of ethnic background and birthplace on hiring chances. In the Netherlands 1702 applications were sent. The results are generally consistent with taste-based discrimination theory. Employers pay attention to signals of cultural distance, which results in particularly high levels of discrimination against foreign-born minorities and against minorities originating from Middle Eastern and African countries. Although the origin group has a stronger effect on employer responses than birthplace, they jointly exert an additive effect. This results in particularly low labour market chances for foreign-born minorities of Middle Eastern and African origin. Separate country analyses, however, reveal important country differences, both with respect to the size of the minority penalty and the joint effect of birthplace and origin group. The overall discrimination ratio equals 1.2 and suggests that minority candidates have to write about 1.2 times as many applications as majority candidates to receive a positive response. As for the different countries, the discrimination ratios range from 1.6 in the U.K. and 1.5 in Norway to 1.3 in the Netherlands. The ratios in Germany and Spain equal 1.1 and 1.0, respectively, suggesting that employers hardly make a difference between majority and minority job candidates. The likelihood of receiving a positive response is lower for foreign-born minorities than for domestic-born minorities. This difference is statistically significant – but very small in size: being foreign-born (vs. domestic-born) decreases the probability of a positive response.

An exploratory study examined how self-employed professionals deal with discrimination, an investigation into discrimination experiences of self-employed professionals.³⁸ The most important research question was: "What is the perceived discrimination in acquiring and executing assignments?" The sources for the findings were three group interviews. Each group consisted of seven Dutch self-employed people with the same migration background: Turkish-Dutch, Moroccan-Dutch and Surinamese-Dutch. Respondents experience discrimination when recruiting assignments, in particular in the form of negative responses. This concerns insulting remarks aimed at the appearance of the respondents, their presumed origin or belief. Respondents deal with (potential) discrimination and prejudices they encounter in many different ways. Some choose to accept it as part of their lives. Others prefer to walk away from

³⁷ Veit, S. and Thijssen, L. (2019), 'Almost identical but still treated differently: hiring discrimination against foreign-born and domestic-born minorities', *Journal of Ethnic and Migration Studies*, first published online 24 June 2019, available at: <https://doi.org/10.1080/1369183X.2019.1622825>

³⁸ Broekroelofs, R. en Visser, A. (2019), Discrimination among self-employed professionals [*Ervaren discriminatie onder zelfstandigen : Verkennend onderzoek naar ervaringen van zzp'ers Utrecht*] : Kennisplatform Integratie & Samenleving (KIS) – Movisie, available at: <https://www.kis.nl/sites/default/files/ervaren-discriminatie-onder-zelfstandigen.pdf>

potential customers if they express themselves in a discriminatory or stereotyped and biased manner. A number of respondents describe the possibility of adapting, but none of the respondents seems to find this a desirable option. A number of respondents see (potential) discrimination or prejudice as a challenge to prove themselves extra, so that they still get the assignment

A study explains age discrimination claims filed by older workers by investigating the impact of visibility and media stereotypes of older workers in the news media, while controlling for real-world events and older workers' expectations of unemployment (2004–2014)³⁹. The study relies on the period from the second quarter (q2) of 2004 till the second quarter (q2) of 2014, as for this time frame discrimination claims were available. The data were provided by The Netherlands Institute for Human Rights (NIHR). When Dutch citizens experience discrimination, they can start a procedure by filing a discrimination claim to the NIHR, after which an investigation and possible legal proceedings will be set in motion. In the research period, the NIHR dealt with 437 discrimination claims on the basis of age in the domain of employment made by people between 45 and 64 years of age, compared to 166 discrimination claims made by people younger than 45 years of age. Of 289 people, age was not registered. The results, based on time-series analysis, reveal that the visibility of older workers in the news media is associated with higher levels of age discrimination claims. This effect can be partly explained with the visibility of the negative media stereotype that older workers experience health problems in the content of news coverage. Furthermore, unemployment expectations decreased the number of age discrimination claims. These results offer support for the notion that the news environment is a source of variation in the experience of age discrimination at the workplace.

³⁹ Kroon, A. C., Trilling, D., Van Selm, M., & Vliegthart, R. (2019). Biased media? How news content influences age discrimination claims. *European journal of Ageing, 16*(1), 109–119. <https://doi.org/10.1007/s10433-018-0465-4>

Chapter 2. Racism, xenophobia and related intolerance

1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

On 12 February 2019 the Minister of Interior and Kingdom Relations sent a letter⁴⁰ about the progress of the government's measures and initiatives to tackle discrimination as they were presented in a letter 'Government Approach Discrimination' sent to the House of Representatives in April 2018.⁴¹ Most of these measures and initiatives tackle discrimination in general. Some of these initiatives focus on one specific non-discrimination ground including the ground race. The initiatives against discrimination on the ground of race which are still in progress, are:

- supporting students from ethnic minorities in secondary vocational education (MBO) in dealing with discrimination and negative prejudices in finding internships and employment
- a report published at the end of 2019 by the Social and Economic Council or SER about which measures are effective in encouraging women and people with non-western migration backgrounds to enter the top of the Dutch business world

Late September 2019 the Social and Economic Council or SER presented its report about how to achieve more women and people with non-western migration backgrounds in the top positions of the business world.⁴² The report includes the following recommendations, for the government and employers, on how to achieve more cultural diversity in the top of Dutch companies: the government must invest in educational programmes targeting students with a migration background, government and employers should fight discrimination on the labour market, work councils should be supported in their efforts to fight discrimination, employers should embed diversity policy in their labour organisation.

On 25 October 2019 the Minister of Education, Culture and Science informed the House of Representatives by letter about the progress achieved in the government approach to tackle the discrimination faced by students with a migration background in secondary vocational education (MBO).⁴³ For students with a migration background it is more difficult to find a traineeship because of discrimination. The letter by the Minister indicates which initiatives have been taken to tackle this form of discrimination. All initiatives aim at making the most important actors

⁴⁰ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2019), Progress Government Approach Discrimination ['Voortgang Kabinetsaanpak van discriminatie'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 12 February 2019, available at:

⁴¹ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2018), Government Approach Discrimination ['Kabinetsaanpak van discriminatie'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 26 April 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/04/26/kamerbrief-inzake-kabinetsaanpak-en-voortgangsrapportage-over-het-nationaal-actieprogramma-tegen-discriminatie/kamerbrief-inzake-kabinetsaanpak-en-voortgangsrapportage-over-het-nationaal-actieprogramma-tegen-discriminatie.pdf>

⁴² The Netherlands, Social and Economic Council (*Sociaal-Economische Raad*) (2019), *Diversity at the top. Time for an acceleration* [Diversiteit in de top. Tijd voor versnelling], The Hague, SER, available at: <https://www.ser.nl/-/media/ser/downloads/adviezen/2019/diversiteit-in-de-top.pdf>

⁴³ The Netherlands, Minister of Education, Culture and Science (*Minister van Onderwijs, Cultuur en Wetenschap*) (2019), 'Approach traineeship discrimination' ['Aanpak stagediscriminatie mbo'], Letter to the House of Representatives, 25 October 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/10/25/voortgang-van-de-aanpak-stagediscriminatie-in-het-mbo/voortgang-van-de-aanpak-stagediscriminatie-in-het-mbo.pdf>

(schools, employers which offer traineeships and the students) more aware of the problem and more aware about how to cope with or prevent this form of discrimination.

On 11 July 2019 the State Secretary for Social Affairs and Employment sent a letter ⁴⁴ to the House of Representatives which reports on the progress of the 'Action Plan for Labour Market Discrimination 2018-2021'⁴⁵ and the 'Implementation plan labour market discrimination 2018 – 2021'.⁴⁶

Both plans incorporate the programme Further Integration which consists of 8 pilots two improve the labour market position of ethnic minorities.⁴⁷ One of these pilots tries to tackle discrimination on the ground of race during the recruitment process. This pilot 'Nudging 'recruitment and selection' aims at combating prejudices through simple adjustments (nudges) in the recruitment and selection process of employers. It started early 2019. In this pilot employers, together with the Ministry of Social Affairs and Employment, work on adjusting their recruitment and selection process in order to prevent discrimination. They will do this by means of small moves, so-called 'nudges'. The employers rewrite vacancy texts, adjust the letter selection and learn how to interview in a structured way. The other 7 pilots aim at improving the labour market position of ethnic minorities by supporting members of ethnic minorities. All pilots will be monitored and assessed. The Inspectorate SZW commissioned a research investigating the discrimination of temporary workers on grounds of ethnicity or migration background by employment agencies not affiliated to the two trade associations in the Netherlands (the ABU and the NVVU).⁴⁸ This study was carried out by using mystery calls. Researchers contacted employment agencies by telephone, posing as employers looking for temporary staff. After they aroused confidence of the staff member of the agency the mystery caller made the discriminatory request known in a natural way. The total sample (n=467) shows that 40% of the discriminatory requests from potential clients are honoured. 60% of the discriminatory requests are rejected.

⁴⁴ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2019), Progress on Action Plan labour Market Discrimination' ['Voortgangsrapportage Actieplan Arbeidsmarktdiscriminatie 2018-2021'], Letter to the House of Representatives, 11 July 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/10/25/voortgang-van-de-aanpak-stagediscriminatie-in-het-mbo/voortgang-van-de-aanpak-stagediscriminatie-in-het-mbo.pdf>

⁴⁵ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2018), 'Letter on Action plan Labour market discrimination 2018 – 2021', ['Hoofdlijnenbrief Actieplan Arbeidsmarktdiscriminatie 2018 – 2021'], Letter sent to House of Representatives (*Tweede Kamer der Staten Generaal*), 19 June 2018, available at: www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/06/19/hoofdlijnenbrief-actieplan-arbeidsmarktdiscriminatie-2018-%E2%80%93-2021/hoofdlijnenbrief-actieplan-arbeidsmarktdiscriminatie-2018-%E2%80%93-2021.pdf

⁴⁶ The Netherlands, State Secretary for Social Affairs and Employment (*Staatssecretaris van Sociale Zaken en Werkgelegenheid*) (2018), 'Implementation plan labour market discrimination 2018 – 2021', ['Implementatieplan Arbeidsmarktdiscriminatie 2018-2021'], Letter sent to House of Representatives (*Tweede Kamer der Staten Generaal*), 22 November 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/11/22/kamerbrief-implementatieplan-arbeidsmarktdiscriminatie-2018-2021/kamerbrief-implementatieplan-arbeidsmarktdiscriminatie-2018-2021.pdf>

⁴⁷ The Netherlands, Minister of Social Affairs and Employment (*Minister van Sociale Zaken en Werkgelegenheid*) (2018), 'Voortgang van het programma Verdere Integratie op de Arbeidsmarkt (VIA) (vierde kwartaal 2018)' [*Progress of the Program Further Integration on the Labour market (VIA) (fourth quarter 2018)*], Letter to the House of Representatives, page 4, 16 November 2018, available at https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2018Z21328&did=2018D54931

⁴⁸ Store Support (2019), *Rapport Inspectie SZW mystery calling-onderzoek arbeidsmarktdiscriminatie, Groningen, Store Support*, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/07/11/kamerbrief-voortgangsrapportage-actieplan-arbeidsmarktdiscriminatie-2018-2021/kamerbrief-voortgangsrapportage-actieplan-arbeidsmarktdiscriminatie-2018-2021.pdf>

The police registered 43 complaints about ethnic profiling in 2018.⁴⁹ Complaints are handled by the police in accordance with the applicable complaints procedure of the police. This procedure is aimed at concluding a complaint to the satisfaction of the citizen. The police does this by letting the people involved - the police officer and the person who filed the complaint - talk to each other. This does not always work, because sometimes the police does not get in touch with the complainants after repeated attempts, as a result of which the procedure is terminated prematurely. If this is successful, and such a conversation takes place satisfactorily, the procedure is completed. In 2018, 25 complaints were dealt with in this way. Only one of these 25 complaints was grounded according to the police, at the end of the year 3 complaints were still in phase one. Sometimes people are not satisfied with the results of phase one. In that case phase two starts. This means that an independent complaints commission hears the complainant and the police officers concerned. This commission then advises the police chief about the handling of the complaint. In 2018 no complaint was satisfactorily dealt with in phase two; One complaint in phase 2 was judged to be ungrounded. 4 complaints are still being handled with. 10 complaints were never handled with by the police because the complainant could not be contacted.

In March 2019, a study was published about the way the approach to prevent ethnic profiling is implemented in the police-unit Amsterdam.⁵⁰ The study was commissioned by the Advisory Commission 'Ethnic profiling' of the municipality of Amsterdam and is based on desk research, interviews and a survey held among 1.064 police officers. The study found eight policy measures aimed at preventing ethnic profiling. However, among the police officers these measures are hardly known. Only a quarter of the agents are familiar with the framework on proactive policing which aims to prevent ethnic profiling by police officers. This is a low score, certainly because the framework is standing policy since October 2017. A third of Amsterdam agents have never heard of any measure or intervention against ethnic profiling. Because of this study the police-unit Amsterdam made a new plan to prevent ethnic profiling.⁵¹ To reduce ethnic profiling, the police-unit Amsterdam police will invest in its officers' knowledge, attitude and behaviour. All police officers must attend a "professional check" workshop. Each police team must draw up and submit an implementation plan on how to perform professional checks without ethnic profiling. Professionally performing random checks will also become a permanent part of the police's half-yearly results discussions. Designated officers will make sure that ethnic profiling is prevented in practice. And the Amsterdam police will conduct research among citizens into their perception of ethnic profiling.

2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

On 4 June 2019 the European Commission against Racism and Intolerance (ECRI) of the Council of Europe published its fifth monitoring report on the Netherlands. Since the adoption of ECRI's fourth report on the Netherlands on 20 June 2013, progress has been made in several fields.⁵² However, despite the progress achieved, some issues give rise to concern. One of these

⁴⁹ The Netherlands, National Police (Nationale Politie) (2019), 43 complaints about ethnic profiling in 2018 ['43 klachten over etnisch profileren in 2018']. Press release, 5 February 2019, available at: <https://www.politie.nl/nieuws/2019/februari/5/43-klachten-over-etnisch-profileren-in-2018.html>

⁵⁰ Kuppens, J. & Ferwerda, H. (2019), *The police approach to ethnic profiling in Amsterdam: a study of effects, criteria and measurable indicators* [De politieaanpak van etnisch profileren in Amsterdam : een onderzoek naar effecten, criteria en meetbare indicatoren], Arnhem, Bureau Beke, available at: <https://www.politieacademie.nl/kennisenonderzoek/kennis/mediatheek/PDF/95947.PDF>

⁵¹ The Netherlands, Police Unit Amsterdam (*Politie-eenheid Amsterdam*) (2019), Checking in a professional way: Pan of Actie [Professioneel controleren : Plan van aanpak], Amsterdam, Politie-eenheid Amsterdam, available at: <https://amsterdam.raadsinformatie.nl/document/7730544/1#search=%22plan%20van%20aanpak%20etnisch%22>

⁵² Council of Europe, ECRI (2019), *ECRI Report on the Netherlands (fifth monitoring cycle)*, available at: <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>

is that the hate crime and anti-discrimination legislation does not provide for sufficiently dissuasive sanctions. The scope of application of the General Equal Treatment Act is too narrow and the authorities are not placed under an explicit duty to promote equality and prevent discrimination. Another point of concern is that the mainstream political discourse and media reporting continue to be strongly influenced by a xenophobic, fear-fuelling rhetoric and politicians have openly expressed racist beliefs of biological superiority. A considerable number of hate-motivated attacks were, among others, perpetrated against Muslims, mosques and LGBT people, and underreporting of hate crime remains an issue. ECRI recommends that parliament and government should develop codes of conduct that prohibit hate speech and that the media should develop an action plan to tackle routines and reflexes that have stigmatising effects on people belonging to minorities. The system for removal of hate speech from the internet should be improved. The police and prosecution should reach out more intensively to people belonging to minorities, encourage reporting of hate speech to the competent authorities and continue focusing on hate speech in football stadiums. In its reply the Dutch government stated that it is up to the House of Representatives and the Senate to decide whether and how to implement this recommendation by ECRI.⁵³ The Dutch government does not intend to draw up codes of conduct for the political discourse of members of government. It is opposed to initiating actions aimed at inducing independent media to adjust their content, partly because regulating media content and imposing codes of conduct constitutes an encroachment on media independence. The Dutch government notes that in any democratic society, freedom of the press is a guiding principle. To increase willingness among victims of discriminatory violence to report incidents or lodge a criminal complaint, the government states that the police are focusing on measures to support victims who report an incident or lodge a criminal complaint, and on increasing knowledge and expertise by making use of internal police networks.⁵⁴

The UN's Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made a visit to the Netherlands from 30 September to 7 October 2019, meeting government officials, civil society and representatives of racial, ethnic and religious minority communities. In her Statement in which she questioned the perception that Dutch society is inherently inclusive and tolerant, saying this belief masks the reality of a national identity and national belonging that treats racial and ethnic minorities as perpetually foreign.⁵⁵ "The paradox in the Netherlands is that insistence that equality and tolerance already exist actually operates as a barrier to achieving this equality and tolerance in fact" She called among other things for greater efforts to combat ethnic profiling, and racial and ethnic discrimination and stereotyping within law enforcement.

The annual arrival of "St Nicholas" and "Black Pete" took place on Saturday 16 November in 2019. The national arrival took place in Apeldoorn, each municipality has its own official arrival. Since 2015 the action group Kick Out Zwarte Piet (KOZP) or "Kick Out Black Pete" stages demonstrations against Black Pete because of its racist character. KOZP wants so called 'roetveegpieten', figures smeared with soot instead, of Black Petes,. In this way the Pete figure loses its racial characteristics. At the national arrival this year and at the local arrivals in

⁵³ The Netherlands, Dutch government (2019), Response from the Government to ECRI's 5th monitoring cycle report on the Netherlands, available at: <https://rm.coe.int/government-comments-on-the-fifth-report-on-the-netherlands/168094c565>

⁵⁴ The Netherlands, Dutch government (2019), *Response from the Government to ECRI's 5th monitoring cycle report on the Netherlands*, available at: <https://rm.coe.int/government-comments-on-the-fifth-report-on-the-netherlands/168094c565>

⁵⁵ United Nations, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2019), *End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the Kingdom of the Netherlands*, The Hague (7 October 2019), Genève, Office of the High Commissioner for Human Rights, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25100&LangID=E>

Amsterdam, Rotterdam and Utrecht, there were no traditional “Black Petes” but only soot-smearred Petes. In most municipalities however the traditional Black Pete was present at the arrival. Therefore KOZP decided to organise demonstrations in a number of these cities : Alkmaar, Eindhoven, Dordrecht, Emmen, The Hague, ‘s-Hertogenbosch, Groningen, Nijmegen.⁵⁶ Several major incidents took place before, during and after the arrival. On Friday night 8 November KOZP held an internal meeting in the Hague. This meeting was disturbed when a group of people tried to storm the building where anti-Black Pete activists were gathered, smashing windows and throwing fireworks in an apparent attempt to intimidate them. Five persons were arrested.⁵⁷ On 16 November 2019, during the national arrival in Apeldoorn, the a person in favour of Black Peter dressed as black Peter was arrested in Apeldoorn by the police after refusing to go to an area designated for demonstrations.⁵⁸ On Sunday 17 November 2019 a professional football match between FC Den Bosch and Excelsior was halted because of sustained racial abuse against one of the players in a section of the home fans. Some of the racist chants referred to “Black Pete”. It is the first time a professional match in the Netherlands has been stopped because of racism. The Dutch government has so far declined to take a stance on Black Pete. On 20 December 2019 the minister of Social Affairs and Employment sent a letter to the House of Representatives on how the government acted to de-escalate the societal tensions related to the annual arrival of “St Nicholas” this year.⁵⁹ No stance was taken on the figure of Blacks Pete in this letter.

A study, based on a questionnaire held among three samples of Muslims in the Netherlands, finds that 40% of the respondents have experienced a form of Islamophobia in the period 2013-2018.⁶⁰ The most common form of islamophobia was verbal expression mostly experienced during daily life and in the workplace. Most respondents (63%) say that islamophobia is a social problem in the Netherlands. Respondents indicate the following social areas as having the most influence on the rise of islamophobia: the media (indicated by 90% of the respondents) and politics (80% of the respondents). Three samples of respondents participated in this study: one sample of 318 Muslims with a Turkish migration background older than 18 years who filled in the questionnaire using the Turkish language in May 2018; one sample of 323 Muslims with a Turkish migration background older than 18 years who filled in the questionnaire using the Turkish language in December 2018; one sample of 325 Muslims with various migration backgrounds older than 18 years who filled in the questionnaire using the Dutch language in December 2018.

⁵⁶ Niemantsverdriet, T. (2019), ‘Politiemacht houdt acties bij Sinterklaasintocht in toom’, *NRC*, 17 November 2019, available at: <https://www.nrc.nl/nieuws/2019/11/17/politiemacht-houdt-acties-bij-sinterklaasintocht-in-toom-a3980663>

⁵⁷ AD (2019), ‘Bijeenkomst van Kick Out Zwarte Piet in Den Haag hevig verstoord, vijf mensen aangehouden’, *AD*, 8 November 2019, available at: <https://www.ad.nl/den-haag/bijeenkomst-van-kick-out-zwarte-piet-in-den-haag-hevig-verstoord-vijf-mensen-aangehouden~a36e45f2/>

⁵⁸ Stoker, E. (2019). ‘Vlak voor de Sint komt, vliegen de Pegida-noten nog in het rond’, *De Volkskrant*, 16 November 2019, available at: <https://www.volkskrant.nl/nieuws-achtergrond/vlak-voor-de-sint-komt-vliegen-de-pegida-noten-nog-in-het-rond~b95a1bf8/>

⁵⁹ The Netherlands. Minister of Social Affairs and Employment (*Minister van Sociale Zaken en Werkgelegenheid*) (2019), ‘Kabinetbrede inzet de-escalatie rondom spanningen Sinterklaasviering’, Letter to House of Representatives, 20 December 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/12/20/kabinetsreactie-sinterklaasviering/kabinetsreactie-sinterklaasviering.pdf>

⁶⁰ Unal, Y. (2019), ‘Ervaringen met moslim discriminatie in de Turkse gemeenschap’ in: Van der Valk (ed.), *Mikpunt Moskee*, Leiden, Islamic Institute Netherlands for Education and Research.

Chapter 3. Roma integration

1. Measures and developments addressing Roma/Travellers segregation

In tackling segregation both central authorities and civil society organisations play an important role, as the Dutch case proved the last few years regarding the access to housing. The so called ‘extinction policy option’ which for decades has been dominant among municipalities – an actively as well as passively rolling back of a particular lifestyle characterized by mobile homes on campsites and pitches – had finally been condemned by the government as being discriminatory and an offense in terms of human rights.⁶¹ The biggest challenge lies in the implementation of the new policy framework on mobile homes and pitches, designed in close cooperation between all stakeholders involved and presented by the Ministry of Interior and Kingdom Relations in July 2018.⁶² Local responses by different actors in this process show reluctance on the one hand (municipalities, housing corporations) and impatience on the other hand (Travellers, Sinti and Roma). The year 2019 also displays a friction between actors (Ministry of Interior, municipalities, housing corporations), that want a housing policy based on human rights on the one hand and actors (Ministry of Justice, police) that want a policy which focuses and being tough on crime on the other hand. This issue is further being complicated by the lack of a clearly defined housing policy towards mobile homes and pitches. In the 2018 Monitor survey among 380 Dutch municipalities - of which the non-response is relatively high (20%) and the rate of municipalities without any mobile homes number is low (10%) – the high rate of municipalities without any policies whatsoever in this respect reveals the high percentage of 50%⁶³, while both sides are confronted by the fact that only 50% percent of all municipalities involved have developed any clear defined policy towards this type of housing.⁶⁴

On 6 June 2019 a group of journalists published an article in the newspaper ‘Brabants Dagblad’ about plans of all municipalities in the province of North Brabant to increase the number of pitches on caravan sites.⁶⁵ The number of pitches at caravan sites in this province is approximately 1,700. In only a few municipalities it is already clear how many new pitches will be added before the end of 2020. Considering the plans of this limited number of municipalities the journalists found that that at least 61 new pitches will be added to caravan sites in the province of North Brabant. Most municipalities need more time to think about how to do this. More pitches will be needed. 827 people are on the waiting list for a pitch on the caravan sites.

⁶¹ See earlier Dutch FRANET contributions, in the Roma Chapter (especially about the year 2018).

⁶² The Netherlands, Ministry of Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*) (2018), The Policy framework for municipal policy towards mobile homes and pitches [Beleidskader voor gemeentelijk woonwagen- en standplaatsenbeleid], available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2018/07/02/beleidskader-gemeentelijk-woonwagen-en-standplaatsenbeleid/beleidskader-gemeentelijk-woonwagen-en-standplaatsenbeleid.pdf>

⁶³ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2018), ‘Aanbieding Monitor Woonwagenstandplaatsen in Nederland’ (Monitor Mobile Home Pitches, commissioned by the ministry), Letter to House of Representatives, 12 October 2018, available at: <https://zoek.officielebekendmakingen.nl/kst-35000-VIII-12>.

⁶⁴ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2018), ‘Aanbieding Monitor Woonwagenstandplaatsen in Nederland’, Letter to House of Representatives, 12 October 2018, available at: <https://zoek.officielebekendmakingen.nl/kst-35000-VIII-12.html> resp. <https://zoek.officielebekendmakingen.nl/blg-858613>

⁶⁵ Smit, M., Van de Griendt, J. and Looijse, B. (2019), ‘Het woonwagenkamp rukt op: 61 extra standplaatsen maar nog honderden op wachtlijst’, Brabants Dagblad, 8 June 2019, available at: <https://www.bd.nl/brabant/het-woonwagenkamp-rukt-op-61-extra-standplaatsen-maar-nog-honderden-op-wachtlijst~aee272c0/>

In 2019 the Ministry of Interior and Kingdom Relations continued to inform local stakeholders about the new policy framework on mobile homes and pitches, and facilitated its implementation by all stakeholders. Several examples stand out this year. For instance, the issue has been included in two important national conferences. Firstly a conference on human rights organized by the ministry of Interior and Kingdom Relations and the Netherlands Institute for Human Rights on 28 January 2019.⁶⁶ Secondly the Annual Housing Conference organised by the ministry of Interior and Kingdom Relations on 4 April 2019 visited by over 1,000 policy officers of municipalities and housing corporations. For the first time this conference included a workshop on mobile homes and pitches,⁶⁷ which attracted 30 participants. The conference/workshop was organized by the Ministry together with local stakeholders including local tenant organizations, *Huurdershuis* (Tenants Home) and *Huurdersvereniging Woonwageneigenaren Arnhem* (Tenants Association of Travellers in the municipality of Arnhem).⁶⁸

In addition to mainstreaming this issue through ‘one off events’ the Ministry of Interior and Kingdom Relations commissioned a long term programme, to be developed by Platform31, an organization experienced in housing and neighbourhoods experiments.⁶⁹ This knowledge and exchange programme for municipalities and housing corporations started in September 2019. This knowledge and exchange program contains five specific activities:

- Community of Practices: meetings on regional level (Autumn 2019 – Spring 2020): identification and sharing of promising practices among municipalities, housing corporations and representatives of inhabitants of mobile homes.
- Intervention: meetings on regional level, treating issues brought in by municipalities and dealt with by so called frontrunners and experts.
- A pool of experts: supporting municipalities in need of specific knowledge.
- Online Q&A: ongoing facility for municipalities
- Final Congress (2020): presentation and exchange of the acquired insights with a broader public.

For feedback and advice Platform31 installed a body composed of representatives selected from provinces, municipalities, housing corporations and Travellers including Sinti and Roma. In function of the Communities of Practice two regionally based start-up meetings took place on the human rights perspective, as well as two meetings on participation, in Eindhoven (Southern part of the Netherlands, 14 November) and Amsterdam (Northern part of the Netherlands, 28 November), including visits of caravan sites.⁷⁰

In the summer of 2019 a large-scale survey among 700 Traveller, Sinti and Roma respondents has been carried out by the research and consulting agency Labyrinth as part of the EU-Midis programme.⁷¹ The survey investigated discrimination in the fields of housing, employment, education and care. Respondents were interviewed on their experiences of discrimination in a variety of situations: education, employment, housing, healthcare and contact with the police.

⁶⁶ Based on information provided by an email from the ministry of Interior and Kingdom Relations on 19 April 2019.

⁶⁷ The Netherlands, Minister of Interior and Kingdom Relations (*Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2019), ‘Wooncongres 2019. Het was een topdag’, News release, 5 April 2019, available at: <https://www.woningmarktbeleid.nl/actueel/nieuws/2019/04/05/wooncongres-2019-het-was-een-topdag>

⁶⁸ Based on information provided by an email from the ministry of Interior and Kingdom Relations on 19 April 2019.

⁶⁹ Platform31 (2019), ‘Samen aan de slag met uw lokale woonwagen- en standplaatsenbeleid’, News release, 28 June 2019, available at: <https://www.platform31.nl/nieuws/samen-aan-de-slag-met-uw-lokale-woonwagen-en-standplaatsenbeleid>

⁷⁰ For further information on the Agenda, see the Platform31 webpage,

<https://www.platform31.nl/bijeenkomsten/cop-lokaal-woonwagenbeleid>

⁷¹ Labyrinth Onderzoek & Advies (2019), ‘Eerste grootschalig onderzoek onder Roma, Sinti en woonwageneigenaren’, News release, 6 September 2019, available:

<https://www.labyrinthonderzoek.nl/actueel/onderzoek-onder-roma-sinti-woonwageneigenaren/>

Labyrinth held interviews with key persons within Travellers communities. Spin offs of this study are local quick scans of needs assessments concerning mobile homes and pitches in order to identify information gaps and local demand and supply gaps.⁷²

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

The ministry of Social Affairs and Employment is responsible for coordinating the integration Agenda concerning Roma and Sinti and serves as the National Contact Point for Roma Issues (NCRI). Early 2019, the ministry decided for the first time to include in its labour market integration initiatives a mediators-pilot aimed at the support of Roma and Sinti adolescents in secondary education and vocational training.⁷³ The NCRI took up one of the several new labour market integration initiatives, a pilot aimed at the support of Roma and Sinti adolescents in secondary education and vocational training. The NCRI, as a result from the third Periodic Sinti and Roma Inclusion Monitor (2018), informing 15 municipalities and 4 institutions about this opportunity.⁷⁴ According to e-mail correspondence with the NCRI this tender was open to proposals until October 2019, out of which five local projects were to be selected. Recently, the total budget (€239.000 per year - for a period of three years earmarked by the ministry of Social Affairs and Employment for implementation of these five Sinti and Roma mediator projects, was published through a letter to the parliament by the minister of Home Affairs and state secretary of Finance about extra municipality funds.⁷⁵ Information on two of the five selected projects has been published in an article in October by International Child Development Initiatives (ICDI), an international non-governmental organisation based in the Netherlands.⁷⁶ Both projects, in which the Dutch branch of the Salvation Army takes the lead, have identified local action teams (municipalities of Enschede and Ede) composed of social workers, Roma keypersons and education practitioners. Main characteristic of the ICDI-project, basically called 'Toy for Inclusion', is a tool proved to be fit for Romani-children and parents: the 'Play Hub'. The Romani-early Years Network website Reyn⁷⁷ further explains the function and goals of these Play Hubs: a parenting support facility which parents and grandparents can visit with their young children/grandchildren and where they can borrow toys and books, and at the same time learn how play might support children's learning development and access information about other child and family-focused services and events in the community. Play Hubs are aimed to serve as centres for the community and reach beyond education and care, primarily by offering space for activities dealing with health and nutrition. The development of TOY for Inclusion by

⁷² Labyrinth Onderzoek & Advies (2019), 'Behoeftonderzoek standplaatsen woonwageneigenaren', Web page, 28 June 2019, available at: <https://www.labyrinthonderzoek.nl/specialismen/behoeftonderzoek-standplaatsen-woonwageneigenaren/> and a first scan presented in and together with the municipality of Apeldoorn, <https://www.destentor.nl/apeldoorn/onderzoek-toont-aan-apeldoorn-heeft-flink-tekort-aan-woonwageneigenaren~aadb39246/>

⁷³ The Netherlands, Minister of Social Affairs and Employment (*Minister van Sociale Zaken en Werkgelegenheid*) (2018), 'Voortgang van het programma Verdere Integratie op de Arbeidsmarkt (VIA) (vierde kwartaal 2018)', Letter to the House of Representatives, 16 November 2018, available at https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2018Z21328&did=2018D54931

⁷⁴ In an email sent on 10 January 2019, following up on an earlier email (21 November 21, 2018).

⁷⁵ The Netherlands, Minister of Interior and Kingdom Relations & State Secretary for Finance (*Minister van Binnenlandse Zaken en Koninkrijksrelaties & Staatssecretaris van Financiën*) (2019). Amendent Municipal Fund for the year 2019. Explanatory memorandum', [Wijziging van de begrotingsstaat van het gemeentefonds (B) voor het jaar 2019 (wijziging samenhangende met de Najaarsnota)], Sent to House of Representatives on 26 November 2019, available at: <https://zoek.officielebekendmakingen.nl/kst-35350-B-2.html>

⁷⁶ Romani Early Years Network (REYN) (2019). 'TOY for Inclusion is now kicking off in the Netherlands!', News release, 14 October 2019, available at: <https://icdi.nl/whats-new/toy-for-inclusion-is-now-kicking-off-in-the-netherlands>

⁷⁷ Romani Early Years Network (REYN) (2019). 'Toy for Inclusion', Web page, available at: <https://www.reyn.eu/toy4inclusion/>

ICDI is cofounded by the European Commission and Open Society Foundations and currently active in eight countries: Croatia, Hungary, Italy, Latvia, Netherlands, Slovakia, Slovenia and Turkey. It is the first time the Netherlands participate in such a transnational project in the field of education and care. For the Netherlands ICDI defines the goal of TOY for Inclusion as to promote inter-sectoral cooperation between early childhood, social, health services and Roma communities in order to build trust between families and services. The project also wants to contribute to improve the transition experience of Roma children to (pre)school and non-formal education activities in an inclusive and intercultural environment. Both Dutch local action teams designed in their preparatory training such ideal spaces to work and meet with parents and children. The project will start in January 2020 in the two selected municipalities. Local resources, allies and a suitable space for each Play Hub have already been identified, ICDI reports.⁷⁸ Local resources, in addition to the earmarked central budget already mentioned, allies and a suitable space for each Play Hub have already been identified, as ICDI reports.⁷⁹

In the field of primary education several amendments concerning the financial support scheme targeting Sinti, Roma and Traveller pupils took place in 2019. First of all, the information provided on the developments (news as well as consultation, networking and monitoring) on this scheme is transferred on 1 April 2019 from the KPC-group to a consortium of Oberon, Sardes and CED-Groep.⁸⁰ Secondly, the ministry of Education decided in 2019 that from 1 August 2019 schools are no longer obliged to dispose of a declaration in which parents (of a migration background) indicate their educational background or level.⁸¹ Netherlands Statistics elaborated a more refined and comprehensive model for defining the local needs per school, transferring the ‘weight’ from parents towards schools.⁸² But schools are still obliged to ask parents with a Roma or Sinti background or with a Traveller background to fill in a form to receive extra financial means.⁸³ The persistence of this parental statement was questioned again but this time within Sinti circles, as could be observed on facebook.⁸⁴ The ministry responded quickly by discussing and clarifying the procedure with keypersons from Sinti communities, as has been reported in the regular meeting (6 November 2019) of local education councilors and truancy officers organized twice a year by Oberon.⁸⁵ The ministry intends to replace the derogatory term ‘Zigeuner’ as soon as possible, in line with all of its publications, by the correct terms Sinti and Roma.⁸⁶ Also, the text of the *Ouderverklaring* (Parents Declaration) will be adjusted to more

⁷⁸ Romani Early Years Network (REYN) (2019). ‘TOY for Inclusion is now kicking off in the Netherlands!’, News release, 14 October 2019, available at: <https://icdi.nl/whats-new/toy-for-inclusion-is-now-kicking-off-in-the-netherlands>

⁷⁹ Romani Early Years Network (REYN) (2019). ‘TOY for Inclusion is now kicking off in the Netherlands!’, News release, 14 October 2019, available at: <https://icdi.nl/whats-new/toy-for-inclusion-is-now-kicking-off-in-the-netherlands>

⁸⁰ OWRS (2019), ‘Progress national support of OWRS’ [‘Voortgang landelijke ondersteuning OWRS’], Web page, available at: <https://www.owrs.nl/nieuws/voortgang-landelijke-ondersteuning-owrs>

⁸¹ OWRS (2019), ‘Berekening van aanvullende bekostiging verandert vanaf schooljaar 2019-2020’, News release, 28 June 2019, available at: <https://www.owrs.nl/nieuws/berekening-van-aanvullende-bekostiging-verandert-vanaf-schooljaar-2019-2020>

⁸² Netherlands Statistics (2019), ‘Achterstandsscores per school, 2018’, News release, 11 February 2019, available at: <https://www.cbs.nl/nl-nl/maatwerk/2019/07/achterstandsscores-per-school-2018>

⁸³ OWRS (2019), ‘Bijzondere bekostiging schooljaar 2019-2020’, News release, 2 June 2019, available at: <https://www.owrs.nl/nieuws/bijzondere-bekostiging-schooljaar-2019-2020>

⁸⁴ Facebook (June – September 2019), issue raised and discussed by Sinti, publishing also the Declaration (‘clean formula’), as issued by that particular school to this particular parent. For the downloadable Declaration / Statement formula, see <https://www.owrs.nl/nieuws/bijzondere-bekostiging-schooljaar-2019-2020>

⁸⁵ About the 6 November 2019 meeting and the extra issue on the Agenda, see <https://www.owrs.nl/evenement/owrs-netwerkbijeenkomst-ouderverklaring>

⁸⁶ Since many years the information on the subsidiary support scheme already refers to Sinti and Roma, <https://duo.nl/zakelijk/primair-onderwijs/bekostiging-en-subsidies/bijzondere-bekostiging/aanwezigheid-kinderen-met-culturele-achtergrond-roma-en-sinti.jsp>, while the measure itself, published twice a year in *de Staatscourant*,

understandable standards, to facilitate schools in their communication with parents on the background, function and aims of this facility.

On 8 March 2019 the State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) sent a letter to the House of Representatives outlining an amendment to the existing Subsidy scheme for projects aimed at the participation and emancipation of the Sinti and Roma in the Netherlands.⁸⁷ In the letter the State Secretary for Health, Welfare and Sport informed the House of Representatives that an evaluation of the Subsidy Scheme was carried out in 2018. During this evaluation the Ministry of Health, Welfare and Sport received positive feedback and a few suggestions for improvements.⁸⁸ Some of these suggestions were incorporated in the amended Subsidy scheme which took effect on 1 May 2019.⁸⁹ One of these suggestions was transferring the deadline to an earlier date. The deadline was transferred from 1 May to 1 February in order to make activities possible linked to International Roma Day (8, April), the Commemoration of the the Zigeunerrazzia and Zigeunertransport (19 May) and the Dutch World War Two Commemoration on 4 and 5 May. Another change concerned the slight upgrading of the minimum educational level for grant-requests. Unlike 2018, 2019 will probably not yet reveal facts and figures about proposals, background, terms of reference and results. In his letter the State Secretary for Health, Welfare and Sport informed that the total budget for this subsidy scheme was at its start, on 19 March 2015, € 4,128,737, and that on 18 January 2019 € 1,833,000 is still available until 2025.

Another important development in 2019 is the possible creation of a Sinti and Roma Advisory Council at the national level, proposed by the Roma and Sinti Commission advising the ministry of Health, Welfare and Sports (VWS) regarding project proposals for the above mentioned budget line.⁹⁰ Early 2019 a feasibility study has been started by the research institute Verwey-Jonker Institute, in which a selection of public officials as well as Sinti and Roma keypersons were interviewed. The results are expected to be reported at a conference in 2020.⁹¹

still makes reference -in Article 31- of 'Zigeunerkinderen' (Gypsy children), https://wetten.overheid.nl/BWBR0042693/2019-10-24/#Hoofdstuk6_Artikel31

⁸⁷ The Netherlands, State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2019), 'Voorhangbrief wijziging subsidieregeling ten behoeve van de participatie en emancipatie van de Sinti en Roma in Nederland', Letter to House of Representatives, 8 March 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/03/08/voorhangbrief-wijziging-subsidieregeling-betreft-de-participatie-en-emancipatie-van-de-sinti-en-roma-in-nederland/voorhangbrief-wijziging-subsidieregeling-betreft-de-participatie-en-emancipatie-van-de-sinti-en-roma-in-nederland.pdf>

⁸⁸ The Netherlands, State Secretary for Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2019), 'Voorhangbrief wijziging subsidieregeling ten behoeve van de participatie en emancipatie van de Sinti en Roma in Nederland', Letter to House of Representatives, 8 March 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/03/08/voorhangbrief-wijziging-subsidieregeling-betreft-de-participatie-en-emancipatie-van-de-sinti-en-roma-in-nederland/voorhangbrief-wijziging-subsidieregeling-betreft-de-participatie-en-emancipatie-van-de-sinti-en-roma-in-nederland.pdf>

⁸⁹ The Netherlands, Decree on the policy rules on the granting of subsidies to projects and activities for the participation and emancipation of Sinti and Roma in the Netherlands [*Besluit vaststelling beleidsregels inzake de subsidiëring van projecten en activiteiten ten behoeve van de participatie en emancipatie van de Sinti en Roma in Nederland*], 1 May 2019, available at: <https://wetten.overheid.nl/BWBR0042173/2019-05-01#>

⁹⁰ See footnote 72 and for complete text on the Measure created by the ministry of VWS in 2015, published at <https://www.rijksoverheid.nl/wetten-en-regelingen/productbeschrijvingen/subsidie-verbetering-participatie-en-emancipatie-sinti-en-roma>, further explained by a brochure, downloadable at <https://www.dus-i.nl/subsidies/v/verbetering-participatie-en-emancipatie-sinti-en-roma/documenten/formulieren/2015/04/24/aanvraagformulier-beleidskader-voor-de-subsidiëring-van-projecten-en-activiteiten-ten-behoeve-van-de-participatie-en-emancipatie-van-de-sinti-en-roma-in-nederland>

⁹¹ Personal information, orally and by written (e-mail) document, provided by the Verwey-Jonker Institute researcher in her interview with the local grass roots organization O Lungo Drom, d.d. 22-03-2019. A national newspaper published an article on this initiative, 26 July 2019, <https://www.trouw.nl/binnenland/onrust-onder-roma-en-sinti-plan-voor-adviesraad-dreigt-spaak-te-lopen~bb27f84f/>

Inclusion is also at stake in measures, activities and developments relating to the National Commemoration of the Second World War which are a crucial part of Dutch culture and ceremonial life. Sinti and Roma are more and more invited to take part in mainstream commemorations like the International Holocaust Memorial Day on 27 January and the National Commemoration on 4 May dedicated to all Dutch victims during the Second World War. On 19 May 2019 Sinti and Roma commemorated the national raid targeting Sinti and Roma (*Zigeunerrazzia*), carried out in 18 municipalities by the Dutch police on 19 May 1944 and the subsequent deportation via *Durchgangslager Westerbork* to the extermination camp Auschwitz-Birkenau. The national commemoration of the Gypsy Transport (*Zigeunertransport*) took place at the National Memorial Site Camp Westerbork.⁹² This commemoration received an official status in 2019. At the commemoration the State Secretary for Health, Wealth and Sport was present. At the Memorial Center at Westerbork an exhibition titled 'Hunted' (*Opgejaagd*) about the persecution of Roma and Sinti during the Second World War was opened.⁹³ In September 2019 the exhibition was already visited by 60.000 persons and it was prolonged until the beginning of February 2020.⁹⁴

Internationally a Dutch Sinti and Roma delegation participated at the annual commemoration of the Auschwitz-Birkenau *Zigeunerlager* on 2 August 2019. At the Commemoration several seminars at the Cracow university took place and a Sinti and Roma orchestra performed 'Requiem for Auschwitz', a classical piece dedicated to all victims of Auschwitz.

Dutch representatives from Sinti, Roma and Travellers communities regularly participate in international initiatives. One of these, the Roma Week in Brussels, is organized since 2015 by the European Parliament in cooperation with the European Commission and Roma Civil Society Organizations.⁹⁵ The fourth edition, taking place during the Week against Racism (18-21 March) focused on anti-Gypsyism and the midterm assessment of the national strategies in the EU member states. The Dutch NCRI took part, as well as two representatives of the Dutch Sinti Roma Travellers Association (*Vereniging Sinti Roma Woonwagenbewoners / Woonwagenbelangen Nederland*) and an independent observer invited by the European Parliament.⁹⁶

Country visits in function of several international instruments also serve as advocacy tools for Dutch Sinti, Roma and Travellers. On 9-10 July 2019 the Roma-Working Group of the European Social Economic Committee, a European Union civil organizations advisory body, met keypersons of the Sinti, Roma and Travellers communities in The Hague.⁹⁷ For its public hearing on housing segregation (Brussels, October 14, 2019) the EESC invited the national spokesperson for Sinti, Roma and Travellers to present the Dutch situation relating mobile homes.⁹⁸ In the same period, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also met with representatives of Sinti and Roma communities during her country visit in the Netherlands (30 September – 7 October 2019). Three country

⁹² Kamp Westerbork (2019), 'Honderden mensen herdenken Zigeunertransport', News Release 20 May 2019, available at: <https://kampwesterbork.nl/museum/zien-en-doen/nieuws/item/honderden-mensen-herdenken-zigeunertransport>

⁹³ Kamp Westerbork (2019), 'Opgejaagd', Web page, <https://kampwesterbork.nl/museum/zien-en-doen/tentoonstellingen/item/opgejaagd>

⁹⁴ Kamp Westerbork (2019), 'Tentoonstelling 'Opgejaagd' verlengd', News Release, 20 September available at: <https://kampwesterbork.nl/museum/zien-en-doen/nieuws/item/tentoonstelling-opgejaagd-verlengd>

⁹⁵ See for the program, webpage of the European Parliament Anti-Racism and Diversity Intergroup (ARDI), <https://www.ardi-ep.eu/roma-week-2019/>

⁹⁶ Observation by the author.

⁹⁷ See also for the report of the country visit, <https://www.eesc.europa.eu/en/documents/report/roma-mission-report-country-visit-netherlands>

⁹⁸ See Agenda, on EESC webpage, <https://www.eesc.europa.eu/en/2019-10-14the-housing-situation-romadraft-agenda>

monitor reports by the Council of Europe were published in 2019 and accompanied by a governmental response: the European Committee against Racism and Intolerance (ECRI) reported in August 2019 on its fifth country visit (July 2018)⁹⁹, the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities (FCNM) reported in September 2019 on the findings of the delegation after its third country visit in November 2018¹⁰⁰, while the Independent Committee for the implementation of the European Charter of Minority and Regional Languages visited the Netherlands, also speaking with Sinti representatives on 16 October in the city of Zwolle.¹⁰¹

In 2019 several international governmental bodies included Roma, Sinti and Travellers issues in their monitoring work on the Netherlands. The Council of Europe published 2019 three reports accompanied by a government response: the European Committee against Racism and Intolerance (ECRI) reported in August 2019 on its fifth country visit (July 2018) to the Netherlands¹⁰² and the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities (FCNM) reported in September 2019 on the findings of the delegation after its third visit (November 2018) to the Netherlands¹⁰³, and the Independent Committee for the implementation of the European Charter of Minority and Regional Languages (meeting on 16 October Council, in the city of Zwolle). Although the Netherlands considers the Framework Convention for the Protection of National Minorities not applicable to Travellers, Sinti and Roma, the fact that both the Council of Europe and the Dutch government, since the second monitoring cycle, usually include these minorities into their approach and treatments (the International Body reports as well as government responses), shows some commitment and, especially, a growing awareness of representatives of NGOs within the Roma, Sinti, Travellers communities towards these bodies. On 9-10 July 2019 the Roma-Working group of the European Social Economic Committee, a European Union civil organizations advisory body, met in The Hague.¹⁰⁴ For its public hearing on housing segregation (Brussels, October 14, 2019) the EESC invited the national spokesperson for Sinti, Roma and

⁹⁹ Council of Europe, ECRI (2019), *ECRI Report on the Netherlands (fifth monitoring cycle)*, available at: <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577> ; The Netherlands, Dutch governmental (2019), Response from the Government to ECRI's 5th monitoring cycle report on the Netherlands, available at: <https://rm.coe.int/government-comments-on-the-fifth-report-on-the-netherlands/168094c565>

¹⁰⁰ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2019), *Third Opinion on the Netherlands. Adopted on 6 March 2019*, available at: <https://rm.coe.int/3rd-op-netherlands-en/168096953e> ; The Netherlands, Dutch government (2019), *Dutch government's comments on the Advisory Committee's third Opinion on the implementation of the Framework Convention for the Protection of National Minorities*, available at: <https://rm.coe.int/3rd-com-netherlands-en/1680969540>

¹⁰¹ Fifth monitoring report, 18 June 2019, published on the Council of Europe CRML, webpage, on <https://rm.coe.int/netherlands-pr6-en/16809501de>

¹⁰² Council of Europe, ECRI (2019), *ECRI Report on the Netherlands (fifth monitoring cycle)*, available at: <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577> ; The Netherlands, Dutch governmental (2019), Response from the Government to ECRI's 5th monitoring cycle report on the Netherlands, available at: <https://rm.coe.int/government-comments-on-the-fifth-report-on-the-netherlands/168094c565>

¹⁰³ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2019), *Third Opinion on the Netherlands. Adopted on 6 March 2019*, available at: <https://rm.coe.int/3rd-op-netherlands-en/168096953e> ; The Netherlands, Dutch government (2019), *Dutch government's comments on the Advisory Committee's third Opinion on the implementation of the Framework Convention for the Protection of National Minorities*, available at: <https://rm.coe.int/3rd-com-netherlands-en/1680969540>

¹⁰⁴ European Union, European Economic and Social Committee (2019), *Report country visit. 9-10 July 2019, Amsterdam and The Hague*, Brussels, European Economic and Social Committee, available at: https://www.eesc.europa.eu/sites/default/files/files/2019-07-09_to_10_-_the_roma_-_mission_report_from_country_visit_to_the_netherlands.docx See also for the report of the country visit, <https://www.eesc.europa.eu/en/documents/report/roma-mission-report-country-visit-netherlands>

Travellers to present the Dutch situation relating mobile homes.¹⁰⁵ The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance spoke with representatives of Sinti and Roma communities during her country visit in the Netherlands (30 September – 7 October 2019). The Rapporteur presented a statement of all her findings on 7 October 2019.¹⁰⁶

¹⁰⁵ European Union, European Economic and Social Committee (2019), 2019-10-14 The housing situation of the Roma Draft agenda, Brussels, European Economic and Social Committee, available at: <https://www.eesc.europa.eu/en/2019-10-14the-housing-situation-romadraft-agenda>

¹⁰⁶ United Nations, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2019), *End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the Kingdom of the Netherlands*, The Hague (7 October 2019), Genève, Office of the High Commissioner for Human Rights, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25100&LangID=E>

Chapter 4. Asylum, visas, migration, borders and integration

Unaccompanied children reaching the age of majority

Area of support	Description
Residence permit <i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i>	<p>If the Immigration and Naturalisation Service (<i>Immigratie en Naturalisatiedienst</i>) or IND decides that an unaccompanied child is in need of protection he will be awarded asylum or a residence permit.¹⁰⁷ If the IND decides he is not in need of protection he must be returned to his country of origin. But a child may only be sent back if the Dutch government is certain that the child will be adequately cared for there, for instance by family members or in a children's home. Under certain conditions children may be issued a 'no-fault' residence permit because repatriation is not possible.¹⁰⁸ There are no special residence permits for an unaccompanied child. When a child turns 18 his residence permit stays valid.</p>
Guardianship <i>(representative under Reception Conditions Directive Article 24.1)</i>	<p>Nidos is the organisation which under Dutch law acts as guardian for unaccompanied children and is committed to helping them. Guardians of Nidos carry out the guardianship tasks.¹⁰⁹ The child remains under the guardianship of Nidos until he turns 18. When he turns 18 the youngster has full legal capacity. The housing and the support of this group of youngsters after the 18th birthday is the responsibility of the municipalities. The Association of Netherlands Municipalities (<i>Vereniging van Nederlandse Gemeenten</i> or VNG) and Nidos have made a manual which describes how municipalities in cooperation with guardianship organisation Nidos can shape the transfer of unaccompanied children from the care of Nidos to an independent living under the responsibility of the municipality. The guardians of Nidos are not mentors. Mentors are provided by so called youth care providers. Nidos assigns mentors from these organisations to unaccompanied children.</p>
Accommodation <i>Reception Conditions Directive Article 24.2</i>	<p>The responsibility of the housing of unaccompanied children is shared by guardianship organisation Nidos and the Central Agency for the Reception of Asylum Seekers (<i>Centraal Orgaan opvang asielzoekers</i>). Nidos takes care of the housing of unaccompanied children with a residence permit and the COA cares for the housing of unaccompanied children without a</p>

¹⁰⁷ The Netherlands, National Government (*Rijksoverheid*) (2019), 'Unaccompanied minor aliens (AMV)', Web page, available at: <https://www.government.nl/topics/asylum-policy/unaccompanied-minor-foreign-nationals-umfns>

¹⁰⁸ The Netherlands, National Government (*Rijksoverheid*) (2019), 'Unaccompanied minor aliens (AMV)', Web page, available at: <https://www.government.nl/topics/asylum-policy/unaccompanied-minor-foreign-nationals-umfns>

¹⁰⁹ The Netherlands Civil Code (*Burgerlijk Wetboek*), Book 1, Article 254, available at: <https://wetten.overheid.nl/jci1.3:c:BWBR0002656&boek=1&titeldeel=14&afdeling=4&artikel=254&z=2019-01-29&g=2019-01-29> and The Netherlands, Jeugdwet (Youth Act), Article 3.4, available at: <https://wetten.overheid.nl/jci1.3:c:BWBR0034925&hoofdstuk=3&artikel=3.4&z=2019-07-01&g=2019-07-01>

	<p>residence permit. At the same time Nidos supervises the housing of all unaccompanied children. After the 18th birthday the municipality is responsible for the housing and support of the unaccompanied children but Nidos is obliged to make the necessary preparations for the follow-up accommodation and to contact the responsible municipality in time about the housing of unaccompanied children. The necessary preparations include the search for accommodation, checking the rental agreement, and supporting the relocation if this relocation happens before the 18th birthday. In preparation for the transfer of responsibility (from Nidos to the municipality) a meeting will take place six months before the child turns 18. At this meeting are present: the child, the guardian of Nidos, the mentor, the professional who will support the youngster after his 18th birthday, and, if available, an adult from the network of child.¹¹⁰ Both the mentor and the professional who provide support are employees of youth care providers, organisations which provide youth care under the Youth Act.</p> <p>As of 1 July 2018, all children in foster care (including unaccompanied children) will stay with their families until the age of 21 unless the children do not want to stay in foster care any longer.¹¹¹ The sectoral organisation Youth Care Netherlands (<i>Jeugdzorg Nederland</i>), the Association of Netherlands Municipalities (<i>Vereniging van Nederlandse Gemeenten</i>) and the Ministry of Welfare, health and Sport have closed agreements about this.</p>
<p>Return <i>Return Directive, Article 10</i></p>	<p>If the Immigration and Naturalisation Service (<i>Immigratie en Naturalisatiedienst</i>) or IND decides that an unaccompanied child is not in need of protection he must return to his country of origin.¹¹² But a child may only be sent back if the Dutch government is certain that they will be adequately cared for there, for instance by family members or in a children's home. The Repatriation and Departure Service (<i>Dienst Terugkeer en Vertrek</i>) or DT&V helps to arrange the reception in the country of origin. The Repatriation and Departure Service has special supervisors who support children during their repatriation process.¹¹³ The Repatriation and Departure Service contacts the</p>

¹¹⁰ The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) / Nidos (2017), Transfer of unaccompanied children who turn 18 [Overdracht van amv's die 18 jaar worden], The Hague / Utrecht, VNG / Nidos, available at: <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf>

¹¹¹ The Netherlands, Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*) (2018), 'Foster care standard till 21 years' [Pleegzorg standaard tot 21 jaar], News release, 5 June 2018, available at: <https://vng.nl/onderwerpenindex/jeugd/jeugdhulp/nieuws/pleegzorg-standaard-tot-21-jaar%20>

¹¹² The Netherlands, National Government (*Rijksoverheid*) (2019), 'Unaccompanied minor aliens (AMV)', Web page, available at: <https://www.government.nl/topics/asylum-policy/unaccompanied-minor-foreign-nationals-umfns>

¹¹³ The Netherlands, Repatriation and Departure Service (*Dienst Terugkeer en Vertrek*) (2019), 'How does the DT&V deal with unaccompanied minor foreign nationals who are not allowed to stay?', Web page, available at: https://english.dienstterugkeerenvertrek.nl/Organization/Frequently_asked_questions/How%20does%20the%20DT%20V%20deal%20with%20unaccompanied%20minor%20foreign%20nationals%20who%20are%20not%20allowed%20to%20stay.aspx

	<p>guardian and they discuss the departure process together. Individually tailored repatriation/return processes are possible, depending on the country of origin. Help may consist of reception, study or work assistance, and lodging in the country of destination.</p>
<p>Others</p>	<p>The Inspectorate for Security and Justice (<i>Inspectie Veiligheid en Justitie</i>) and the Health and Youth Care Inspectorate (<i>Inspectie Gezondheidszorg en Jeugd</i>) will investigate in 2020 the quality of the reception and supervision of unaccompanied children provided by guardianship organisation Nidos and the Central Agency for the Reception of Asylum Seekers (<i>Centraal Orgaan opvang asielzoekers</i>) or COA). The Inspectorates published on 23 December 2019 a plan outlining how they will implement their investigations.¹¹⁴ This investigation will be a repeat of a similar investigation which resulted in a report in December 2018.¹¹⁵ This 2018 report concluded that Nidos and COA needed to improve the quality of reception and supervision of unaccompanied children. Subsequently both Nidos and COA made improvement plans. But both inspectorates received numerous reports about incidents in which unaccompanied children were involved and are worried about whether COA and Nidos have really improved their reception and supervision to unaccompanied children. So they decided to carry out a new study in 2020.</p>

¹¹⁴ The Netherlands, Health and Youth Care Inspectorate / Inspectorate of Justice and Security (*Inspectie Gezondheidszorg en Jeugd / Inspectie Justitie en Veiligheid*) (2019), COA: the learning and improvement process. Plan of action [*COA: het leer- en verbeterproces in beeld. Plan van aanpak*], available at :

¹¹⁵ The Netherlands, Health and Youth Care Inspectorate / Inspectorate of Justice and Security (*Inspectie Gezondheidszorg en Jeugd / Inspectie Justitie en Veiligheid*) (2018), To live independently? The reception and supervision of unaccompanied minors [*Zelfstandig verder? De opvang en de begeleiding van alleenstaande minderjarige vreemdelingen*], available at : <https://www.igj.nl/documenten/rapporten/2018/12/20/zelfstandig-verderde-opvang-en-de-begeleiding-van-alleenstaande-minderjarige-vreemdelingen>

Chapter 5. Information society, data protection

1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

On 1 February 2019 the Dutch Data Protection Authority (Dutch DPA) published its annual report about the notifications of personal data breaches it received in 2018.¹¹⁶ In 2018, 20,881 data breaches were notified to the Dutch DPA. Compared to previous years, the number of reports has risen sharply. In 2016 the Dutch DPA received 5,849 notifications and in 2017 10,009 notifications.

On 17 March 2019 the Dutch Data Protection Authority (Dutch DPA) published a report which assesses the quality of the registers for recording data breaches which are by 26 government organizations that process a lot of personal data.¹¹⁷ The report concludes that only 60% of the registers investigated contain a complete description of the mandatory elements of a data breach (the facts, the consequences and the measures taken). The organizations also often have no strict rules for registering data breaches. This makes it difficult for organizations to tackle structural errors. Most data breaches occur when an email does not reach the right person. Unintentional or unlawful access to personal data also appears to be a common source of data leaks. The report contains 10 recommendations which indicate how organizations can improve their registers to record data breaches.

On 14 March 2019 a new set of rules on how the Dutch Data Protection Authority (Dutch DPA) will fine infringements of GDPR and other laws.¹¹⁸ In the rules, the Dutch DPA elaborates on how the amount of fines for infringements of the GDPR, the Police Data Act, the Judicial and Criminal Records Act and the Telecommunications Act will be calculated.

On 24 May 2019 the Dutch Data Protection Authority started a campaign informing the general public about their rights under the GDPR and supporting small and medium sized companies and organisation on how to implement the GDPR.¹¹⁹ Information is shared through a special campaign website (<http://hulpbijprivacy.nl/>) and social media.

On 28 May 2019 the District Court Overijssel ruled that the municipality of Deventer has wrongly shared the personal data of one of its citizens with other municipalities.¹²⁰ The

¹¹⁶ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), *Meldplicht datalekken: facts & figures. Overzicht feiten en cijfers 2018*, available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/jaarrapportage_meldplicht_datalekken_2018.pdf

¹¹⁷ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), *AP doet handreikingen om registratie datalekken te verbeteren*, available at: [https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/handreiking_verbetere_registratie_datalekken.p](https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/handreiking_verbetere_registratie_datalekken.pdf)
[df](https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/handreiking_verbetere_registratie_datalekken.pdf)

¹¹⁸ The Netherlands, Government Gazette (*Staatscourant*) (2019), 'Beleidsregels van de Autoriteit Persoonsgegevens van 19 februari 2019 met betrekking tot het bepalen van de hoogte van bestuurlijke boetes (Boetebeleidsregels Autoriteit Persoonsgegevens 2019)', Vol. 2019, No. 14586, 14 March 2019, available at: <https://zoek.officielebekendmakingen.nl/stcrt-2019-14586.html>

¹¹⁹ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), 'Start campagne 'Wat betekent de privacywet voor jou(w bedrijf)?'', Press release 24 May 2019, available at: <https://autoriteitpersoonsgegevens.nl/nl/nieuws/start-campagne-wat-betekent-de-privacywet-voor-jou-of-jouw-bedrijf>

¹²⁰ The Netherlands, District Court (*Rechtbank Overijssel*) (2019), Case no. AK_18_2047, tECLI:NL:RBOVE:2019:1827, 28 May 2019, available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBOVE:2019:1827>

municipality of Deventer must pay damages of €500 to the citizen. It the first time a court in the Netherlands awarded compensations under article 82 of the GDPR to a plaintiff.

On 18 June 2019 the Dutch Data Protection Authority (Dutch DPA) issued its first fine for violating the GDPR.¹²¹ The organisation which was fined was the Haga Hospital in The Hague making it the first Dutch body to be fined for violating the new European privacy law, the General Data Protection Regulation. The Dutch DPA fined the hospital €460.000 for not sufficiently protecting a patient's privacy. An investigation by the Dutch DPA found that the hospital did not have the appropriate controls set up to safeguard their patients.¹²² The investigation was started after it was revealed that 85 employees had access to the patient file of a well-known person.

On 11 June 2019 the Minister for Legal Protection in a letter to the House of Representatives announced that the annual budget of the Dutch Data Protection Authority (Dutch DPA) will be increased from 15,1 million Euro to 18,5 million.¹²³

On 9 September 2019 the Dutch Data Protection Authority (Dutch DPA) published a report about the complaints it received in the period 1 January 2019 – 30 June 2019.¹²⁴ The Dutch DPA received 15,313 complaints in this period, an increase of 59% compared to the first half of 2018. In the first half of 2019, the Dutch DPA completed 10,332 complaints about the processing of personal data. This number includes 7,822 complaints by telephone that the Dutch DPA handled and completed directly in the telephone conversation with the complainant (for example, by pointing out to the complainant the various possibilities of addressing the organization to which the complaint relates). 68 investigations were started because of a complaint in the first half of 2019. In this same period 8 investigations were handed over to the division Maintenance (*Uitvoering*) of the Dutch DPA. Most complaints in the first half of 2019 (36% of the total number, which amounts to 5,500 complaints) concern the rights of data subjects. The Dutch DPA has a legal obligation to handle such complaints. In 2019, the Dutch DPA completed 1,780 complaints concerning the rights of data subjects (849 from 2019 and 931 from 2018). The Dutch DPA dealt with (slightly) more complaints in 2019 than the first half year after the GDPR took effect (25 May 2018). At the same time, the number of incoming complaints in 2019 increased substantially compared to 2018. In many cases (29%) in the first half of the year the Dutch DPA offered guidance to those involved in successfully resolving the complaint. A letter with a standard explanation was also regularly sent to the organization complained about (10%) or a conversation was held with these organisations to point out the privacy rules and the actions to be taken (5%). Experience shows that organizations often adjust their behaviour. In a single

¹²¹ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), 'Besluit tot het opleggen van een bestuurlijke boete en een last onder dwangsom', Letter, 18 June 2019, available at: https://www.autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/besluit_haga_-_ter_openbaarmaking.pdf

¹²² The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), 'Access to digital patient files by employee of the Haga hospital. Report March 2019 [Toegang tot digitale patiëntdossiers door medewerkers van het Haga Ziekenhuis. Onderzoeksrapport, maart 2019]', available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/haga_rapport_def.pdf

¹²³ The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2019), 'Dutch Data Protection Authority – first experiences with the GDPR and resources', ['Autoriteit persoonsgegevens - eerste ervaringen met de AVG en middelen'], Letter to House of Representatives', Letter to House of Representatives, 11 June 2019, available at: <https://www.tweedekamer.nl/downloads/document?id=2bd713a0-0a4a-4f72-bce9-8e90b459530d&title=Autoriteit%20persoonsgegevens%20-%20eerste%20ervaringen%20met%20de%20AVG%20en%20middelen.pdf>

¹²⁴ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), 'Report about complaints; Facts & Figures. Overview January 2019 - June 2019, [Klachtenrapportage: facts & figures. Overzicht januari tot en met juni 2019]', available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/klachtenrapportage_eerste_helft_2019.pdf

case (1%), the Dutch DPA mediated between the person concerned and the relevant organization.

Due the increase of complaints, many are dealt with for a longer period of time than the Dutch DPA deems desirable. Most complaints

can only be treated after four to six months. Serious complaints are dealt with more quickly. The Dutch DPA is talking with the Minister of Justice and Security in how to shorten the waiting periods.¹²⁵

On 20 September 2019 the Dutch Data Protection Authority (Dutch DPA) published its annual report about the notifications of personal data breaches it received in the first half of 2019.¹²⁶ In the first half of 2019, 11,906 data breaches were notified to the Dutch DPA. Compared to previous years, the number of reports has risen. In 2016 the Dutch DPA received 5,849 notifications, in 2017 10,009 notifications and in 2018 20,881 notifications. Most notifications were made by organisation in the health care sector (31%), financial sector (20%) and public authorities (19%).

On 14 October 2019 the Dutch Data Protection Authority (Dutch DPA) published a report about its investigations into measures the department of “Datafundamenten & Analytics” of Netherlands Tax and Customs Administration (NTCA) implemented to reduce the security risks identified by the Dutch DPA in 2018.¹²⁷ This reports concludes that the measures taken at the department of “Datafundamenten & Analytics” reduced the security risks to such an extent that the previously violations identified by the DPA no longer persist.

On 11 November 2019, the Dutch Data Protection Authority (Dutch DPA) published the vision document 'Data protection in a digital society' which outlines in which areas the DPA will give emphasis in its supervision activities in the period 2020-2023.¹²⁸ These areas are: data trade, digital government and artificial intelligence and algorithms.

¹²⁵ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), ‘Significant increase privacy complaints’, [‘Sterke toename van privacyklachten ’], Press release 9 September 2019, available at: <https://autoriteitpersoonsgegevens.nl/nl/nieuws/sterke-toename-van-privacyklachten>

¹²⁶ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), ‘Data breaches ; fact and figures’ [*Meldplicht datalekken: facts & figures. Overzicht feiten en cijfers eerste helft 2019*], available at: https://www.autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/meldplicht_datalekken_feiten_en_cijfers_eerste_helft_2019.pdf

¹²⁷ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), ‘Investigation data fundaments & Analytics’ [‘Onderzoek naar Datafundamenten & Analytics’], Letter to State Secretary for Finance, 15 October 2019, available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/eindbrief_onderzoek_dfa_14_okt_2019.pdf

¹²⁸ The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2019), Data protection in a digital society. Focus AP 2020-2023 [*Dataprotectie in een digitale Samenleving. Focus AP 2020-2023*], available at: https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/focus_ap_202-2023_groot.pdf

2. Artificial intelligence and big data

MS	Actor*	Type**	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
NL		Adopted Act	<p>On 1 March 2019 the Computer Criminality III Act took effect which amends the Dutch Criminal Code and the Dutch Code of Criminal Proceedings in order to bolster efforts to identify and prosecute cybercrime. The Act grants police forces and prosecutors the power to access computers secretly and remotely (online) as part of their investigations. This authority extends to personal computers, mobile phones and servers. They will be able to make certain data inaccessible, copy files and tap or observe communications. These powers are subject to strict monitoring and supervision. The Act makes the selling or receiving of stolen data a criminal offense even if it cannot be proven that the perpetrator stole the data himself.</p>	Yes	Yes. Privacy / Data protection	<p>The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (<i>Staatsblad van het Koninkrijk der Nederlanden</i>) (2018), Act of 27 June 2018 to amend the Criminal Code and Code of Criminal Proceedings to improve the detection and prosecution of computer criminality ['Wet van 27 juni 2018 tot wijziging van het Wetboek van Strafrecht en het Wetboek van Strafvordering in verband met de verbetering en versterking van de opsporing en vervolging van computercriminaliteit (computercriminaliteit III)', Volume 2018, No. 322, available at: https://zoek.officiëlebekendmakingen.nl/stb-2018-322.html</p>

NL	Government/Parliamentary	Adopted Act	The Act implementing EU Directive 2016/681 took effect on 18 June 2019. The bill makes it mandatory for airlines to provide the PNR data of all passengers on flight from and to the Netherlands to the Dutch authorities, creating a database in which PNR data will be stored for a maximum of five years	No	Privacy / Data protection	The Netherlands, Act on the use of passenger name record (PNR) data for the combat of terrorist and serious crimes (<i>Wet gebruik van passagiersgegevens voor de bestrijding van terroristische en ernstige misdrijven</i>), 5 June 2019, available at: https://wetten.overheid.nl/jci1.3:c:BWBR0042301&z=2019-06-18&g=2019-06-18
NL	NGO	Other project	A lawsuit has been brought by a number of NGOs including the Dutch section of the International Commission of Jurists (NJCM) and the Dutch Platform for the Protection of Civil Rights, against the Dutch government because of the System Risk Indication, better known by the abbreviation SyRI. Together with this lawsuit a public information campaign called 'Bij Voorbaat Verdacht' ('Suspect From The Very Start') was launched. The main initiator of this campaign and lawsuit is Public Interest Litigation Project (PILP), a project of the Dutch section of the International	Yes	Privacy / Discrimination	Public Interest Litigation Project (PILP) (2019), 'Buurtinformatieavond over SyRI in Rotterdam', News release, 20 June 2019, available at: https://pilpnjcm.nl/buurtinformatieavond-over-syri-in-rotterdam/

		<p>Commission of Jurists (NJCM).</p> <p>SyRI links together on a large-scale personal data of innocent citizens from databases of public authorities and companies. With the use of secret algorithms, citizens are subsequently subjected to a risk analysis. When there is an increased risk of breaking one of the many laws that SyRI covers, individuals are included in the Risk Reports Register, which is accessible to many government agencies. According to the coalition, SyRI is in breach of various fundamental rights while it simultaneously undermines the relationship of trust between citizens and those in power. Citizens are suspect from the very start and all of the information that they share with public authorities, may secretly be used against them without imputation or concrete ground.</p> <p>An information session was organised in Rotterdam about the lawsuit and the use of Syri. In the press release by Pilp about this information session it was announced that the first court session in</p>			
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			this law suit was on 29 October 2019.			
NL	Other	Report	<p>The UN-Special Rapporteur on extreme poverty and human rights wrote a special brief to the District Court of The Hague in the case of the Dutch section of the International Commission of Jurists (NJCMC) and the Dutch Platform for the Protection of Civil Rights, against the Dutch government because of the System Risk Indication, better known by the abbreviation SyRI. SyRI, allows authorities to combine broad categories of data previously stored separately, analyse them using an undisclosed "risk model", and identify some people as more likely to commit benefit fraud. Since its introduction, it has been used exclusively in areas with a high proportion of low-income residents, migrants and ethnic minorities. The rapporteur states in its brief that SyRI discriminates against the poorest members of society and undermines the rights to privacy and social security. He concludes his brief with observation that the SyRI system, as well as other technologies transforming welfare states into 'digital</p>	Yes	Discrimination / Privacy	<p>United Nations, UN Special Rapporteur on extreme poverty and human rights (2019), Brief by the United Nations Special Rapporteur on extreme poverty and human rights as Amicus Curiae in the case of NJCM c.s./De Staat der Nederlanden before the District Court of The Hague (case number: C/o9/550982/HA Za 18/388), available at: https://www.ohchr.org/Documents/Issues/Poverty/Amicusfinalversionsigned.pdf</p>

			welfare states', pose significant threats to human rights, in particular for the poorest in society. These systems should therefore be scrutinized accordingly, not just by courts, but by governments, legislators and the whole of society.			
NL	Other	Report	Article by public broadcaster NOS in which 2 journalists disclose, using the Freedom of Information act, that several government organisations (like the Tax and Customs Administration) and municipal governments (Rotterdam, Tilburg and Groningen) use algorithms to process information and make predictions. Leiden University researcher Marlies van Eck wrote in the article that, after reading the information disclosed by the NOS, she was shocked at how widespread the use of algorithms is. 'Discrimination is inherent in this technology,' she wrote. Some municipalities interviewed for this article stated that they do not use predictive algorithms because of the risk of discrimination.	Yes	Discrimination	Schellevis. J. and De Jong. W. (2019), 'Government uses predictive algorithms on a large scale, 'risk of discrimination'' [Overheid gebruikt op grote schaal voorspellende algoritmes, 'risico op discriminatie'], Article, 29 May 2019. available at: https://nos.nl/artikel/2286848-overheid-gebruikt-op-grote-schaal-voorspellende-algoritmes-risico-op-discriminatie.html
NL	Government / Parliament	National Draft Act	The bill for the Banking Information Reference Portal Act (<i>Wet verwijzingsportaal</i>)	No	Privacy	The Netherlands, Minister of Justice and Security / Minister of Finance (<i>Minister van</i>

	am n t a r y		<p><i>bankgegevens</i>) was sent to the House of Representatives on 27 June 2019. This bill intends to provide that banks and other financial institutions that offer accounts with an IBAN number are connected to a portal in which the police, the special investigation services, the Public Prosecution Service, the Financial Intelligence Unit Nederland and the Tax and Customs Administration can automatically retrieve information about customers of these institutions. The bill implements Directive 2018/843. The bill has an article that stipulates that a general administrative order (<i>algemene maatregel van bestuur</i>) shall be made which provides rules concerning the management of the system and the technical requirements to be met by the central electronic system and its connection to it and rules concerning the manner in which claims or requests as referred are made and the manner in which they are made.</p>			<p><i>Justitie en Veiligheid /Minister van Financiën</i>) (2019), Bill for Banking Information Reference Portal Act [<i>Wet verwijzingsportaal bankgegevens</i>], available at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/07/01/bijlage-2-wetsvoorstel-verwijzingsportaal-bankgegevens/bijlage-2-wetsvoorstel-verwijzingsportaal-bankgegevens.pdf</p>
NL	Gov ern men t / Parli ame n t a r y	Other projects	<p>On 5 July 2019 the Dutch government submitted its second edition of the Digitalisation Strategy to the House of Representatives (the first edition was submitted in 2018).</p>	No	Privacy ; Data protecti on	<p>The Netherlands, Ministry of Economic Affairs and Climate Policy (<i>Ministerie van Economische Zaken en Klimaat</i>) (2019),</p>

			<p>This strategy outlines the plans of the Dutch government to prepare the authorities, corporations and society in general for the digital future. It pays specific attention to AI and big data.</p>			<p>Dutch digitalisation strategy 2.0 [Nederlandse Digitaliseringsstrategie 2.0] , available at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2019/07/05/nederlandse-digitaliseringsstrategie-2.0/nederlandse-digitaliseringsstrategie-2.0.pdf</p>
NL	Independent State Institute	Report	<p>On 25 April 2019 the Assessment Committee on the Use of Powers (<i>Toetsingscommissie Inzet Bevoegdheden</i>) or TIB published its first annual report covering the period from 1 May 2018 to 1 April 2019. The TIB assesses under the Act on Intelligence and Security Services 2017 all requests by the General Intelligence and Security Service (<i>Algemene Inlichtingen en Veiligheidsdienst</i>) or AIVD and the Military Intelligence and Security Service (<i>Militaire Inlichtingen- en Veiligheidsdienst</i>) or MIVD for intercepting and storing internet cable traffic which are authorized by either the Minister of Interior or the Minister of Defence. From 1 May 2018 to 1 April 2019, the TIB assessed or reviewed a total of 2,159</p>	Yes	Privacy	<p>The Netherlands, Assessment Committee on the Use of Powers (<i>Toetsingscommissie Inzet Bevoegdheden</i>) (2019), Annual report 2018/2019 [Jaarverslag 2018/2019, available] at: https://www.tib-ivd.nl/binaries/tib/documenten/jaarverslagen/2019/04/25/jaarverslag-2018-2019/Jaarverslag+TIB+2018-2019.pdf</p>

			<p>requests from GISS and MIVD. In 4.5 percent of the AIVD's requests, the TIB ruled that the minister of Interior had granted the permission unlawfully. In the case of the MIVD, where Defense Minister of Defence assesses the requests, 5.8 percent of the requests were wrongly approved. The main reasons for assessing requests as unlawful were defects in the motivation of proportionality and / or the subsidiarity of the use of the power. This is illustrated in the annual report on the basis of a "bulk hack" which the TIB assessed as unlawful, because the need for the interception was insufficiently substantiated. In this case it was also possible to request the data individually.</p>			
NL	Independent State Institution	Report	<p>On 11 June 2019 the Review Committee for the Intelligence and Security Services (<i>Commissie van Toezicht op de Inlichtingen en Veiligheidsdiensten</i>) or CTIVD published its second report (covering the period 1 November 2018 to 1 may 2019) about how the General Intelligence and Security Service (<i>Algemene Inlichtingen en</i></p>	Yes	Privacy	<p>The Netherlands, Review Committee for the Intelligence and Security Services (<i>Commissie van Toezicht op de Inlichtingen en Veiligheidsdiensten</i>) (2019), Progress report II. How works the Wiv [Voortgangsrapportage II. De werking van de Wiv 2017 CTIVD nr. 62], available at: https://www.ctivd.n</p>

			<p><i>Veiligheidsdienst</i> or AIVD) and to the Military Intelligence and Security Service (<i>Militaire Inlichtingen- en Veiligheidsdienst</i> or MIVD) operate under new Act on the Intelligence and Security Services. In its first report (published in December 2018) the CTIVD identified several risks of unlawful conduct by both services, for example: essential guarantees for the legal protection of citizens were not fully implemented by both services, both services did not use instruments for mandatory internal control. The CTIVD recommended both services to take concrete steps within their organisations to ensure that the requirements of the act are met. In this new reports the CTIVD concludes that most of the high risks at unlawful acts identified in the first report have been reduced to medium or limited risks by both services. Both services still have a great deal of work to do in the near future.</p>			l/binaries/ctivd/documenten/rapporten/2019/06/11/index/CTIVD+NR62+Voor tgangsrapportage+II .pdf
NL	Gov ern men t / Parli ame ntar y	Other project	Policy Plan made by a Member of the Dutch House of Representatives containing policy proposals to protect citizens against discrimination caused	Yes	Privacy ; Discrimi nation	Middendorp, J. (2019), 'Grip on algorithms' ['Menselijke grip op algoritmen'], Policy Plan Member of House

			by the use of algorithms and against the way algorithms intrude the privacy of citizens. The plan indicates 4 policy recommendations: (1) to stimulate cooperation between authorities on policies towards algorithms within and outside the Netherlands; to create transparency and to raise awareness about algorithms; to provide people with tools that make them resilient online; to create a task force that makes proposals for a supervisory framework that provides for insight but allows innovation.			of Representatives, 29 May 2019, Parliamentary document 35212 No. 2., available at: https://zoek.officielebekendmakingen.nl/kst-35212-2.pdf
NL	Government / Parliament	Other project	In this policy letter the government outlines its policy intentions on how to enable citizens to control their own personal data. These policy intentions are: to increase the control over personal data in order to promote privacy and create the possibility to share these with organisations outside the government; to improve the data management by the government, in particular the basic registrations (insofar as relevant for this policy letter); to recover more quickly from the effects of the use of incorrect data.	Yes	Privacy	The Netherlands, State Secretary for Interior and Kingdom Relations (<i>Staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties</i>) (2019), 'Control on data' ['Regie op Gegevens'], Letter to House of Representatives, 11 July 2019, available at: https://www.rijksoverheid.nl/documenten/kamerstukken/2019/07/11/kamerbrief-visie-regie-op-gegevens
NL	Government	National Draft Act	The bill for an Act amending the Act on Intelligence and	Yes	Privacy	The Netherlands, Minister of

	t / Parliamentary		<p>Security Services 2017 (<i>Wet op de inlichtingen- en veiligheidsdiensten 2017</i>) was sent by the government to the House of Representatives on 1 July 2019.</p> <p>The Act on Intelligence and Security Services 2017 which already passed Dutch parliament was rejected by a consultative referendum on 21 March 2018 and the government decided to amend the Act. At the same time the Act in its unaltered form took effect on 1 May 2018. The proposed amendments in this bill will therefore be introduced to the act later on. NGOs in the field of privacy were very critical about the Act for several reasons, one of them was that the Act authorizes large-scale tapping into the Internet traffic and communications of citizens, but also allows for the storage of these data for many years and the unsupervised exchange of these data with foreign secret services. Most NGOs are critical about the draft bill because it does not address the criticism voiced by them against this Act. In the eyes of the NGOs the proposed changes are mainly of cosmetic nature.</p>		<p>Minister of General Affairs (<i>Minister van Algemene Zaken</i>) (2019), Bill for an Act amending the Act on Intelligence and Security Services 2017, [Wetsvoorstel. <i>Wet to wijziging van de Wet op de inlichtingen- en veiligheidsdiensten 2017</i>], Sent to House of Representatives 1 July 2019, available at: https://www.tweedekamer.nl/downloads/document?id=4a8310d5-2470-4bc8-ba5e-1a711dc9c465&title=Voorstel%20van%20wet.pdf</p>
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NL	Government / Parliamentary	National Draft Act	<p>The Draft Act on data processing by partnerships (<i>Wetsvoorstel gegevensverwerking door samenwerkingsverbanden</i>) was sent by the government to the council of State (Raad van State) on 21 June 2019. The aim of this bill is to improve the exchange and processing of data between authorities that cooperate with each other in combatting, for example, subversive crime, disturbances to public order, or the misuse of public money and social services. The bill intends to enable the analysis of exchanged data by artificial intelligence. The draft bill has an article that stipulates that by a general administrative order (<i>algemene maatregel van bestuur</i>) rules shall be made concerning the manner in which the data will be handled including for example rules concerning the storage and destruction of data. One article of the draft bill obliges the participants in the partnerships to maintain confidentiality vis-à-vis third parties about the data they process within the partnership and the results of the data processing.</p>	No	Privacy	<p>The bill is not published yet so we give the reference of the draft bill:</p> <p>The Netherlands, Minister of Justice and Security (<i>Minister van Justitie en Veiligheid</i>) (2018), Draft bill on data processing by partnerships [<i>Conceptwetsvoorstel gegevensverwerking door samenwerkingsverbanden</i>, available] at: https://www.internetconsultatie.nl/wgs/document/3718</p>
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NL	Academia	Study	<p>This study looks at which adjustments could ensure a better and more robust embedding of Big Data in the public sector, whereby general and social interests are safeguarded, stakeholders can effectively assert their rights and the principles of procedural justice are respected.</p> <p>Chapter 2 discusses procedural law in the domains of Dutch civil law, administrative law and criminal law. The conclusion is that, although there are some possibilities in every domain of law to raise points of general interest, they seem insufficient to adequately address the issues that Big Data brings about. Chapter 3 examines which procedural alternatives exist in other jurisdictions that could serve as a source of inspiration. Case law of the ECHR, legislation of the EU and the case law of the ECJ were examined, as well as the legislation and legal practice in Belgium, Germany, France and the UK. Thirteen regulatory options have been formulated in Chapter 4 to ameliorate Dutch procedural law and to make it fit for the data-driven society. These</p>	Yes	Access to Justice	<p>Van de Sloot, B. and Van Schendel, S. (2019), The modernisation of Dutch procedural law in the light of big data: Procedural guarantees and access to justice as preconditions for a data-driven society [De modernisering van het Nederlands procesrecht in het licht van big data : Procedurele waarborgen en een goede toegang tot het recht als randvoorwaarden voor een data-gedreven samenleving], Tilburg, Tilburg University - Tilburg Institute for Law, Technology and Society, available at: https://www.wodc.nl/binaries/2900_volledege_tekst_tcm28-402015.pdf</p>
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			<p>regulatory options are divided into three clusters. Firstly, the Big Data process itself must be properly regulated in order to make sure that procedural safeguards are guaranteed with respect to both the collection, analysis and use of data. Secondly, access to justice vis-a-vis data-driven projects must be guaranteed and the possibilities for litigants to defend the collective and general interests involved through administrative, civil and criminal law can be strengthened. Thirdly and finally, it is important that there is a good system of checks and balances within the trias politica.</p>			
NL	Independent State Institution	Study	<p>This study, as one activity within the open data program, aims at investigating Statistical Disclosure Control (SDC) tools and methods for protecting personal data. More specifically, the main objective of the study is to provide insights in the main functionalities provided by SDC technologies so that data controllers can be supported in their decision-making processes related to storing, sharing, and opening the ministry's personal data. To this end, the study context</p>	Yes	Privacy	<p>Bargh, M.S., Meijer, R. and Vink, M. (2019), On statistical disclosure control technologies. For enabling personal data protection in open data settings, The Hague, Ministry of Justice - Research and Documentation Centre, available at: https://www.wodc.nl/binaries/Cahier%202018-20_2889_Full%20text_tcm28-362210.pdf</p>

			is tuned to the ministry's settings and requirements. This deliverable presents the acquired insights, particularly for three selected open source SDC tools (namely: µ-ARGUS, ARX and sdcMicro).			
NL	Government / Parliamentary	Other projects	Policy letter of the Minister of Interior about the need of new approach towards the processing of personal data in the welfare sector especially in individual cases in which several organisations are involved. The Dutch Data Protection Authority has on several occasions criticised the existing legal framework for the processing and exchange of data by organisations working together on individual cases. To remedy this situation, the Personal Data and Social Domain Exchange (UPP) process has been started in which the national Ministries involved, under the direction of the Ministry of Interior and Kingdom Relations, in consultation with the municipalities and other parties, work on solutions.	Yes	Privacy / Data Protection	The Netherlands, Minister of Interior and Kingdom Relations (<i>Minister van Binnenlandse Zaken en Koninkrijksrelaties</i>) (2019), 'Gegevensuitwisseling en privacy meervoudige problematiek', Letter to House of Representatives, 27 September 2019, available at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/09/27/kamerbrief-over-gegevensuitwisseling-en-privacy-meervoudige-problematiek/kamerbrief-over-gegevensuitwisseling-en-privacy-meervoudige-problematiek.pdf
NL	Government / Parliamentary	National Draft Act	On 19 July 2019 an initiative bill was tabled to address zero-day vulnerabilities, computer-software vulnerabilities unknown to those who	Yes	Data Protection	The Netherlands, House of Representatives (Tweede Kamer der Staten-Generaal) (2019), Bill Zerodays

	ntary		should be interested in mitigating the vulnerability. The bill aims to provide a government-wide assessment framework for keeping these zero-day vulnerabilities a secret.			Assessment Process [Wet Zerodays Afwegingsproces], available at: [https://www.eerste kamer.nl/9370000/1/j9vvkfvj6b325az/v10f7hwz4izw/f=y.pdf
NL	Government / Parliamentary	Other project	The Strategic Action Plan for Artificial Intelligence (AI) which was launched on 8 October 2019 by the Secretary of State for Economic Affairs and Climate Policy. The action plan is aimed at exploiting the opportunities of AI and is comprised of, among other things, funding for researchers and entrepreneurs. In comparison to a lot of other national AI strategies, the action plan also addresses essential conditions for successfully using AI in education, data use, digital infrastructure and the protection of the rights of citizens within appropriate ethical and legal frameworks. It addresses specifically the question how to prevent discrimination by algorithms.	Yes	Privacy / Discrimination / Data protection	The Netherlands, Ministry of Economic Affairs and Climate Policy (<i>Ministerie van Economische Zaken en Klimaat</i>) (2019), Strategic Plan for Artificial Intelligence [<i>Strategisch Actieplan voor Artificiële Intelligentie</i>], available: at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/beleidsnotas/2019/10/08/strategisch-actieplan-voor-artificiele-intelligentie/Rapport+SAPAI.pdf
NL	Government / Parliamentary	Independent State Institution	On 15 October 2019 the Review Committee for the Intelligence and Security Services (Commissie van Toezicht op de Inlichtingen en Veiligheidsdiensten) or CTIVD published a	Yes	Data protection	The Netherlands, Review Committee for the Intelligence and Security Services (Commissie van Toezicht op de Inlichtingen en Veiligheidsdiensten) (2019),

			<p>report (covering the period 1 May 2018 to 1 January 2019) about how the general Intelligence and Security Service (<i>Algemene Inlichtingen en Veiligheidsdienst</i> or AIVD) and the Military Intelligence and Security Service (<i>Militaire Inlichtingen- en Veiligheidsdienst</i> or MIVD) provide unevaluated data to foreign services. The CTIVD concludes that the two Dutch secret provided only unevaluated data to foreign services within strategic long-term operational partnerships. However, the services failed to adequately implement the legal safeguards in the provision of unevaluated data.</p>			<p><i>Supervisory report. On the provision of unevaluated data to foreign services by the AIV and the MIVD. CTIVD no. 65</i> [Toezichtsrapport. Over het verstrekken van ongeëvalueerde gegevens aan buitenlandse diensten door de AIVD en de MIVD. CTIVD nr. 65], available at: https://www.ctivd.nl/documenten/rapporten/2019/10/15/index</p>
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*For the actors, please pick from the following suggestions:

- Government/ Parliamentary
- DPA
- NGO/Other Non Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

** for the type, please pick from the following suggestions:

- National Draft Acts / Adopted Acts
- report/study
- other projects

3. Data retention

On 26 March 2018 the minister of Justice and Security sent a letter to the House of Representatives in which he announced that the bill amending the Telecommunications Data Retention Act (*Wet bewaarplicht telecommunicatiegegevens*) which is under review of the House of Representatives since September 2016, will be changed considerably because of the European Court of Justice (ECJ) arrest in the case of Tele2 Sverige and the case Home Secretary v. Watson.¹²⁹ The Minister will prepare an amendment to the original bill. The obligation to retain telecommunications data will be limited to user data. Traffic and location data need not be stored by providers. A balanced retention obligation for so-called user data of a telephone number or IP address is, according to the Minister, essential for the investigation and prosecution of serious criminal offences. In a growing number of cases, such as child pornography, cybercrime and online arms trade, it is often crucial that the police and the Public Prosecution Service can subsequently determine which person has used a telephone number or IP address that was found in a criminal investigation at a certain point in time.

On 25 September 2018 Minister of Justice and Security sent a letter to the House of Representatives in which he informs the House about a delay of the amendment to the original bill which he announced on 26 March 2018.¹³⁰ The delay is made necessary because of the large use of Carrier Grade Network Address Translation (CGN). CGN allows dozens to hundreds of Internet connections to be bundled under one public IPv4 address so that with a relatively limited number of public IP addresses all users have enough connections. The Minister informs the House in the letter of 25 September 2018 that he commissioned the WODC or the Research and Documentation Centre (WODC) of the Ministry of Justice and Security to study the matter. Since then no new developments have taken place. The study has not been published yet by the WODC.

¹²⁹ The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2018), Data retention ['Dataretentie'], Letter Sent to House of Representatives, 26 March 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/03/26/brief-tweede-kamer-dataretentie/TK+Dataretentie.pdf>

¹³⁰ The Netherlands, Ministry of Justice and Security (*Ministerie van Justitie en Veiligheid*) (2018), Data retention ['Dataretentie'], Letter Sent to House of Representatives, 25 September 2018, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/09/25/tk-dataretentie/tk-dataretentie.pdf>

Chapter 6. Rights of the child

1. Procedural safeguards for children who are suspects in criminal proceedings

Legislative changes	<p>The Senate passed on 14 May 2019 the bill implementing Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.¹³¹ This bill amends the Dutch Code of Criminal Procedure (<i>Wetboek van Strafvordering</i>) and the Surrender Act (<i>Overleveringswet</i>) in several places. The bill took effect on 1 June 2019.¹³² The explanatory memorandum to this bill¹³³ states that the bill embeds the following procedural rights for children in Dutch criminal procedural law; a right to information for the child (Article 4 of the Directive); a right to information for the parents or persons with parental responsibility (Articles 4 and 5 of the Directive);-a right to legal counsel (Article 6 of the directive); a right to an individual and medical assessment (Articles 7 and 8 of the directive); a right to privacy (Article 14 of the directive); a right to be present at a court hearing for the child and his parents (Article 15 of the directive). The bill mandates: to record the interviews with defendants when the seriousness of the crime or the personality of the defendant cause for this (Article 9 of the Directive ; to limit the deprivation of liberty to a minimum duration (article 10 directive), to ensure that there are alternatives to the deprivation of liberty (article 11 directive) and to ensure that children stay separate from adults during the deprivation of liberty (article 10 12 directive), to handle cases against children in an energetic way (Article 13 Directive).</p> <p>The government is working at a new Code of Criminal Procedure.¹³⁴ The government intends to make the new Code of Criminal procedure easier to understand for those working in the justice system and for members of the general public. The new Code consists of 8 parts or books. Book 6 contains special rules of criminal procedure including rules for the prosecution of juveniles or children. Draft versions of these books have been open for comment in 2018. Currently the government is working at merging these books in one</p>
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¹³¹ The Netherlands, Senate (*Eerste kamer der Staten-Generaal*) (2019), Protection of children in criminal proceedings ['Bescherming kinderen in een strafprocedure']. Web page, available at: https://www.eerstekamer.nl/wetsvoorstel/35116_bescherming_kinderen_in_een

¹³² The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2019), 'Besluit van 15 mei 2019 tot vaststelling van het tijdstip van inwerkingtreding van de wet van 15 mei 2019 tot wijziging van het Wetboek van Strafvordering en de Overleveringswet ter implementatie van richtlijn nr. 2016/800/EU', Volume 2019, No. 181, available at: <https://zoek.officielebekendmakingen.nl/stb-2019-181.html>

¹³³ The Netherlands, Minister for Legal Protection (Minister voor Rechtsbescherming) (2019), Memorie van toelichting. Wetsvoorstel ter implementatie van richtlijn nr. 2016/800/EU, available at: https://www.eerstekamer.nl/behandeling/20190114/memorie_van_toelichting/document3/f=/vkv5owtqhbzt.pdf

¹³⁴ The Netherlands, Government of the Netherlands (*Rijksoverheid*) (2019), 'Modernisation of the Code of Criminal Procedure', Web page, available at: <https://www.government.nl/topics/modernisation-code-of-criminalprocedure>

	draft Code which will be sent to the Council of State at the end of 2019. ¹³⁵ In 2020 the House of Representatives will receive the bill implementing the full Code.
Policy developments	Since the implementation of Directive (EU) 2016/800 children in criminal proceedings are not allowed to waive their right to a lawyer. At the same time the Dutch government has not made any changes to the subsidized legal aid causing difficulties for criminal juvenile lawyers because the fees they receive from the Legal Aid Board (<i>Raad voor Rechtsbijstand</i>) are based on the old system and these fees are not sufficient for them. That is why on 13 June 2019 the Dutch Association of Juvenile Criminal Lawyers (<i>Vereniging van Nederlandse Jeugdrechtadvocaten</i>) sent a letter to the Minister for Legal Protection (<i>Minister voor Rechtsbescherming</i>) and the Legal Aid Board asking the minister to reach, as a matter of urgency, a financial settlement which does justice to the implementation of the obligations arising from the Directive. ¹³⁶ If this request is not granted, lawyers will limit their obligations under the law to what the authorities reasonably allow them to do. In newspapers ¹³⁷ and on twitter ¹³⁸ several criminal lawyers have indicated that they have stopped working for the “piket centrale” or “stand by duty arrangement” in which lawyers are allocated free of charge to children who are under arrest. In a letter, sent on 3 September, the Minister for Legal Protection informed the House of Representatives that he has taken a temporary measure to increase the fees criminal lawyers will receive during the hearings in juvenile cases. ¹³⁹ This is a temporary measure. In order to settle this matter definitively, the minister will prepare an amendment to the Legal Aid Allowances Decree (<i>Besluit vergoedingen rechtsbijstand</i>).
Other measures or initiatives	On 28 June 2019 the Minister for Legal protection (<i>Minister voor Rechtsbescherming</i>) sent a letter to the House of Representatives

¹³⁵ The Netherlands, Minister of Justice and Security / Minister for Legal protection (*Minister van Justitie en Veiligheid / Minister voor Rechtsbescherming*) (2019), Report about the modernisation Code of Criminal Code ['Voortgangsrapportage modernisering Wetboek van Strafvordering en update van de Contourennota'], Letter to the House of Representatives, 13 April 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/04/09/tk-voortgangsrapportage-modernisering-wetboek-van-strafvordering-en-update-van-de-contourennota/tk-voortgangsrapportage-modernisering-wetboek-van-strafvordering-en-update-van-de-contourennota.pdf>

¹³⁶ Dutch Association of Juvenile Criminal Lawyers (*Vereniging van Nederlandse Jeugdrechtadvocaten*) (2019), 'Verzoek om een aanvullende vergoedingsregeling opdat het recht op bijstand tijdens het politieverhoor ook kan worden geëffectueerd', Letter to Minister for Legal Protection and the Legal Aid Board, 13 June 2019, available at: <https://vnja.nl/wp-content/uploads/2019/06/brief-13-juni-2019.pdf>

¹³⁷ Megens, N. & Timmers, F. (2019), 'Wie begeleidt straks minderjarigen? Advocaten stoppen met piket', *De Stentor*, 24 August 2019, available at: www.destentor.nl/deventer/wie-begeleidt-straks-minderjarigen-advocaten-stoppen-met-piket-af572185/

¹³⁸ Huisman, A. (2019), 'Het lijstje van @jeadvocaat met advocaten die stoppen met minderjarigenpiket kan moeiteloos aangevuld worden', Twitter 23 August 2019. available at: <https://twitter.com/AnnoHuisman/status/1164794954767425536>

¹³⁹ The Netherlands, Minister for Legal protection (*Minister voor Rechtsbescherming*) (2019), 'Vergoedingen strafpiket jeugdrechtadvocatuur', Letter to the House of Representatives, 3 September 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/09/02/tk-vergoedingen-strafpiket-jeugdrechtadvocatuur/tk-vergoedingen-strafpiket-jeugdrechtadvocatuur.pdf>

outlining his strategy on a more effective juvenile crime strategy.¹⁴⁰ Juvenile crime continues to decrease in the Netherlands, but recidivism among young people is increasing, with over a third of convicted juvenile criminals finding themselves back in trouble within two years. The letter contains a package of measures to enable quicker and more effective interventions to minimise the likelihood of recidivism. The current system only offers one type of institution for all juvenile offenders: the Correctional Institution for Juvenile Offenders (*de justitiële jeugdinstellingen*). The Minister deems that a greater variation of young offender institutions is necessary. Therefore, the government is introducing two new types of institution: small-scale facilities and national specialist facilities. The purpose of the small-scale facilities is to allow young people to maintain greater connection with their life outside the institution during their detention. The small-scale facilities set up in Amsterdam as part of a pilot will be continued, and four other small-scale facilities will also be added in Rotterdam, The Hague, the North part of the Netherlands and the South part of the Netherlands. The present Correctional Institutions for Young Offenders will be converted into national specialist facilities. Here, juvenile offenders serving long sentences and with more complex issues (young people serious behavioural problems for example) will receive more intensive care and a high level of security. Extra investment will be made in the training of staff, further improvement of information exchange, higher quality of education and all adjustments required to make the current institutions more suitable for young offenders to attend school, work, etc.

On 25 April 2019 the Ombudsman for Children published a report investigating five complaints about the detention of children in police cells in Amsterdam.¹⁴¹ The Ombudsman concludes that four of the five complaints were well founded. These four complaints concerned: the detention of a child in a complex for adult suspects; the detention of child for a whole night during which the child was not able to talk to a lawyer or parents; failure to inform the parents about the arrest and detention of their child, failure to inform the child and parents about the transfer of the case papers to the Public Prosecution Service. Ombudsman for Children concludes that in the criminal justice system and the police and other officials 'do not sufficiently take the interests of the children into account'. 'They are primarily seen as suspects and treated as such. The fact that they are children is often forgotten'

In August 2019 newspaper 'De Stentor' reported about a pilot conducted by the Police district Twente (part of the police unit Eastern Netherlands) in which children who commit their first minor offense like shoplifting were not imprisoned but faced a strong

¹⁴⁰ The Netherlands, Minister for Legal protection (*Minister voor Rechtsbescherming*) (2019), 'Approach Youth Criminality' [Aanpak Jeugdcriminaliteit], Letter to the House of Representatives, 28 June 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/06/28/brief-tweede-kamer-aanpak-jeugdcriminaliteit/TK+Aanpak+Jeugdcriminaliteit.pdf>

¹⁴¹ The Netherlands, Ombudsman for Children (*Kinderombudsman*) (2019), How many more nights? Investigation into the Police Unit Amsterdam [*Hoeveel nachties nog? Onderzoek naar de politie, Eenheid Amsterdam*], The Hague, Kinderombudsman, available at: <https://www.dekinderombudsman.nl/publicaties/rapport-hoeveel-nachtjes-nog>

	reprimand (a firm conversation with a police officer in the presence of their parents) instead. The experiment is considered successful and the police plans to extend this approach to all police units in the Netherlands. This pilot is also described in Annex I ‘Promising Practices’.
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2. Legal and policy measures or initiatives developed about child internet safety

The bill implementing Directive (EU) 2018/1808 was sent by the government to the Council of State (*Raad van State*).¹⁴² This is the first step in the Dutch legislative process. The bill will be published after the Council of State has given its advice. Then the bill will be sent to the House of Representatives for review.

On 1 March 2019 the Computer Criminality III Act took effect which amends the Dutch Criminal Code and the Dutch Code of Criminal Proceedings in order to bolster efforts to identify and prosecute cybercrime.¹⁴³ The Act extends the criminalisation of the offence of grooming (the unwanted practice of soliciting children over the internet with the objective of sexual abuse) to ensure that the offence also relates to soliciting, for sexual purposes, any person "impersonating an individual not having yet reached the age of 16 or 18". Articles 248a and 248e are amended to ensure that the offence of grooming also relates to soliciting adults impersonating a child. In this way the Criminal Code gives a formal legal basis to the use of decoy victims (police officers impersonating children) by Dutch law enforcement authorities. Article 248a relates to adults impersonating a child younger than 18 and relates to soliciting sexual behaviour online. Article 248e relates to grooming in the sense of arranging a meeting during which the child has to perform sexual acts or during which pictures will be taken of the child performing sexual acts .

On 3 July 2019 the Minister of Justice and Security sent a letter to the House of representatives outlining his approach to combat online child sexual abuse.¹⁴⁴ The Minister discusses three policy initiatives he wants to implement in order to tackle online child sexual abuse:

1. The Minister wants corporations to delete child sexual abuse material from their servers immediately after a report. A negligent response or failure to respond must no longer be an option. The Minister has therefore initiated a legislative procedure to enforce the removal of child sexual abuse material by means of administrative law.

¹⁴² The Netherlands, Central Government (*Rijksoverheid*), Bill amending Media act as part of the Implementation of Directive (EU) 2018/1808 [*Wijziging van de Mediawet ivm implementatie modernisering audiovisuele mediadienstenrichtlijn*], available at: <https://wetgevingskalender.overheid.nl/Regeling/WGK009553>

¹⁴³ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2018), 'Wet van 27 juni 2018 tot wijziging van het Wetboek van Strafrecht en het Wetboek van Strafvordering in verband met de verbetering en versterking van de opsporing en vervolging van computercriminaliteit (computercriminaliteit III)', Volume 2018, No. 322, available at: <https://zoek.officielebekendmakingen.nl/stb-2018-322.html>

¹⁴⁴ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2019), Letter on approach online child sexual abuse and enforcements under administrative law [*Voortgangsbrief aanpak Online seksueel kindermisbruik en bestuursrechtelijke handhaving*], Letter to the House of Representatives, 3 July 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/07/03/tk-voortgangsbrief-aanpak-online-seksueel-kindermisbruik-en-bestuursrechtelijke-handhaving/tk-voortgangsbrief-aanpak-online-seksueel-kindermisbruik-en-bestuursrechtelijke-handhaving.pdf>

2. The Minister want corporations to eliminate child sexual abuse material from their servers and websites. To support them, corporations will be able to check their own servers for child sexual abuse material using a HashCheck server. For this purpose, the police have made available 1.4 million hash codes (unique digital fingerprints) of previously detected child sexual abuse material in a database.
3. The Minister will combine the theory from literature review on child porno downloaders and the results of an expert meeting of police officers specialised in the detection of child sexual abuse material, to determine the next steps, aimed at frustrating child porno downloaders.

On 22 November 2019, the Minister of Justice and Security sent a letter to the House of Representatives on online child abuse.¹⁴⁵ In the letter the Minister informs the House about the start of the legislative process, already mentioned in the letter of 3 July 2019, by which he wants an act to initiate to enforce the removal of child sexual abuse material by means of administrative law. The Minister wants to start the legislative process by opening the consultation process for the draft bill as soon as possible.

On 14 November 2019 the Minister for Legal Protection informed the House of Representatives by letter that he will not implement a victim notification system for victims of child pornography.¹⁴⁶ A victim notification system is a special digital system in which victims of child pornography will be notified when material from them appears in a criminal case. The Minister states in the letter that the benefits do not outweigh the disadvantages of such a system. The Minister based his decision on feasibility study he had commissioned.¹⁴⁷ The authors of this study stress the danger of secondary victimization posed by a notification system. Searching the internet for the presence of visual material could also be detrimental to the capacity of the police to investigate acute abuse situations. According to the researchers, the victims they have spoken with state unanimously that a reporting system should not be at the expense of new victims.

¹⁴⁵ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2019), Progress Approach online child sexual abuse [*Stand van zaken Aanpak online seksueel kindermisbruik*], Letter to the House of Representatives, 22 November 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/11/22/tk-stand-van-zaken-aanpak-online-seksueel-kindermisbruik/tk-stand-van-zaken-aanpak-online-seksueel-kindermisbruik.pdf>

¹⁴⁶ The Netherlands. Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2019), 'Kabinetsreactie onderzoek naar een notificatiesysteem voor slachtoffers van kinderpornografie', Letter to the House of Representatives, 14 November 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/11/14/tk-kabinetsreactie-onderzoek-naar-een-notificatiesysteem-voor-slachtoffers-van-kinderpornografie/tk-kabinetsreactie-onderzoek-naar-een-notificatiesysteem-voor-slachtoffers-van-kinderpornografie.pdf>

¹⁴⁷ Nauta, O. & Swami-Persaud, A. (2019), Notification system for victims child poronography: Feasibility study [*Notificatie slachtoffers kinderpornografie*], Amsterdm, DAP-group, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/11/14/tk-kabinetsreactie-onderzoek-naar-een-notificatiesysteem-voor-slachtoffers-van-kinderpornografie/tk-kabinetsreactie-onderzoek-naar-een-notificatiesysteem-voor-slachtoffers-van-kinderpornografie.pdf>

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

The Ministry of Justice and Security is working at a new Code of Criminal Procedure. The government intends to make the new Code of Criminal Procedure easier to understand for those working in the justice system and for members of the general public. The new Code consists of 8 parts or books. Draft versions of these books have been open for comment in 2018. Currently the government is working at merging these books in one draft Code which will be sent to the Council of State (*Raad van State*) at the end of 2019.¹⁴⁸ In 2020 the House of Representatives will receive the bill implementing the full Code. To the introductory provisions of the new Code (in book 1), a general statement about the victim's interest in the criminal proceeding will be added. In addition, the procedure in which the victim can complain about suspects not being prosecuted or not being prosecuted further will be improved. Finally, victims will be able to appeal independently if the criminal court rejects a claim for compensation (including appeal in cassation) and victims will be able to increase a claim for compensation on appeal.¹⁴⁹

On 29 May 2019 the Council of Ministers agreed upon submitting the Bill extending the rights of the victim in the Criminal Code and the Code of Criminal Proceedings to the House of Representatives.¹⁵⁰ Before the bill can be sent to the House the Council of State has to give its advice. The Council of State finished its advice on 25 July 2019 so it will not take much time before the bill will be sent to House of Representatives parliament. The bill:

- . makes it mandatory for defendants accused of serious violent crimes or serious sex crimes to be present at the trial when victims make their victim impact statement;
- . entitles the stepfamily of the victim to make a victim impact statement during trial;
- . makes it mandatory that victims will be consulted on the special conditions that can be attached to the conditional end of the detention under hospital orders (TBS) imposed on a person convicted for a serious violent or sex crime

On 1 April 2019 the Act on improving the Violent Offences Compensation Fund and extending its assignment to the Caribbean Netherlands (*Wet op Verbetering werking Schadefonds Geweldsmisdrijven en uitbreiding taakuitoefening tot Caribisch Nederlands*) took effect.¹⁵¹ This Act amends the Act on Violent Offences Compensation Fund and the Dutch Civil Code. The Act states more clearly that a payment from the fund does not affect the victim's right to full compensation. If the victim still receives compensation from, for example, the offender, the

¹⁴⁸ The Netherlands, Minister of Justice and Security / Minister for Legal protection (*Minister van Justitie en Veiligheid / Minister voor Rechtsbescherming*) (2019), Report about the modernisation Code of Criminal Code ['Voortgangsrapportage modernisering Wetboek van Strafvordering en update van de Contourennota'], Letter to the House of Representatives, 13 April 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/04/09/tk-voortgangsrapportage-modernisering-wetboek-van-strafvordering-en-update-van-de-contourennota/tk-voortgangsrapportage-modernisering-wetboek-van-strafvordering-en-update-van-de-contourennota.pdf>

¹⁴⁹ The Netherlands, Government of the Netherlands (*Rijksoverheid*) (2019), 'Modernisation of the Code of Criminal Procedure', Web page, available at: <https://www.government.nl/topics/modernisation-code-of-criminal-procedure>

¹⁵⁰ The Netherlands (2019), Central Government (*Rijksoverheid*) (2019), 'Wetsvoorstel uitbreiding slachtofferrechten', We page, available at: <https://wetgeving.skalender.overheid.nl/Regeling/WGK009385>

¹⁵¹ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2019), 'Wet van 6 maart 2019 tot wijziging van de Wet schadefonds geweldsmisdrijven in verband met het opheffen van de rechtspersoonlijkheid van het fonds, uitbreiding van de taakuitoefening tot de openbare lichamen Bonaire, Sint Eustatius en Saba alsmede verduidelijking van de regeling van uitkeringen door het Schadefonds en het vorderingsrecht van het slachtoffer jegens derden', Volume 2019, No. 116, available at: <https://zoek.officielebekendmakingen.nl/stb-2019-116.html>

compensation from the fund must be repaid to the Compensation Fund. Besides the Act regulates that residents of the Caribbean Netherlands (3 special municipalities in the Caribbean Bonaire, Sint Eustatius and Saba, can also make use of the fund.

2. Violence against women

In 2019 several studies about domestic violence and child abuse in the Netherlands were published including prevalence studies. These are the first such prevalence studies carried out since 2010. One report¹⁵² estimates, on the basis of a survey carried out in 2017, the prevalence of domestic violence among the Dutch population aged 18 and older in the period 2012-2017. It reveals that in this period, about one in 20 adults (5.5%) have experienced some incident involving physical and/or sexual violence in the home setting. This concerns 6.2% of women and 4.7% of men. In total, this involves some 747,000 individuals aged 18 and older. Nearly 20% of victims have experienced structural physical and/or sexual domestic violence, meaning violence that occurs on a daily, weekly or monthly basis. This concerns some 97,000 women and about 27,000 men. Over half of domestic violence (56%) is violence perpetrated by an intimate partner or ex-partner. Some 4.0% of women and 2.0% of men aged 18 and older say that they have experienced this in the five years prior to the study. An estimated 76,000 women and some 13,000 men have been victim of structural violence inflicted by a partner or ex-partner. Women are more often victims of violence committed by their partner or ex-partner, and men are more often victims than women of physical violence committed by 'family friends' (a very different type of relationship). It is also apparent that women have to deal with structural violence more often than men. The same report¹⁵³ compares the prevalence of domestic violence in 2017 as much as possible with the prevalence as reported in 2010. The prevalence of domestic violence among adults measured in 2017 was lower than the prevalence measured in 2008 as reported in the 2010-study.¹⁵⁴ Since the measurements are not entirely comparable with regard to the sampling, it is impossible to say with certainty what the degree is to which the observed decline does indeed reflect a real drop in domestic violence. The rate has fallen substantially. In the 2010-study (which was carried out in 2007 among a sample of 6,427 respondents.) the victimisation was reported by 10.1% of the respondents compared to 5.5% in 2018-study (carried out in 2017 among a sample of 6,835 respondents).

¹⁵² Eijkern, L. van, Downes, R., & Veenstra, R. (2018). *Slachtofferschap van huiselijk geweld: Prevalentieonderzoek naar de omvang, aard, relaties en gevolgen van slachtoffer- en plegerschap.*, The Hague, Ministry for Security and Justice – WODC, available at: https://www.wodc.nl/binaries/2668E_Hoofdrapport_Volledige_Tekst_tcm28-374939.pdf

¹⁵³ Eijkern, L. van, Downes, R., & Veenstra, R. (2018), *Victimization of Domestic Violence. Prevalence Study on the Magnitude, Nature, Relationships, and Consequences of Victimization and Perpetration [Slachtofferschap van huiselijk geweld: Prevalentieonderzoek naar de omvang, aard, relaties en gevolgen van slachtoffer- en plegerschap]*, The Hague, Ministry for Security and Justice – WODC, available at: https://www.wodc.nl/binaries/2668E_Hoofdrapport_Volledige_Tekst_tcm28-374939.pdf

¹⁵⁴ Dijk, T. van, M. van Veen en E. Cox (2010), *Victimization of Domestic Violence. Prevalence Study on the Magnitude, Nature, and Support [Slachtofferschap van huiselijk geweld:Aard, omvang, omstandigheden en hulpzoekgedrag]*, Hilversum, Intomart GfK bv, available at: https://www.wodc.nl/binaries/volledige-tekst_tcm28-69788.pdf

The National Ombudsman concludes in a new report¹⁵⁵ about women's shelters (a follow up of a report¹⁵⁶ published in 2017) that the women's shelters are still not well organized in the Netherlands. Women who want to move on from such shelters to a regular home face still problems because of lack of cooperation between municipalities. In addition, women who move from the shelter to another municipality must re-apply for benefits and debt assistance, and there are still not enough places available in the shelters.

GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) made an evaluation visit to Netherlands from 11 to 15 March 2019.¹⁵⁷ This visit is one of the steps in the procedure to monitor the implementation by the Netherlands of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). GREVIO plans to publish its evaluation report during 2020.

The Minister of Justice and Security sent on 22 May 2019 a letter the House of Representatives outlining the plans of the Dutch government to bring in new legislation which will make having sex with someone against their will, and which does not involve violence, a crime.¹⁵⁸ While rape and sexual assault are already prohibited under the present Criminal Code, the new legislation will add to the Criminal Code articles which criminalize having sex with others while knowing they are unwilling. When in doubt, the person initiating sexual acts has the duty to ask whether the other person is okay with what is happening. The government also plans to make sexual harassment a criminal offense, both online and in public spaces. The Minister expects that a draft bill will be open for consultation at the end of 2019. The draft bill has not been published in 2019.

At the same time an initiative bill criminalising sexual intimidation in public spaces is under review of the House of Representatives.¹⁵⁹ This bill entails adding one article to the Criminal Code which explicitly criminalizes sexual intimidation in public spaces. In 2018 the municipality of Rotterdam criminalised sexual intimidation in public spaces in its General Municipal Bylaw (*Algemene Plaatselijke Verordening*).¹⁶⁰ On 18 December 2019 the Court of Appeal of The Hague ruled, in

¹⁵⁵ Netherlands, National Ombudsman (*Nationale Ombudsman*) (2019), Women in distress. Study on the position of women in shelters [Vrouwen uit de knel? Het vervolg. Onderzoek naar de stand van zaken rond de eerder door de Nationale ombudsman gesignaleerde knelpunten die vrouwen ervaren in de vrouwenopvang, The Hague, De Nationale Ombudsman, available at: https://www.nationaleombudsman.nl/system/files/bijlage/2019022%20Rapport%20Vrouwen%20uit%20de%20knel%20-%20Het%20vervolg_0.pdf

¹⁵⁶ Netherlands, National Ombudsman (*Nationale Ombudsman*) (2019), Women in distress. Study on the position of women in shelters [Vrouwen in de knel. Onderzoek naar de positie van vrouwen in de vrouwenopvang], The Hague, De Nationale Ombudsman, available at: http://www.opvang.nl/files/Rapport_2017075_Vrouwen_in_de_knel.pdf

¹⁵⁷ Council of Europa (2019), 'Council of Europe's expert group on violence against women visits Netherlands', News release, 8 March 2019, available at: https://www.coe.int/en/web/istanbul-convention/newsroom/-/asset_publisher/anInZ5mw6yX/content/council-of-europe-s-expert-group-on-violence-against-women-visits-netherlands?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fistanbul-convention%2Fnewsroom%3Fp_id%3D101_INSTANCE_anInZ5mw6yX%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D2

¹⁵⁸ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2019), 'Nieuwe strafbaarstellingen van seks tegen de wil en seksuele intimidatie', Letter to the House of Representatives, 22 May 2019, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/05/22/kamerbrief-over-strafbaarstellingen-van-seks-tegen-de-wil-en-seksuele-intimidatie/kamerbrief-over-strafbaarstellingen-van-seks-tegen-de-wil-en-seksuele-intimidatie.pdf>

¹⁵⁹ The Netherlands, House of Representatives (*Tweede Kamer der Staten-Generaal*) (2019) 'Voorstel van wet van de leden Asscher en Van Toorenburg tot wijziging van het Wetboek van Strafrecht in verband met het strafbaar stellen van seksuele intimidatie', Parliamentary Document 34904 No. 5, available at: <https://zoek.officielebekendmakingen.nl/kst-34904-5.pdf>

¹⁶⁰ The Netherlands, Municipality of Rotterdam (2019), General Municipal By Law (*Algemene Plaatselijke Verordening*), Article 2a, available at:

case of two men who were convicted for sexual intimidation under article 2.1a of the General Municipal By Law of Rotterdam by the District Court of Rotterdam on respectively 22 November 2019 and 5 December 2018 and that a banning of sexual intimidation in public spaces cannot be implemented by a municipal by law but only by an act made by parliament.¹⁶¹

In 2019, there were 119 victims of murder or manslaughter in the Netherlands. 46 of these victims were woman.¹⁶² In 9 out of 10 cases of homicide among the 46 women who were killed the police identified a suspect or an offender. The alleged suspect or offender was the partner or ex-partner of the victim in 75 percent of these cases

The annual report on 2018 of the Sexual Assault Centre (*Centrum Seksueel Geweld*) show that victims of rape or sexual assault in the Netherlands are increasingly willing to seek aid shortly after they were attacked.¹⁶³ In 2018 the Centres received almost 50 percent more acute applications for support - applications made within seven days of the assault or rape - than in 2017. In 2018 a total of 3,250 victims applied to the Centres compared to 2,624 in 2017. It is expected that in 2020 the Sexual Assault Centres will need more financial resources 2 million in order to support the growing number of victims who ask for aid.¹⁶⁴

On 9 October 2019, the Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) published a report examining the way in which the authorities handled in the case of a 16-year girl who was killed on 18 December 2018 in Rotterdam by her former boyfriend (32). The 16-year-old girl had reported her ex-boyfriend to the police multiple times, filing charges of assault, stalking and threats against him.¹⁶⁵ She had another meeting with the police scheduled for just a few hours after she was shot and killed. The Inspectorate concludes that the danger to the girl was underestimated because the police, the Public Prosecution Service, the probation service and the reporting centre for domestic violence "Veilig Thuis" (Safe at Home) were not working together. The girl had no fixed contact person within the police, so she had to tell her story over and over again to officers who did not realize the severity of the threat she was facing. Her file was not treated as a stalking case, despite that the perpetrator had already been convicted of threatening and assaulting her. At the time of her murder, he was still on probation and had a restraining order against him. This was all information available to the various Dutch authorities. But as they did not work together properly, the acute danger to the teenage girl was underestimated, according to the Inspectorate. In his letter about the report, the Minister of Justice and Security specifies numerous recommendations and actions on how to improve the way the Inspectorate or the police, the Public

http://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Rotterdam/CVDR373493/CVDR373493_4.htm

¹⁶¹ The Netherlands, Court of Appeal The Hague (*Gerechtshof Den Haag*) (2019), Case no.22- 005096-18, 19 December 2019 ECLI:NL:GHDHA:2019:3293, available at: <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHDHA:2019:3293>,

¹⁶² Netherlands Statistics (2019), 'Minder slachtoffers moord en doodslag in 2018', Press release, XX September 2019, available at: <https://www.cbs.nl/nl-nl/nieuws/2019/39/minder-slachtoffers-moord-en-doodslag-in-2018>

¹⁶³ The Netherlands, Sexual Assault Centre (*Centrum Seksueel Geweld*) (2019), Annual report Sexual Assault Centre [*Jaarverslag Landelijk netwerk Centrum Seksueel Geweld*], Utrecht, Centrum Seksueel Geweld, available at: <https://www.centrumseksueelgeweld.nl/wp-content/uploads/2019/07/CEN146-Jaarverslag-CSG-landelijk-2018.pdf>

¹⁶⁴ The Netherlands, Sexual Assault Centres (*Centra Seksueel Geweld*) (2019), 'Green left asks for 2 million euro extra for Sexual Assault Centre', ['GroenLinks vraagt om 2 miljoen euro voor centrum seksueel geweld'], News release, 22 November 2019, www.centrumseksueelgeweld.nl/groen-links-vraag-om-2-miljoen-euro-voor-centrum-seksueel-geweld/

¹⁶⁵ The Netherlands, Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*) (2019), Investigation by the Inspection into the approach to stalking by Bekir E. [*Inspectieonderzoek naar de aanpak van de stalking door Bekir E.*], available at:

www.inspectie-jenv.nl/binaries/inspectie-venj/documenten/rapporten/2019/10/09/rapport-inspectieonderzoek-naar-de-aanpak-van-de-stalking-door-bekir-e/Inspectieonderzoek+naar+de+aanpak+van+de+stalking+door+Bekir+E+%28definitief%29.pdf

Prosecution Service, the probation service and the reporting centre for domestic violence "Veilig Thuis" respond to stalking cases.¹⁶⁶

On 31 October 2019 Statistics Netherlands (*Centraal Bureau voor de Statistiek*) published a new style report about the figures of the regional 'Veilig Thuis' (Safe at Home) organisations covering the first half of 2019. The Safe at Home organisations started to work from 1 January 2015 as centres where victims and witnesses of domestic violence and child abuse can find support and report incidents.¹⁶⁷ These regional organisations are obliged to deliver their annual figures to the Statistics Netherlands. Statistics Netherlands considered the figures of the Safe at Home organisations unreliable since they started to work in 2015. The Safe at Home organisations in cooperation with Ministry of Health, Welfare and Sport, Ministry of Justice and Security and the Association of Netherlands Municipalities started a project (supported by Statistics Netherlands) to improve the figures of the Safe at Home organisations. This report is the first result of this project. In the first half of 2019 the Safe at Home organisations gave 53.000 advices and handled 65.00 reported incidents. 27% of the reports are related to spousal abuse.

¹⁶⁶ The Netherlands, Minister of Justice and Security (*Minister van Justitie en Veiligheid*) (2019), 'Beleidsreactie op rapport Inspectieonderzoek naar de aanpak van de stalking door Bekir. E.', Letter to the House of Representatives, 9 October 2019, available at: www.inspectie-jenv.nl/binaries/inspectie-venj/documenten/rapporten/2019/10/09/rapport-inspectieonderzoek-naar-de-aanpak-van-de-stalking-door-bekir-e/Inspectieonderzoek+naar+de+aanpak+van+de+stalking+door+Bekir+E+++%28definitief%29.pdf

¹⁶⁷ The Netherlands, Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2018), Policy information Safe at home. First half of 2019 [*Beleidsinformatie Veilig Thuis. 1^e half jaar 2019*], The Hague, Centraal Bureau voor de Statistiek, available at: www.cbs.nl/-/media/_pdf/2019/44/beleidsinformatie-veilig-thuis-1e-halfjaar-2019.pdf

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

On 6 June 2019 the Minister of Health, Welfare and Sport sent by letter ¹⁶⁸ the first report on the implementation of comprehensive policy programme 'Onbeperkt meedoen'¹⁶⁹ to the House of Representatives. This programme by the national government aims at the implementation of the CRPD and focuses on the social areas that mean the most in people's daily lives: building and housing; employment; education; transport, social participation and accessibility; care and support. This first report gives an overview of the initiatives that have started in the first year of the programme.

On 1 January 2019 an amendment of the Elections Act took effect.¹⁷⁰ This amendment stipulates that all polling stations must be accessible to people with physical impairments.¹⁷¹ Before this amendment only 25% of the polling stations in each municipality had to be accessible. The same amended article (J4 of the Elections Act) also stipulates that if it is not possible to make all polling stations accessible to people with disabilities, the municipality must inform the Electoral Council accordingly.

The Netherlands Institute for Human Rights informed by letter the Minister of Interior and Kingdom Relations on the results of a special hotline to monitor how accessible the voting process was for disabled people during the elections for the Provincial Councils and Water Boards of 20 March and the European Parliament elections of 23 May.¹⁷² The hotline received during the two elections 258 reports about the (in)accessibility of elections of or on behalf of people with disabilities. These reports include problems with the physical accessibility of polling stations, obtaining help at the polling station, the current ballot paper and preparing for voting. More than three-quarters of all reports relate to problems occurring at the polling station. On 1 January 2019

¹⁶⁸ The Netherlands, Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2019), 'First report on the implementation of the programme Unlimited participation' ['Eerste voortgangsrapportage programma Onbeperkt Meedoen!'], Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 6 June 2019, available at: www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/06/06/kamerbrief-over-eerste-voortgangsrapportage-programma-onbeperkt-meedoen/kamerbrief-over-eerste-voortgangsrapportage-programma-onbeperkt-meedoen.pdf

¹⁶⁹ The Netherlands, Minister of Health, Welfare and Sport (*Minister van Volksgezondheid, Welzijn en Sport*) (2019), Unlimited participation. Implementation report 2019 ['Onbeperkt meedoen! Voortgangsrapportage 2019'], available at: www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2019/06/06/voortgangsrapportage-2019-onbeperkt-meedoen/Voortgangsrapportage_Onbeperkt_meedoen_2019.pdf

¹⁷⁰ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2018), 'Besluit van 25 september 2018, houdende vaststelling van het tijdstip van inwerkingtreding van artikel II van de wet van 14 april 2016 tot uitvoering van het op 13 december 2006 te New York tot stand gekomen Verdrag inzake de rechten van personen met een handicap (Trb. 2007, 169) (Stb. 2016, 215)', Volume 2018, No. 336, available: <https://zoek.officielebekendmakingen.nl/stb-2018-336.html>

¹⁷¹ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2016), 'Wet van 14 april 2016 tot uitvoering van het op 13 december 2006 te New York tot stand gekomen Verdrag inzake de rechten van personen met een handicap (Trb. 2007, 169)', Volume 2016, No. 215, available at: <https://zoek.officielebekendmakingen.nl/stb-2016-215.html>

¹⁷² The Netherlands, Netherlands Institute for Human Rights (*College Rechten van de Mens*) (2019), 'Results hotline accessible elections 2019' ['Eindresultaten meldpunt toegankelijke verkiezingen 2019'], Letter to minister of Interior, 13 June 2019, available at: <https://publicaties.mensenrechten.nl/file/384cbf5f-aeef-47c8-b7a4-c9d55cbd45f5.pdf>

an amendment to the Elections Act took effect which stipulates that all polling stations must be accessible to people with physical disabilities.¹⁷³ At the same time, the results of the hotline show 100% accessibility is not realized yet. As far as the Netherlands Institute for Human Rights is concerned, assistance in the polling station remains the most worrying problem. More than a quarter of the reports relate to this. There are reports of people with a visual or other physical disability about how they could not exercise their right to assistance in the polling station (from a person of their own choice). In a number of cases this meant that they were unable to cast their vote.

On 30 October 2019 a study was published on how municipalities in the Netherlands implement the CRPD.¹⁷⁴ The study covers 47 municipalities (on a total of 315 municipalities in the Netherlands). The study considers to what extent the 47 municipalities comply with the obligation to implement the UN disability treaty step by step. The researchers examined to what extent these municipalities pay explicit attention to people with a disability in their social policy plans. They also examined whether municipalities have a separate plan to make society more inclusive for people with a disability. Four of the municipalities investigated have such a plan, a so-called Local Inclusion Agenda. Eight other municipalities have started this. Fifteen municipalities in the study do not have a separate plan, but do pay explicit attention to disabled people in the implementation of the Participation Act, the Social Support Act (WMO) and the Youth Act. Twenty municipalities do not state at all in their policy what they do to promote the participation of residents with a disability in society. The municipalities with a Local Inclusion Agenda pay particular attention to the accessibility of culture, sports and transport and to a lesser extent to access to work and suitable housing. It is also striking that no municipality pays particular attention to the position of women with a disability, while the treaty requires it.

On 19 November 2019 the Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau*) published its final evaluation of the Participation Act. The Participation Act took effect on 1 January 2015.¹⁷⁵ The goal of the Participation Act is to increase the number of people in employment and to make them less dependent on social assistance. One target group of the act are people with a disability. The evaluation study concludes that the Participation Act has not achieved its goals. While the chance of finding employment increased for young people with a disability since the introduction of the Act, the jobs in which they end up are more often temporary in nature. Their income has fallen. For people with disability who used to work in a sheltered work place, the chance of finding employment decreased, while their benefit dependency increased. The new regime has turned out unfavourably for them. The instruments offered by the Participation Act to guide members of the target groups into work hardly help employers over the threshold to employ disabled people. In many cases employers are not even aware of the existence of those instruments. 61% of employers say they are willing to place someone from the target group; 59% make efforts to do so and 19% develop actual plans. Less than a quarter then manage to put these plans into practice

¹⁷³ The Netherlands, Bulletin of Acts, Orders and Decrees of the Kingdom of the Netherlands (*Staatsblad van het Koninkrijk der Nederlanden*) (2016), 'Wet van 14 april 2016 tot uitvoering van het op 13 december 2006 te New York tot stand gekomen Verdrag inzake de rechten van personen met een handicap (Trb. 2007, 169)', Volume 2016, No. 215, available at: <https://zoek.officielebekendmakingen.nl/stb-2016-215.html>

¹⁷⁴ Kruis, G. en Lemmns, E. (2019), *Beleidsplan VN-Verdrag Handicap : NVRR DOEMEE onderzoek 2019. Een onderzoek naar inclusiebeleid in 47 gemeenten*, Arnhem, Nederlandse Vereniging voor Rekenkamers, available at: www.nvrr.nl/download/?id=87554

¹⁷⁵ Van Echtelt P. et al (2019), *Final Evaluation Participation Act [Eindevaluatie van de Participatiewet]*, The Hague, Netherlands Institute for Social Research, The Hague, available at: www.scp.nl/dsresource?objectid=7b18e53c-6865-48ee-aad9-eb4da6df590d&type=org

On 3 December 2019, the Netherlands Institute for Human Rights published the third report in its monitor on the implementation of the CRPD.¹⁷⁶ The report presents the situation in the Netherlands with regard to three aspects of the accessibility of goods and services: physical accessibility, accessibility of information and communication, and accessibility of services. It concludes that the Dutch government has invested in making public transport, museums, theatres and student housing, for example, physically accessible. The digital accessibility of information and communication is improving step by step. However, municipal information about laws and regulations is often still difficult to find or understand. That is why the Institute recommends that the government continues to develop accessible information provision about goods and services in close consultation with (self) organizations of people with a disability. In many emergency situations, the safety of people with disabilities is not yet sufficiently guaranteed. For example : in the event of a fire in a hotel, deaf people do not hear the alarm.

On 3 December 2019 the umbrella organisation the UN Convention Alliance (*De Alliantie VN-verdrag Handicap*) published its shadow report to the Committee on the Rights of Persons with Disabilities in Geneva.¹⁷⁷ This report will be submitted to CRPD-committee in 2020. The Dutch government submitted the official report to the CRPD-committee in July 2018. General conclusion of this shadow report is that the position of people with disabilities in the Netherlands is deteriorating. Over the past three years, it has become more difficult for people with disabilities to fully participate in society. Ten years ago, 9.5 percent of people with a disability lived in poverty. In 2016, that was 24.6%. In 2011, a total of 3,317 children were excluded from the school system due to their disability. Last year 5,576 children were excluded. The researchers found that the Participation Act - the act intended to help people with disabilities find work - is not working. Even in the current times of widespread staff shortages, unemployment is increasing among people with disabilities. There are also not enough affordable accessible houses.

On 12 December 2019 the Dutch government presented its second National Action Plan on Human Rights.¹⁷⁸ In this plan the government set out the ways on how to fulfil its responsibility to protect and promote human rights in the Netherlands. This plan focuses on achieving access to facilities, to information and to justice. It explicitly states the ambition of the Dutch government to make facilities accessible for people with disabilities (examples are: removing barriers for people in wheelchairs or websites designed to be used by people with a visual impairment).

¹⁷⁶ The Netherlands, Netherlands Institute for Human Rights (*College Rechten van de Mens*) (2019), Access to goods and services : Annual report about the implementation of the CRPD [*Toegankelijkheid van goederen en diensten : Jaarlijkse rapportage over de naleving van het VN-verdrag handicap in Nederland*], Utrecht, College voor de Rechten van de Mens, available at: <https://iederin.nl/wp-content/uploads/2019/12/Schaduwrapport-VN-verdrag-Handicap.pdf>

¹⁷⁷ Dutch CRPD Alliance (*De Alliantie VN-verdrag Handicap*) (2019), Shadow report CRPD [*Schaduwrapportage Verdrag inzake de rechten van personen met een handicap in Nederland*], Utrecht, Alliantie VN-verdrag Handicap, available at: <https://iederin.nl/wp-content/uploads/2019/12/Schaduwrapport-VN-verdrag-Handicap.pdf>

¹⁷⁸ The Netherlands, Ministry of Interior and Kingdom Relations (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*) (2019), National Action Plan on Human Rights 2020 [Nationaal Actieplan Mensenrechten 2020], available at: www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2019/12/12/nationaal-actieplan-mensenrechten-2020/2.+Nationaal+Actieplan+Mensenrechten+2020.pdf

2. CRPD monitoring at national level

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
NL	Ministry of Health, Welfare and Sport (<i>Ministerie van Volksgezondheid, Welzijn en Sport</i>)		Netherlands Institute for Human Rights (<i>College voor de Rechten van de Mens</i>)

Annex 1 – Promising Practices

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.</p>
Title (original language)	Verderkijkers
Title (EN)	Looking further
Organisation (original language)	Ministerie van Sociale Zaken en Werkgelegenheid
Organisation (EN)	Ministry of Social Affairs and Employment
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	The Netherlands, Ministry of Social Affairs and Employment (<i>Ministerie van Sociale Zaken en Werkgelegenheid</i>) (2019), ‘Verderkijkers’, Website available at: https://www.verderkijkers.nl/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2019 -
Type of initiative	Awareness campaign
Main target group	Employers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	This campaign intends to encourage employers to create an inclusive workplace and to recruit employees among those social categories which face discrimination on the labour market because of age, ethnicity, disability and sexual orientation. The campaign consists of a website, events, broadcasts of interviews with employers and a poster. The website gives information on how employers can recruit in an inclusive way and how to select new staff without prejudices. The campaign has been initiated as part of the bill amending The Working Conditions Act (<i>Arbowet</i>) and the Act on Allocation of Employees by Intermediaries (<i>Wet allocatie arbeidskrachten door intermediairs</i>). This bill mandates that each employer has implemented a working method which indicates how discrimination during the recruitment process will be prevented.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements of which this campaign consists are transferable.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	This campaign is initiated and supported by the national government and is part of a legislative process.
Give reasons why you consider the practice as having concrete measurable impact	The campaign provides tools which employers can use make their organisation more inclusive.

Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Labour market discrimination is a problem in all Member States,
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The campaign was initiated by the Ministry of Social Affairs and Employment which has contacts with all stakeholders in the field of employment.
Explain, if applicable, how the practice provides for review and assessment.	All government campaigns are reviewed and assessed.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Naming & faming
Title (EN)	Naming & faming
Organisation (original language)	Gemeente Amsterdam / Kennisplatform Integratie & Samenleving
Organisation (EN)	Municipality of Amsterdam / Platform Integration & Society
Government / Civil society	Government
Funding body	Municipal government
Reference (incl. url, where available)	Felten, H., Cadat, M., Razenberg, I. & Visser, A. (2019), Arbeidsmarktdiscriminatie aanpakken: 'naming & faming' en andere maatregelen voor gemeenten,, Utrecht, Kennisplatform Integratie en Samenleving (KIS), available at: https://www.kis.nl/sites/default/files/arbeidsdiscriminatie-aanpakken.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018-
Type of initiative	Awareness campaign.
Main target group	Employers
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	Naming and faming is a method which seeks to fight labour market discrimination by naming and faming (rewarding) employers who pursue an anti-discrimination policy to prevent the discrimination of applicants on the ground of ethnicity. The municipality of Amsterdam has made use of this method in its policy to fight discrimination on the labour market. The Platform Integration & Society (Kennisplatform Integratie en Samenleving) has monitored this policy in order to identify the necessary steps to follow when local authorities want to use this method.

Highlight any element of the actions that is transferable (max. 500 chars)	The whole practice is transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This practice is implemented by the biggest municipality of the Netherlands which has shown several times its commitment to fight discrimination on the labour market.
Give reasons why you consider the practice as having concrete measurable impact	The practice aims at identifying employers who pursue an anti-discrimination policy to prevent the discrimination of applicants in order to show other employers how they can conduct such a policy.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Because all Member States can use this as a way to fight discrimination on the labour market.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The practice was a cooperation between the municipality of Amsterdam and the Platform Integration & Society (Kennisplatform Integratie en Samenleving), a research and knowledge organization focusing on issues related to the integration of people with a migration background, including discrimination.
Explain, if applicable, how the practice provides for review and assessment.	The practice was a cooperation between the municipality of Amsterdam and Platform Integration & Society (Kennisplatform Integratie en Samenleving) which is a research and expertise centre focusing on issues related to the integration of people with a migration background, including discrimination. The Platform identified the main elements of the approach and described them in a report.

Thematic area	ROMA INTEGRATION Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	Sinti en Roma door de eeuwen heen in Nederland : Een reizende tentoonstelling in woord en beeld
Title (EN)	Sinti and Roma through the ages : A travelling exhibition in words and pictures
Organisation (original language)	Stichting O Lungo Drom
Organisation (EN)	Foundation O Lungo Drom
Government / Civil society	Civil Society
Funding body	National Government
Reference (incl. url, where available)	O Lungo Drom Foundation (2016), Sinti en Roma door de eeuwen heen in Nederland : Een reizende tentoonstelling in woord en beeld. Catalogus, Rijswijk. Stichting O Lungo Drom, available at: http://www.olungodrom.nl/cm4all/iproc.php/def%20%20boekje%20%20Lungo%20Drom.pdf?cdp=a

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2016-
Type of initiative	Exhibition
Main target group	General Public
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	This practice is a travelling exhibition about the history of Sinti and Roma in Europe and the Netherlands organized by the O Lungo Drom foundation. The exhibition pays attention to the arrival of Sinti and Roma in the Netherlands, the persecution of and genocide of the Sinti and Roma during the Second World War, the social position of Sinti and Roma after the Second World War. The exhibition consists of panels with pictures and texts, material artefacts and audio-visuals. A brochure and educational materials have been developed as part of the exhibition.
Highlight any element of the actions that is transferable (max. 500 chars)	The exhibitions and the educational materials are transferable although all these must be adapted to national circumstances.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This good practice is promising in terms of sustainability as opposed to 'one off' activities because of the multi-layered highly professional produced deliverables (hardcopies as well as digital, scripts and audio-visuals), capable to be put into use for multi-functional purposes / beneficiary groups and in effect done so.
Give reasons why you consider the practice as having concrete measurable impact	The exhibition has been seen in many places since 2016.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Goal of the exhibition is to give information on Roma and Sinti
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The beneficiaries (professionals, schools/institutions) and stakeholders (Sinti and Roma) have been involved from the beginning of the elaboration and implementation of the exhibitions.
Explain, if applicable, how the practice provides for review and assessment.	The foundation O Lungo Drom checks the public interest for the exhibition by the number of catalogues distributed and the number of individual visitors of its website at www.olungodrom.nl

Thematic area	Asylum, visas, migration borders and integration Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
Title or short description of promising practice in original language and in English	Overdracht van amv's die 18 jaar worden / Transfer unaccompanied children who turn 18
Organisation (Government / Civil society) in charge of promising practise (original language/English)	Vereniging van Nederlandse Gemeenten (VNG) / Association of Netherlands Municipalities (Government)
Funding body	Vereniging van Nederlandse Gemeenten (VNG) / Association of Netherlands Municipalities (Government)
Reference (incl. url, where available)	The Netherlands, Association of Netherlands Municipalities (Vereniging van Nederlandse Gemeenten) / Nidos (2017), Transfer of unaccompanied children who turn 18 [Overdracht van amv's die 18 jaar worden], The Hague / Utrecht, VNG / Nidos, available at: https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-woorden-vng-nidos.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2017-
Main target group	Unaccompanied children who turn 18
(around 1000 characters)	This manual describes how municipalities in cooperation with guardianship organisation Nidos can shape the transfer of unaccompanied children from the care of Nidos to an independent living under the responsibility of the municipality. In the period before the 18th birthday Nidos performs the task of guardianship for the youngsters. The unaccompanied children are supervised by Nidos and live in small-scale reception locations or reception families. After the 18th birthday the municipality is responsible for housing and possible assistance. The manual indicates how this process can be managed in such a way that this transition takes place in a smooth way. Thus the manual indicates how the municipality can support minors when they enter adulthood. So far only a draft version (2016) and a first definite version (2017) have been published. No updates have been published. The manual specifies various form of assistance. Examples are: support in the arrangement of health insurance, support when applying for care allowance and/or specialized youth care, support when applying for family reunification, support when applying for social assistance benefits.
Indicate level of implementation: Local/Regional/National	Local
Indicate success factors – why has the practice effectively promoted integration?	The practice focuses on a smooth transition of the transfer of unaccompanied minors from Nidos to the municipality. The step-by-step plan helps to draw up the agenda for the transfer and shows who has the ball rolling and when. The starting point is to house the unaccompanied child who turn 18 in the same municipality in which the Nidos reception takes place, so that the young person is already used to the environment, retains social contacts and can continue training and work.
If the initial funding of the initiative ended, how has the initiative been continued/followed-up?	The initiative is a manual and is backed and financed by the Association of Netherlands Municipalities

Explain, if applicable, how the practice is being reviewed and assessed.	No review or assessment has taken place. Any review or assessment on the impact of the manual on the transition process is not foreseen.
Does the initiative apply to both asylum seekers and protection status holders – and/or support the transition from one to the other?	No
Does the initiative specifically support persons in need of international protection as they turn 18? If so, which type of support is provided?	Yes

Thematic area	INFORMATION SOCIETY, DATA PROTECTION Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	Privacy designer
Title (EN)	Privancy designer
Organisation (original language)	Privacy Company / Surf
Organisation (EN)	Privacy Company / Surf
Government / Civil society	Civil society
Funding body	SIDN Fund
Reference (incl. url, where available)	Privacy Company / Surf (2019), Privacy Designer, Web site, available at: https://www.privacydesigner.nl
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018-
Type of initiative	Online tool
Main target group	Small and medium-sized enterprises;civil society organisations, associations
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Privacy Desgner is an online tool which helps small and medium-sized enterprises, associations and NGOs to identify privacy risks in their online products and activities and to protect their data.
Highlight any element of the actions that is transferable (max. 500 chars)	The whole practice is transferable.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	The practice has been designed by a well-established corporation which support organisations to achieve and maintain privacy compliance.
Give reasons why you consider the practice as	Research points out that the target group (Small and medium-sized enterprises, associations and NGOs) is often insufficiently aware of the

having concrete measurable impact	privacy risks to which it is exposed and doesn't quite know how to deal with such risks appropriately.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The tool has been developed by the Privacy Company which supports organisations to achieve and maintain privacy compliance by offering expertise, training in cooperation with SURF, the collaborative organisation for ICT in Dutch education and research,
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The tool has been developed by the Privacy Company which supports organisations to achieve and maintain privacy compliance by offering expertise, training in cooperation with SURF, the collaborative organisation for ICT in Dutch education and research,
Explain, if applicable, how the practice provides for review and assessment.	Privacy Designer won the 2019 Dutch Privacy Award in the category of Corporation Solutions.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	Betrapt! kind niet in de cel maar wat dan wel? (reprimande gesprekken)
Title (EN)	Reprimand conversations
Organisation (original language)	Nationale Politie, Politie-eenheid Oost Nederland. District Twente
Organisation (EN)	National Police, Regional Unit East-Netherlands, District Twente
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	<p>The Netherlands, Police (Politie) (2018), 'Betrapt! kind niet in de cel maar wat dan wel?', News release, 2 July 2018, available at: https://www.politie.nl/nieuws/2018/juli/2/02-polit-betrapt-kind-niet-in-de-cel-maar-wat-dan-wel.html</p> <p>Van Oirschot, C. (2019), 'Minderjarig 'boefje' hoeft straks niet meer cel in: pittig gesprek werkt beter', De Stentor, 7 August 2019, available at: https://www.destentor.nl/zwolle/minderjarig-boefje-hoeft-straks-niet-meer-cel-in-pittig-gesprek-werkt-beter~a578a83d/</p> <p>We have found only information on the results of this project practice in the newspapers. On the website of the police we could find only information on the start of the practice (in 2018). We have selected this practice because of the news coverage which show that the practice was very successful and that the police plan to extend the approach pioneered in this project to all police units in the Netherlands.</p>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018-

Type of initiative	Alternative to detention
Main target group	Juvenile first offenders
Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	In 2018 the police started in the district Twente (part of the Police Unit Eastern Netherlands) a pilot in which children who commit their first minor offense like shoplifting will not be imprisoned but face a strong reprimand (a firm conversation with a police officer in the presence of their parents) instead. The experiment was considered a success by the police and the police plans to extend this approach to all police units in the Netherlands.
Highlight any element of the actions that is transferable (max. 500 chars)	The whole practice is transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice was a pilot but was so successful that it will be implemented in the whole Netherlands.
Give reasons why you consider the practice as having concrete measurable impact	The police decided, based on this pilot, to implement the practice in the whole Netherlands.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Because all Member States are looking for alternatives to detention.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The practice has been developed by the police.
Explain, if applicable, how the practice provides for review and assessment.	No public information is available on how the practice provides for review and assessment. At the same time the police considers the pilot a success and want to implement this new approach in the whole country.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	Sterk
Title (EN)	Strong
Organisation (original language)	Blijf groep
Organisation (EN)	Blijf groep

Government / Civil society	Civil society
Funding body	Municipality
Reference (incl. url, where available)	Singerling, P. (2019), <i>Sterk. Databank Effectieve sociale interventies</i> , Utrecht, Movisie, available at: https://www.movisie.nl/sites/movisie.nl/files/2019-06/Methodebeschrijving-Sterk.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1999-
Type of initiative	Training / Empowerment
Main target group	Women who have experienced (serious) domestic violence.
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	A resilience training for women consisting of twelve weekly sessions of 2.5 hours under the guidance of 2 qualified professionals. These sessions contain psycho-physical exercises and structured group discussions. Goal is to increase the resilience of participants in order to reduce the chance of future violence victimization.
Highlight any element of the actions that is transferable (max. 500 chars)	The whole practice is transferable. Core of this project are 12 sessions with the support of two qualified professionals.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This training exists since 1999 and has been given uninterrupted since then.
Give reasons why you consider the practice as having concrete measurable impact	The practice has been assessed and judged to be well considered. The assessment shows that the participants appreciate the training.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	All Member States are looking for ways or interventions to support victims of domestic violence
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The practice is developed and implemented by Blijf Groep in Amsterdam, one of the oldest organisations in the Netherlands in the field of supporting victims of domestic violence. It provides shelter and assistance for women and children who experienced domestic violence.
Explain, if applicable, how the practice provides for review and assessment.	The practice was assessed by research institute Movisie. On this assessment an independent panel decided that the practice was well considered. Subsequently the practice was incorporated in the database for effective social interventions. Singerling, P. (2019), <i>Sterk. Databank Effectieve sociale interventies</i> , Utrecht, Movisie, available at: https://www.movisie.nl/sites/movisie.nl/files/2019-06/Methodebeschrijving-Sterk.pdf

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.</p>
Title (original language)	Digitale toegankelijkheid in jouw organisatie: wie doet wat?
Title (EN)	igital accessibility of your organisation : who performs what?
Organisation (original language)	Logius - Ministerie van Binnenlandse Zaken en Koninkrijksrelaties
Organisation (EN)	Logius - Ministry of the Interior and Kingdom Relation
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	The Netherlands, Logius - Ministry of the Interior and Kingdom Relation (Logius - Ministerie van Binnenlandse Zaken en Koninkrijksrelaties) (2019), Digital accessibility of your organisation : who performs what? [Digitale toegankelijkheid in jouw organisatie: wie doet wat? Grip op digitale toegankelijkheid bij de overheid], The Hague, Logius - Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, available at: https://www.digitoegeankelijk.nl/binaries/webrichtlijnenwebsite/documenten/brochures/2019/12/09/digitale-toegankelijkheid-in-jouw-organisatie-wie-doet-wat/Digitale-toegankelijkheid-in-jouw-organisatie_pdfua+-toegankelijke+versie.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2019-
Type of initiative	Manual
Main target group	Government organisation
Indicate level of implementation: Local/Regional/National	All levels
Brief description (max. 1000 chars)	This manual explains how governmental organisations can make their websites and applications accessible. It contains information on what is needed to make the organisation's information and services more accessible. The following 12 roles are discussed: director or manager; policy officer; lawyer or compliance manager; purchaser; initiator of projects or product owner; document maker or manager; content specialist or editor; communications consultant; owner of house style or designer; ICT consultant; developer or tester; HR consultant or training consultant.
Highlight any element of the actions that is transferable (max. 500 chars)	The whole manual is transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is supported by the national government and sets out to implement legal requirements that governmental organisations must meet as regards their digital accessibility.
Give reasons why you consider the	The manual gives details om how governmental organisations can achieve digital transferability.

<p>practice as having concrete measurable impact</p>	
<p>Give reasons why you consider the practice as transferrable to other settings and/or Member States?</p>	<p>In all Member States digital accessibility government services is an issue as required by the Directive (EU) 2016/2102.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The manual has been developed by Logius the digital government service which is part of the Netherlands Ministry of the Interior and Kingdom Relations (BZK). It maintains government-wide ICT solutions and common standards.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The practice does not provide for review and assessment.</p>

Annex 2 – Case law

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	26 February 2019
Reference details	The Netherlands, Administrative High Court (Centrale Raad van Beroep) (2019), Case no. 2 17/2755 PW, 26 February 2019, ECLI:NL:CRVB:2019:481, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:CRVB:2019:481
Key facts of the case (max. 500 chars)	A Muslim man receives a social assistance benefit from the municipality in which he lives. If you receive social assistance in the Netherlands, you are obliged to make use of the possibilities offered by the municipality to get a job or to increase the chances of finding a job, for example by attending a training course. Each Friday afternoon the Muslim man attends the mosque out of religious convictions. He was offered a traineeship during which he had to work on Friday afternoons. The municipality decided to reduce the benefits to the Muslim as penalty. The Muslim man appealed against the decision by the municipality. The Administrative High Court ruled that the wish to visit the mosque on Friday afternoons falls within the scope of freedom of religion. The obligation to work Friday afternoons is therefore a violation of the freedom of religion. The municipality should not have reduced the Muslim's social assistance benefits.
Main reasoning/argumentation (max. 500 chars)	A Muslim man who receives social assistance benefits is not obliged to accept a traineeship during which he had to work on Friday afternoon, because the wish of the Muslim man to visit the mosque on Friday afternoons falls within the scope of freedom of religion. A reduction of his benefits because of his refusal to accept a traineeship constitutes a violation of freedom of religion.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	A person who receives social assistance benefits is not obliged to accept work or a traineeship on days or hours in which he fulfils a religious duty.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The reduction of a social assistance benefits is not allowed to penalise a beneficiary of social assistance who refuses to attend a traineeship on a time when he fulfils his religious duties.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>"Om in de onderhavige casus de bescherming van artikel 9 van het EVRM, in het bijzonder de vrijheid van godsdienst of overtuiging, te kunnen invoeren, dient sprake te zijn van een gedraging die kan worden aangemerkt als het belijden van een godsdienst of overtuiging. Tussen partijen is niet in geschil dat de wens van appellant om de moskee te bezoeken, is gebaseerd op zijn geloofsovertuiging. De door het college aan appellant opgelegde verplichting om op (alle) vrijdagmiddagen te werken, belemmert appellant structureel in het moskeebezoek. Het opleggen van deze verplichting vormt een inbreuk op het recht op godsdienstvrijheid."</p> <p>"In order to invoke Article 9 of the ECHR, the freedom of religion or belief, in the present case, there must be behaviour that can be regarded as the practice of a religion or belief. It is not disputed between the parties that the appellant's wish to visit the mosque is based on his religious conviction. The obligation imposed on the appellant by the Municipality to work on (all) Friday afternoons structurally impedes the appellant's visit to the mosque. Imposing this obligation is a violation of the right to religious freedom."</p>

	The Netherlands, Administrative High Court (<i>Centrale Raad van Beroep</i>) (2019), Case no. 2 17/2755 PW, 26 February 2019, ECLI:NL:CRVB:2019:481, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:CRVB:2019:481
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Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.
Decision date	3 December 2019
Reference details	The Netherlands, Supreme Court (<i>Hoge Raad</i>) (2019), Case no. 17/05728, 3 December 2019, ECLI:NL:HR:2019:1816, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2019:1816
Key facts of the case (max. 500 chars)	A preacher made in several anti-Muslims statements among which “All Moslims will go to hell”. In this ruling the Supreme court confirms the ruling by the Court of Appeal of 's-Hertogenbosch on 22 November 2017 which convicted the preacher for group insult for making the statement “Moslims are terrorists” under article 137c of the Dutch Criminal Code.
Main reasoning/argumentation (max. 500 chars)	By making the statement "Moslims are terrorists" in public a preacher insulted Muslims and is punishable under article 137c of the Dutch Criminal Code which criminalizes group insult on the ground of race and religion..
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The statement "Muslims are terrorists" made in public insults Muslims as a group and does not contribute in any way to a public debate and cannot be seen as an expression of a belief or of artistic intentions. So it is criminal under article 137c of the Dutch Criminal Code.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	By making the statement "Moslims are terrorists" in public a preacher insulted Muslims and was convicted by the Court of Appeal under article 137c of the Dutch Criminal Code which criminalizes group insult. In this ruling the Supreme Court confirms this ruling by the Court of Appeal.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Het Hof heeft geoordeeld dat de in de bewezenverklaring weergegeven uitlating op zichzelf beschouwd beledigend is in de zin van art. 137c Sr. Daarbij heeft het in aanmerking genomen dat de uitlating “Moslims are terrorists” de strekking heeft moslims bij het publiek in een kwaad daglicht te stellen en hen als groep te treffen. Dit oordeel - dat het Hof heeft geplaatst tegen de achtergrond van het hiervoor weergegeven kader - geeft niet blijk van een onjuiste rechtsopvatting en is toereikend gemotiveerd.”</p> <p>“The Court of Appeal has ruled that the statement in question constitutes an insult on basis 137c Sr of the Criminal Code. In doing so, the court has considered that the intention of the statement “Muslims are terrorists” is to put Muslims in a bad light and to target them as a group. This ruling by the Courts constitutes an error of law and is sufficiently reasoned. Insofar as the plea complains, it fails.”</p> <p>The Netherlands, Supreme Court (2019), Case no. 17/05728, 3 December 2019, ECLI:NL:HR:2019:1816, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2019:1816</p>

Thematic area	ROMA INTEGRATION
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	Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
Decision date	10 January 2019
Reference details	The Netherlands, Sub-district Court (Kantonrechter) (2019), Case no. 6898246 CV EXPL 18-1958, 10 January 2019, ECLI:NL:RBDHA:2019:76, available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2019:76
Key facts of the case (max. 500 chars)	A housing corporation wanted to evict five Travellers from a caravan site. The Housing corporation wanted them to move to special 'trailer homes' that the corporation had in mind for them. They refused to do so. According to the housing corporation the new homes are comparable to caravans. The housing corporation took the five persons to court. The court rejects the claim for eviction of the caravan site in question due to conflict with articles 8 and 14 of the ECHR. The corporation could not convince the subdistrict court that the caravan homes realized at the proposed location can be equated with caravans. The court thereby recognizes the special nature of caravan life. The housing corporation accepted the ruling by the Court and did not lodge an appeal.
Main reasoning/argumentation (max. 500 chars)	Living in a Caravan on a special site is a part of the identity of Travellers. Because of that authorities and housing corporations cannot order Travellers to move from their caravans to other forms of housing.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The authorities (including housing corporations) have a positive obligation to protect the culture of Travellers and to facilitate life style of Travellers. Travellers have a right to live in caravans on a special site because this constitutes an integral part of their cultural identity.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Five Travellers who were ordered by a housing corporation to move from their caravans on a special caravan site to special 'trailer homes' that the housing corporation had in mind for them can stay in their caravans. The Sub-district Court ruled that to the proposed houses cannot be equated with real caravans and that the housing corporation fails to appreciate the special nature of caravan life.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“In dit kader wijst de kantonrechter er in de eerste plaats op dat [gedaagden] woonwagenbewoners zijn. Uit vaste rechtspraak van het Europees Hof voor de Rechten van de Mens (hierna: EHRM) waaronder het arrest van het EHRM d.d. 18 oktober 2013 (Winterstein/Frankrijk), vormen woonwagenbewoners een minderheidsgroep met een eigen culturele identiteit. Deze identiteit wordt vooral gekenmerkt door het wonen in een woonwagen waarbij familieverbanden in onderlinge verbondenheid een belangrijke rol spelen. Ook trekvrijheid is een kenmerk van de identiteit van woonwagenbewoners. Evenals ieder ander hebben gelet op artikel 8 van het Europees Verdrag van de Rechten van de Mens (EVRM) woonwagenbewoners recht op respect voor dan wel eerbiediging van hun privéleven, hun familie- en gezinsleven en hun woning. Daarnaast dienen gelet op artikel 14 van het EVRM woonwagenbewoners te worden gevrijwaard van discriminatie. Met andere woorden: woonwagenbewoners mogen niet nadeliger worden behandeld omdat zij woonwagenbewoner zijn. Een ander is onder meer neergelegd in artikel 7a AWGB. De overheid en dan bij uitsteking de gemeente heeft een positieve verplichting om de woonwagencultuur te beschermen en het woonwagenleven te faciliteren.”</p> <p>“In this context, the subdistrict court first of all points out that [defendants] are Travellers. According to case law of the European Court of Human</p>

	<p>Rights (ECHR), including the judgment of the ECHR of 18 October 2013 (Winterstein / France), Travellers constitute a minority group with their own cultural identity. This identity is mainly characterized by living in a caravan in which family relationships play an important role. Freedom to travel is also a main characteristic of Travellers. Travellers, like all citizens, have a right to respect for private and family life as enshrined in Article 8 of the ECHR . In addition Traveller, like all citizens, and in accordance with Article 14 of the ECHR, must be protected against discrimination. In other words: Travellers should not be treated more unfavourably because they are caravan dwellers. This is laid down in Article 7a of the Equal Treatment Act. The government and then the municipality have a positive obligation to protect the culture of Travellers and to facilitate the lifestyle of Travellers.</p> <p>The Netherlands, Sub-district Judge (<i>Kantonrechter</i>) (2019), Case no. 6898246 CV EXPL 18-1958, 10 January 2019, ECLI:NL:RBDHA:2019:76, available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2019:76</p>
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Thematic area	<p>INFORMATION SOCIETY, DATA PROTECTION</p> <p>Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter</p>
Decision date	5 February 2019
Reference details	<p>The Netherlands, Court of Appeal Amsterdam (Gerechtshof Amsterdam) (2019). Case no. 17/00577, 5 February 2019, ECLI:NL:GHAMS:2019:529, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2019:529</p>
Key facts of the case (max. 500 chars)	<p>The municipality of Amsterdam uses a system of number plate parking. If a driver wants to park his car he has to register the license plate number of his car. So anonymous payments for parking taxes are not possible in this system. The NGO Privacy Started a lawsuit against the municipality of Amsterdam arguing that this this payment system contravenes the right to privacy as laid down in article 8 of the ECHR. The Court decided in favour of the municipality of Amsterdam and rules that the system of number plate marking does not contravene article 8 of the ECHR.</p>
Main reasoning/argumentation (max. 500 chars)	<p>Article 8 of the ECHR does not grant the right to pay in cash because other ways to pay anonymously are still available.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The number plate parking used by the municipality of Amsterdam in order to collect parking taxes does not constitute an infringement of the right to privacy.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Municipality of Amsterdam can continue to use the system of number plate parking because it does not constitutes a violation of the right to privacy.</p>
Key quotation in original language and translated into English	<p>“Ook aan artikel 8 EVRM kan geen recht op betaling van parkeerbelasting door middel van contant geld worden ontleend. Zo de uitsluiting van betaling door middel van contant geld al raakt aan het privéleven van belanghebbende, dan nog staat voor hem de mogelijkheid</p>

with reference details (max. 500 chars)	<p>open niet-rekeninggebonden prepaid creditcards niet te registreren en met die kaarten anoniem te betalen .De omstandigheid dat anderen dan de heffingsambtenaar daarvan misbruik zouden kunnen maken, doet aan dat oordeel niet af. Dit betreft, gelijk de rechtbank terecht heeft overwogen, immers geen inbreuk op artikel 8 EVRM door de heffingsambtenaar.”</p> <p>“Article 8 of the ECHR does not grant a right to payment of parking tax by means of cash. If the exclusion of payment by means of cash affects the private life of the person concerned, then there is still the possibility for him not to register prepaid credit cards and to pay anonymously with those cards. The circumstance that others than the tax official thereof could misuse does not alter that judgment. After all, as the district court rightly considered, this does not concern an infringement of Article 8 of the ECHR by the tax official.”</p> <p>The Netherlands, Court of Appeal Amsterdam (<i>Gerechtshof Amsterdam</i>) (2019). Case no. 17/00577, 5 February 2019, ECLI:NL:GHAMS:2019:529, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHAMS:2019:529</p>
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Thematic area	<p>RIGHTS OF THE CHILD</p> <p>Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.</p>
Decision date	22 January 2019
Reference details	<p>The Netherland, Distict Court Limburg (Rechtbank Limburg) (2019), Case no. 03/720266-17, 22 January 2019, ECLI:NL:RBLIM:2019:497, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBLIM:2019:497</p>
Key facts of the case (max. 500 chars)	<p>A man, , used the identity of his son to lure girls younger than 16 before the web cam. He told them to perform sexual acts including using their fingers or objects to penetrate themselves with objects. The court ruled that by doing so he was guilty of sexual intrusion which is criminal under article 244, 245 and 247 of the Dutch criminal code. This is the first time a court ruled that self-penetration before a webcam is a form of sexual intrusion which is made criminal under several articles of the Dutch Criminal Code.</p>
Main reasoning/argumentation (max. 500 chars)	<p>Making underage girls to perform acts of self-penetration before a webcam is a form of sexual intrusion of the body as referred to in articles 244 and 245 of the Criminal Code.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>In this case the District Court Limburg convicted a man for sexual intrusion of underage girls while he had never had sexual contact with the girls in question. The Court clarifies in this case that under sexual intrusion as made criminal by the Dutch Criminal Code one must also understand self-penetration before the webcam.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>A man was convicted to 4 years imprisonment and a TBS-order because of sexual intrusion of underage girls by luring these girls into performing acts of self-penetration before the webcam. TBS is a provision in the Dutch criminal code that allows for a period of treatment following a prison sentence for mentally disordered offenders.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“In het verlengde hiervan wordt tevens het verweer van de raadsman verworpen met betrekking tot seksueel binnendringen zoals tenlastegelegd onder feit 2, 3, 4 en 9, alle primair. Onderdeel van de ontucht van verdachte is dat de meisjes zichzelf, op zijn initiatief, hebben gepenetreerd met hun vinger(s) en/of een voorwerp terwijl ze</p>

	<p>met verdachte in gesprek waren. Evident is de seksuele strekking ervan. Voor de rechtbank lijkt het geen twijfel dat deze penetratie kan worden gekwalificeerd als seksueel binnendringen van het lichaam zoals bedoeld in de artikelen 244 en 245 Sr. Het zogeheten Pollepel-arrest waarnaar de raadsman heeft verwezen in zijn pleidooi ziet op seksueel binnendringen onder dwang, hetgeen in casu niet ten laste is gelegd.”</p> <p>"In line with this, the argument made by the defendant’s counsel with regard to sexual intrusion as charged under offences 2, 3, 4 and 9, all primary, is also rejected. Part of the accused's fornication is that the girls, on his own initiative, have penetrated themselves with their finger(s) and/or an object while they were talking to the accused. The sexual nature of it is obvious. There is no doubt in court that this penetration can be qualified as sexual intrusion of the body as referred to in articles 244 and 245 of the Criminal Code. The so-called Woeden-Spoon-verdict to which the counsel referred in his plea relates to sexual intrusion under duress, which has not been charged in the present case."</p> <p>The Netherland, Distict Court Limburg (<i>Rechtbank Limburg</i>) (2019), Case no. 03/720266-17, 22 January 2019, ECLI:NL:RBLIM:2019:497, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBLIM:2019:497</p>
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Thematic area	<p>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</p> <p>Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..</p>
Decision date	19 December 2019
Reference details	<p>The Netherlands, Court of Appeal The Hague (Gerechtshof Den Haag) (2019), Case no.22- 005096-18, 19 December 2019 ECLI:NL:GHDHA:2019:3293, available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHDHA:2019:3293</p>
Key facts of the case (max. 500 chars)	<p>In 2018 the municipality of Rotterdam criminalised sexual intimidation in public spaces in its General Municipal By-Law (<i>Algemene Plaatselijke Verordering</i>). On 22 November 2019 and 5 December the Sub District Court Rotterdam convicted two man for sexual intimidation under article 2.1a of the General Municipal By-Law of Rotterdam which bans sexual intimidation in public spaces. The Court of Appeal ruled that a ban on sexual intimidation in public spaces may constitute an infringement of the right to freedom of expression as laid down by article 7 of the Dutch constitution and article 10 of the ECHR and cannot be implemented by a municipal by-law but only by an act made by parliament.</p>
Main reasoning/argumentation on (max. 500 chars)	<p>A ban on sexual intimidation can only be implemented by an act of parliament and not by local by-laws.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>Municipal authorities cannot introduce articles which ban sexual intimidation in public spaces in their by-laws because these article may infringe the right to freedom of expression as laid down by article 7 of the Dutch constitution and article 10 of the ECHR. A ban on sexual intimidation in public spaces can only be implemented by an act made by parliament.</p>

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Two men convicted of sexual intimidation in public spaces are exonerated because they have been convicted under an article of a municipal by-law which may contravene article 7 of the Dutch constitution and article 10 of the ECHR in which the right to freedom of expression is laid down.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Op het grondrecht in vrijheid de inhoud van gedachten of gevoelens te uiten kan alleen bij wet in formele zin beperking worden aangebracht.” “The fundamental right to freedom to express thoughts or feelings can only be restricted by a law made by parliament”</p> <p>The Netherlands, Court of Appeal The Hague (<i>Gerechtshof Den Haag</i>) (2019), Case no.22- 005096-18, 19 December 2019 ECLI:NL:GHDHA:2019:3293, available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHDHA:2019:3293</p>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
Decision date	24 October 2019
Reference details	The Netherlands, District Court Amsterdam (<i>Rechtbank Amsterdam</i>), Case no. C/13/664201 / FA RK 19-1970, 26 April 2019, ECLI:NL:RBAMS:2019:3375, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2019:3375
Key facts of the case (max. 500 chars)	A mother with a mild intellectual disability has an unborn child. She lives with The Child Care and Protection Board (<i>Raad voor Kinderbescherming</i>) asked the Court to terminate the authority of the mother over the child to assign the custody of the child after birth to the Willem Schrikker Foundation, because of the intellectual disability of both parents. The mother lives together with the father who has also a mild intellectual disability. Seven of their children are already placed under custody of the Willem Schrikker Foundation. But the Court found that the situation of the parents has improved since then and that the parents can raise this new child if they receive the appropriate assistance. The Court rejected in this the request of the Child Care and Protection Board basing its ruling , in part, on article 23 of the CRPD.
Main reasoning/argumentation (max. 500 chars)	An intellectual disability of the parents is not in itself a determining factor for failing parenthood. Failing parenthood can be prevented when the parents receive appropriate assistance as stipulated by Article 23 of UN Convention on the Rights of Persons with Disabilities
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Parents with intellectual disability are entitled to raise their own children but only when receive appropriate assistance as stipulated by to Article 23 of UN Convention on the Rights of Persons with Disabilities .
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court rejects the request made by the Child Care and Protection Board for the termination of the authority of the mother over an unborn child because of the mild intellectual disability of both parents.
Key quotation in original language and translated into English with reference details (max. 500 chars)	“7.3 Verder dient rekening te worden gehouden met het door Nederland op 14 juli 2016 geratificeerde VN Verdrag inzake de Rechten van Personen met een Handicap (IVRPH), in het bijzonder artikel 23 van dat verdrag. In artikel 23 van het IVRPH is bepaald dat ‘de Staten die Partij zijn (...) passende hulp verlenen aan personen met een handicap bij het

verrichten van hun verantwoordelijkheden op het gebied van de verzorging en opvoeding van hun kinderen’.

7.4 Uit voornoemd artikel 23 van het IVRPH kan worden afgeleid - en de rechtbank stelt dit voorop - dat een verstandelijke beperking niet zonder meer reden is dat een ouder niet voor een kind kan zorgen. Uit wetenschappelijk onderzoek is gebleken dat een verstandelijke beperking op zich geen bepalende factor is voor falend ouderschap, maar dat getoetst dient te worden of er voldoende beschermende factoren zijn die eraan bijdragen dat dergelijk ouderschap succesvol kan zijn. Het gaat er dan om of de ouders in kwestie hulp durven vragen en deze accepteren, of goede opvoedinterventies voorhanden zijn en of sprake is van opvang en steun vanuit een social network.”

“7.3 Furthermore, the UN Convention on the Rights of Persons with Disabilities (CRPD), ratified by the Netherlands on 14 July 2016, must be taken into account, in particular Article 23 thereof. Article 23 of the CRPD states “that States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.”

7.4. It can be deduced from the aforementioned Article 23 of the CRPD - and the Court puts this first - that an intellectual disability is not automatically a reason that a parent cannot look after a child. Scientific research has shown that an intellectual disability is not in itself a determining factor for failing parenthood, but it must be tested whether there are sufficient protective factors that contribute to such parenthood being successful. What matters is whether the parents in question dare to ask for and accept help, whether good parenting interventions are available and whether there is support from a social network.”

The Netherlands, District Court Amsterdam (*Rechtbank Amsterdam*), Case no. C/13/664201 / FA RK 19-1970, 26 April 2019, ECLI:NL:RBAMS:2019:3375, available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2019:3375>