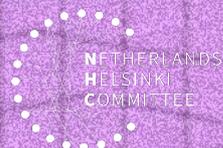


LIBERTIES

RULE OF LAW

REPORT

2026



#roi-report2026

NETHERLANDS



Co-funded by the European Union



FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

[Download the full Liberties Rule of Law Report 2026 here.](#)

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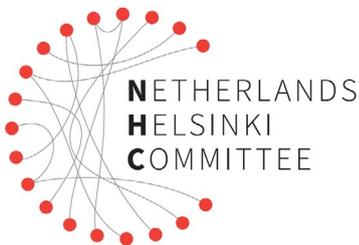
ABOUT THE CONTRIBUTING ORGANISATIONS

Dutch section of the International Commission of Jurists (*Nederlands Juristen Comité voor de Mensenrechten*, NJCM)



The NJCM was established in 1974 as the Dutch section of the International Commission of Jurists (ICJ). It has evolved into an authoritative organisation that is committed to and advocates for the protection of human rights in the Netherlands and Dutch foreign policy.

Netherlands Helsinki Committee (NHC)



The NHC is a non-governmental organisation that promotes human rights and strengthens the rule of law and democracy in all countries of Europe, including the Central Asian countries participating in The Organization for Security and Co-operation in Europe (OSCE).

Transparency International Nederland (TI-NL)



TI-NL strives for a world in which government services, the political world, business, civil society and citizens are free from corruption. The emphasis is on improving integrity, transparency and accountability in Dutch society.

Free Press Unlimited (FPU)



FPU is an international press freedom organisation that collaborates with over 300 media partners worldwide. With them, we work on our mission to make independent news and information available to everyone.

RNW Media



RNW Media is an international media development organisation dedicated to harnessing the power of independent digital media to uphold human rights and advance the public good.

OVERALL ASSESSMENT: STAGNATOR

The rule of law issues in the Netherlands in 2025 unfolded in a context of institutional strain and limited legislative action. A caretaker government produced little new policy, while key justice institutions faced severe operational problems, including Information and Communication Technology (ICT) failures in the prosecution service, staff shortages in prisons and youth justice, and a shrinking pool of social-law lawyers. At the same time, political debates grew more confrontational, with civil society increasingly targeted and reporting worsening working conditions.

Internationally, these developments were assessed within the European Union's (EU's) broader focus on safeguarding democratic standards. National bodies such as the Council of State, the National Human Rights Institute, and the Dutch Bar Association played important roles by warning about rushed legislation, shrinking civic space, and rule-of-law-incompatible political proposals. Conversely, incidents of public intimidation—such as threats surrounding asylum centre planning—negatively influenced governance and highlighted how societal pressures can undermine the state's ability to uphold rule-of-law obligations.

Assessment of the trajectory

The Netherlands can be considered a stagnator (if not 'sliding' towards the slider designation in certain areas) in 2025 because the justice system, anti-corruption framework, media environment and civic space all show clear signs of deterioration rather than improvement. While the judiciary made small gains in training capacity and workload management, these were overshadowed by serious setbacks across the justice chain: prisons and youth justice institutions struggled with severe staff shortages and unsafe conditions, the Public Prosecution Service faced major ICT failures that caused operational paralysis and growing backlogs, and social legal aid continued to erode as lawyers left the sector. Anti-corruption policy also failed to advance, with the government producing almost no new legislation and only minimal movement on long-pending reforms, despite significant unresolved issues.

At the same time, civic space and democratic safeguards came under increasing pressure. Proposed laws on civil society transparency and public demonstrations raised concerns about excessive surveillance powers and potential human-rights violations, while studies¹ showed that most Civil Society Organisations (CSOs) experienced worsening conditions for their work. Fast-tracked legislation, particularly in the asylum domain, weakened procedural safeguards and limited opportunities for

1 RNW Media & Utrecht University, *Rerouting Digital Identities and Creating Counter Narratives*, October 2025, <https://www.rnw.media/index.php/resources/rerouting-digital-identities-and-creating-counter-narratives-a-public-engagement-project-with-migrants-in-the-netherlands/>

expert input. Additional concerns included proposals that risk creating accountability gaps for unconstitutional actions, a political climate increasingly hostile toward civil society, and instances where threats or violence influenced government decisions. Together, these developments demonstrate that the Netherlands made no meaningful progress in 2025 and instead experienced regression across several core rule-of-law pillars.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

Some issues merit consideration for the initiation of infringement proceedings. These issues are:

- Fast-tracked asylum legislation may undermine EU-required guarantees of effective judicial protection and procedural fairness under the Asylum Procedures Directive and the EU Charter.
- Draft laws restricting demonstrations and expanding surveillance powers could conflict with EU Charter rights to freedom of assembly and association.
- Proposed Transparency of CSOs law raises concerns about disproportionate interference with civil society, potentially violating EU fundamental-rights standards.
- Proposed removal of criminal malfeasance provisions risks creating an accountability gap that may weaken enforcement of EU obligations, contrary to Article 4(3) Treaty on European Union (TEU).

State of play (versus 2025)

- Justice system
- Anti-corruption framework
- Media Environment and Media Freedom
- Checks and balances

Legend

- | Regression | No progress | Progress |
|---|---|---|
|  |  |  |

JUSTICE SYSTEM

General assessment

The overall situation of the Dutch justice system in 2025 reflects no progress, with several developments pointing instead toward deterioration. Although the judiciary made incremental progress in expanding training capacity and managing workload, this limited improvement is outweighed by significant negative trends in other parts of the justice chain. Custodial institutions experienced serious human resource shortages and worsening working conditions,² while youth justice institutions faced staff shortage, problems with occupancy, the quality of accommodation and treatment, and safety risks for young people.³ The Public Prosecution Service (in Dutch: Openbaar Ministerie, abbr. OM) suffered major operational disruption due to ICT failures, including a large-scale cyberattack and a prolonged shutdown of OM systems, resulting in growing backlogs and exhaustion, frustration and declining morale among staff.⁴ Social legal aid also deteriorated, with the outflow of lawyers in social law and evidence that less than one in four lawyers is a social lawyer.⁵ Taken together, these

- 2 Rozemarijn Lubbe, *High workload in prisons: 4 in 10 staff consider quitting* ('Hoge werkdruk in gevangnissen: 4 op 10 medewerkers overwegen te stoppen'), EenVandaag, 17 July 2025, <https://eenvandaag.avrotros.nl/opiniepanel/uitslagen/hoge-werkdruk-in-gevangnissen-4-op-10-medewerkers-overwegen-te-stoppen-blijkt-uit-rondgang-160800>; Also: risks for young people further expanded on in text below.
- 3 Rozemarijn Lubbe, *High workload in prisons: 4 in 10 staff consider quitting* ('Hoge werkdruk in gevangnissen: 4 op 10 medewerkers overwegen te stoppen'), EenVandaag, 17 July 2025, <https://eenvandaag.avrotros.nl/opiniepanel/uitslagen/hoge-werkdruk-in-gevangnissen-4-op-10-medewerkers-overwegen-te-stoppen-blijkt-uit-rondgang-160800>; Also: risks for young people further expanded on in text below.
- 4 Marcel Haenen, 'Disastrous' IT-issue harasses the Public Prosecution: 'It's a many-headed monster' (*Rampzalig ict probleem teister het Openbaar Ministerie: 'Het is een veelkoppig monster'*), NRC, 22 april 2024, <https://www.nrc.nl/nieuws/2024/04/22/werk-openbaar-ministerie-in-problemen-door-falen-ict-a4196825>; Marcel Haenen, One in four employees of Public Prosecution unable to work due to IT-problems (*Een op de vier werknemers van OM kan niet werken door ict-problemen*), NRC, 2 April 2025, <https://www.nrc.nl/nieuws/2025/04/02/een-op-de-vier-werknemers-van-om-kan-niet-werken-door-ict-problemen-a4888529>; Marcel Haenen, Work Public Prosecution almost entirely halted due to IT problems (*Werk OM door aanhoudende ICT-problemen bijna volledig tot stilstand gekomen*), NRC, 28 March 2025, <https://www.nrc.nl/nieuws/2025/03/28/werk-om-door-aanhoudende-ict-problemen-bijna-volledig-tot-stilstand-gekomen-a4888064>; Author unknown, Public Prosecution offline again, 'severe worries regarding security' (*Openbaar ministerie wederom offline, 'ernstige zorgen over beveiliging'*), Mr. Online, 18 July 2025, <https://www.mr-online.nl/openbaar-ministerie-wederom-offline-ernstige-zorgen-over-beveiliging/>
- 5 NOvA, An overview of the Bar: Dutch legal profession sees a slight growth, extensive regional differences (*Balie in beeld: Nederlandse advocatuur groeit licht, forse regionale verschillen*), 24 February 2025, <https://www.advocatenorde.nl/nieuws/nederlandse-advocatuur-groeit-licht-forse-regionale-verschillen>

developments show that despite isolated improvements, the justice system as a whole did not advance in 2025, and several components — prisons, youth justice, the prosecution service, and legal aid — demonstrate clear regression requiring urgent attention.

Implementation of 2025 Commission recommendations

Recommendation: Continue efforts to improve challenging working conditions in the justice system and address shortages in human resources (first made in 2024 - Continue efforts to address shortages in human resources and challenging working conditions in the justice system)

Some progress on efforts to address shortages in human resources and challenging working conditions in the justice system.

Relatively clear but steps to take are not clearly articulated. ‘Continue efforts’ is too vague and too broad.

Overall, while the judiciary made incremental progress in expanding training capacity and managing workload (as has already been reported on), the broader justice system — especially custodial institutions — continued to face serious human-resource shortages and worsening working conditions throughout 2025.⁶ The director of the Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*, DJI) in December 2025 announced a ‘code black’ for prisons being overcrowded and detainees having to wait for long periods of time.⁷

Proposed recommendation:

Invest in (bringing in, training, maintaining) staff in the justice system and judiciary;

- Invest in social lawyers;
- Address ICT issues within the system;

6 Rozemarijn Lubbe, *High workload in prisons: 4 in 10 staff consider quitting* (*Hoge werkdruk in gevangenissen: 4 op 10 medewerkers overwegen te stoppen*), EenVandaag, 17 July 2025, <https://eenvandaag.avrotros.nl/opiniepanel/uitslagen/hoge-werkdruk-in-gevangenissen-4-op-10-medewerkers-overwegen-te-stoppen-blijkt-uit-rondgang-160800>

7 Dienst Justitiële Inrichtingen (DJI), Code Black. Postponement is not an option (*‘Code Zwart. Uitstel is geen optie’*), 2025, <https://www.dji.nl/actueel/nieuws/2025/12/18/code-zwart.-uitstel-is-geen-optie>

- Take measures against overcrowding of prisons.

Commission's 2025 assessment: Some progress**NJCM current assessment: No progress**

Gaps in the Commission's Report

Legal Aid, Justice System Inequality, and Institutional Reform

The first issue is that last year's report stated that social lawyers'⁸ fees are low, which jeopardises access to justice.⁹ This report also revealed that there is a shortage of social lawyers in various regions.¹⁰ No direct recommendation was made, except that independent research had been conducted into increasing the fees.

The second issue is that structural and long-standing ICT failures at the Public Prosecution Department are not explicitly identified as a distinct rule of law risk in the European Commission's 2025 country chapter on the Netherlands. While the Commission refers in general terms to digitalisation and efficiency within the justice system, it does not specifically address the systemic vulnerabilities of prosecutorial ICT infrastructure, nor their concrete impact on criminal proceedings.¹¹

Thirdly, there are issues concerning children in the youth criminal law and Youth Justice Institutions. Inequality manifests itself in the fact that young people with a migrant background, a disability, or low socio-economic status are more often identified as suspects, prosecuted, and end up in pre-trial detention. Unequal use of (pre-trial) detention has harmful consequences for young people and disproportionately impacts the well-being and future prospects of (disadvantaged) youngsters. Social problems such as poverty, staff shortages and waiting lists become individual problems for children. Young people in socio-economically disadvantaged neighbourhoods are at increased risk of becoming

8 A 'social lawyer' is defined as a lawyer working for those who are not able to pay for judicial assistance. They are mainly paid by the government. Without social lawyers, a third of the population in the Netherlands would not have access to legal assistance. See Nederlandse Orde van Advocaten, *Sociale Advocatuur*, <https://www.advocaten-orde.nl/voor-advocaten/sociale-advocatuur>

9 Commissie van der Meer ii (the Netherlands), *Changing Times (Veranderde tijden)*, 3 March 2025, <https://www.rijksoverheid.nl/documenten/rapporten/2025/03/27/tk-bijlage-adviesrapport-commissie-van-der-meer-ii>, p. 4-5

10 Commissie van der Meer ii, p. 5, 115

11 See letter NVvR, <https://www.nvvr.org/wp-content/uploads/Taakstelling-OM-en-ICT-brief-11-11-2025-def.pdf>, also e.g. <https://www.mr-online.nl/frustratie-door-ict-problemen-en-bezuinigingen-bij-het-om-steads-groter/>

involved in crime, which means that recorded youth crime is concentrated in specific areas.¹² This problem is particularly prevalent in large cities.¹³ With regards to youth justice institutions, the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ) concluded that the Dutch system of non-criminal dispositions for juveniles did not meet international children's rights standards.¹⁴ Although the Youth Act permits freedom restricting measures under strict conditions, recent findings by the European Committee for the Prevention of Torture (CPT) show that there are structural shortcomings in guaranteeing the fundamental rights of youngsters, in particular Article 3 of the European Convention of Human Rights (ECHR).

The fourth noteworthy issue, discussed in more detail below, is a proposed amendment of Article 57 of the Constitution, according to which one cannot combine membership of parliament with the role of minister or state secretary (Section 2), except when a member of a caretaker government is already elected as member of parliament, while the new government has not yet been installed (Section 3).

The fifth issue concerns malfeasance in office. This year, the government submitted to public consultation a draft constitutional amendment¹⁵ and an additional draft law¹⁶ aimed at changing the regime for prosecuting malfeasance by public officials. Mostly, the proposed changes will increase the fairness of the procedure by shifting the competence to start an investigation from the government or House of Commons to the Prosecutor-General at the Supreme Court. However, the government also proposes, in the same draft laws, to scrap the penal provisions on public malfeasance from the Criminal Code (Articles 355 and 356), on the grounds that they are too vague and overlap with the

12 A.M. van der Laan, N. Tollenaar, J. Beijers, R. Kessels, Cahier 2024-15, Ontwikkelingen in de jeugdcriminaliteit 2000-2023, Synthese van bevindingen uit de Monitor Jeugdcriminaliteit, WODC, CBS, p. 7; Tollenaar e.a. (2022). Woon- en pleegbuurten van geregistreerde jeugdcriminaliteit. De samenhang met buurtkenmerken en de veranderingen die zich daarin voordoen over de tijd, Den Haag: WODC.

13 A.M. van der Laan, On youth crime and responses to it ('Over jeugdcriminaliteit en reacties daarop'), inaugural lecture, Leiden University, 6 December 2024

14 Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ), Letter to Parliament on RSJ advice on non-criminal settlements for juveniles ('Kamerbrief bij RSJ advies over buitenstrafrechtelijke afdoeningen voor jeugdigen'), 8 September 2025. <https://www.rijksoverheid.nl/documenten/kamerstukken/2025/09/08/tk-aanbiedingsbrief-rsj-advies-een-nieuw-perspectief-op-buitenstrafrechtelijke-afdoeningen-voor-jeugdigen>

15 Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Constitutional amendment proposal on the prosecution of official offences by Members of Parliament and ministers [Public consultation]. Overheid.nl. <https://www.internetconsultatie.nl/vervolgingambtsdelictenkamerledenambewindspersonen/b1>

16 Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Herzieningswet ambtsmisdrijven Kamerleden en bewindspersonen [Public consultation]. Overheid.nl. <https://www.internetconsultatie.nl/ambtsmisdrijven/b1>

political responsibility of ministers viz-a-viz parliament and the system of adjudication under administrative law.

The sixth issue which occurred in 2025 and which warrants the Commission's attention, is the explicit public debate on the rule of law sparked by the Bar Association's rule of law quick scan of party programmes for the 2025 elections.¹⁷ In the run-up to the parliamentary elections of 29 October 2025, the Dutch Bar Association requested an independent expert committee to review whether the election programmes of all political parties were in line with the principles of the rule of law.¹⁸ The resulting report identified a record number of proposals at odds with the rule of law. This observation in turn invoked criticism from politicians and academics,¹⁹ sparking a debate about the criteria applied, the very conception of the rule of law, and the extent to which politics may depart from existing international and constitutional obligations.²⁰

In 2025, existing ICT vulnerabilities at the OM escalated significantly:

- A large-scale cyberattack resulted in a prolonged shutdown of OM systems, severely disrupting prosecutorial operations.
- As a consequence, criminal case processing slowed considerably, leading to growing backlogs.

17 See Advocatenblad Editorial Board, Report on Party Programmes Draws Criticism ('Rapport over partijprogramma's Oogst kritiek'), Advocatenblad, 30 October 2025, <https://www.advocatenblad.nl/2025/10/30/rapport-over-partijprogrammas-oogst-kritiek/>

18 Dutch Bar Association, Committee on rule of law review of election programmes: record number of proposals in breach of the rule of law ('Commissie rechtsstatelijke toets verkiezingsprogramma's: recordaantal voorstellen in strijd met de rechtsstaat'), 20 October 2025. <https://www.advocatenorde.nl/nieuws/commissie-rechtsstatelijke-toets-verkiezingsprogrammas-recordaantal-voorstellen-in-strijd-met-de-rechtsstaat>

19 See Advocatenblad Editorial Board, Report on Party Programmes Draws Criticism ('Rapport over partijprogramma's Oogst kritiek'), Advocatenblad, 30 October 2025, <https://www.advocatenblad.nl/2025/10/30/rapport-over-partijprogrammas-oogst-kritiek/>

20 For one critique, see: K. de Goede, Constitutional politics and the report of the NOvA committee ('Constitutionele politiek en het rapport van de NOvA-commissie'), 27 October 2025, <https://www.nederlandrechtsstaat.nl/constitutionele-politiek-en-het-rapport-van-de-nova-commissie/>; For the committee's response to the criticism, see E. Mak et al., The rule of law review committee tested: further explanation ('De Commissie rechtsstatelijke toets getoetst: nadere toelichting'), 27 October 2025, <https://www.nederlandrechtsstaat.nl/de-commissie-rechtsstatelijke-toets-getoetst-nadere-toelichting/>

- Defence lawyers experienced delayed or incomplete digital access to case files, directly affecting preparation of the defence.
- OM staff issued formal warnings regarding the continued malfunctioning of ICT systems.
- The Dutch Association for the Judiciary (*Nederlandse Vereniging voor Rechtspraak*, NVvR) raised concerns about exhaustion, frustration and declining morale among prosecutors and judicial staff, pointing to the combined pressure of ICT failures, high workload and budgetary uncertainty.²¹

Concerning Article 57: The government has now submitted a draft constitutional amendment²² to Section 3 of Article 57 to public consultation, clarifying that this exception does not apply to someone who is a member of parliament first and then is asked to join a caretaker government. This is already the common understanding of the provision, but its current formulation still gives rise to discussion. Another draft constitutional amendment was submitted this year and is intended to create the possibility for someone who is both member of parliament and member of a caretaker government to have themselves temporarily replaced in parliament.²³ This provision would reduce two problems arising from the combination of both roles: conflict of interest and de facto absent members of parliament. By clarifying and streamlining this regime, the two proposed amendments are expected to strengthen institutional checks and balances.

With regards to youth law and youth justice institutions: A recent statistical study of the influence of migration background on outcomes in the Dutch criminal justice system shows that young suspects with a migration background are brought more often before the courts and are more likely to receive custodial sentences than suspects of similar offences without a migrant background.²⁴

21 Letter NVvR, <https://www.nvvr.org/wp-content/uploads/Taakstelling-OM-en-ICT-brief-11-11-2025-def.pdf>, last consulted february 2026.

22 Dutch Ministry of General Affairs & Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Bill to clarify Article 57(3) of the Constitution [Public consultation]. Overheid.nl. https://www.internetconsultatie.nl/verduidelijking_57_grondwet/b1

23 Dutch Ministry of the Interior and Kingdom Relations. (n.d.). Constitutional amendment introducing a replacement scheme for Members of Parliament who simultaneously hold a demissionary ministerial position [Public consultation]. Overheid.nl., https://www.internetconsultatie.nl/vervangingsregeling_kamerleden_dubbelfunctie_bewindspersoon/b1

24 WODC, Migration background leads to disadvantages in the criminal justice system ('Migratieachtergrond leidt tot nadelen in strafrechtketen'), 19 June 2025, <https://www.wodc.nl/actueel/nieuws/2025/06/19/migratieachtergrond-leidt-tot-nadelen-in-strafrechtketen>

A study was conducted into possible forms of unequal treatment of families and young people by the Child Protection Board services, in its role as an employer and how cultural sensitivity within the organisation can be strengthened.²⁵ More specific data on the impact of inequality within the youth justice system is lacking, and there will be an in depth investigation of inequality in youth criminal law.²⁶ The number of minors held in police cells or youth justice centres have been increasing since 2024.²⁷ Staff shortages in youth detention centres lead to problems with occupancy, the quality of accommodation and treatment, and also pose safety risks for young people. The reduction of pre-trial detention is hindered by the absence of adequate alternatives. One reason for this is the absence of adequate youth support services, which vary from one municipality to another and do not always meet the needs of children and young people.²⁸

A shortened daily group program has been in effect in youth detention centres since February 2023, with activities reduced from 77 to 62 hours.²⁹ This emergency measure, due to staff shortages and excessive workloads, is contrary to the Principles Act on Youth Detention Centres (BJJ)³⁰ and the government intends to amend the BJJ in order to adjust the duration of the daily program.³¹

In the Education Council's report on education for young people in youth detention centres it is advised to ensure effective organisation of education and to develop a shared vision on the role and position of education within these centres.³²

25 This study was conducted by The Verwey-Jonker Institute, in collaboration with Movisie. B. Tierolf e.a., Werken aan kansengelijkheid door de Raad voor de Kinderbescherming, Een onderzoek naar mogelijke discriminatie, vooroordelen, ongewenst gedrag en kansenongelijkheid, April 2025

26 In the upcoming year by prof. Y. van den Brink.

27 Children's Rights in Motion ('Kinderrechten in Beweging'), Juvenile Criminal Law ('Jeugdstrafrecht'), Kinderrechteninbeweging.nl, accessed 2026, <https://www.kinderrechteninbeweging.nl/kinderrechten-in-beweging/jeugdstrafrecht/>

28 Unlike convicted offenders, minors that are in pre-trial or youth detention centres, do not receive treatment or guidance to prepare them for the future.

29 Kamerstuk 24587, nr. 881 | Overheid.nl > Officiële bekendmakingen

30 Beginselenwet Justitiele Jeugdinstellingen (BJJ)

31 Last known update September 2023: Kamerstuk 24587, nr. 921 | Overheid.nl > Officiële bekendmakingen. See also Kamerbrief over maatregelen naar aanleiding van IBO Jeugdcriminaliteit | Kamerstuk | Rijksoverheid.nl, Het NJCM spreekt zich uit tegen het onrechtmatige besluit om jongeren in jji's meer op hun kamer te houden - NJCM,

32 Education Council of the Netherlands, Better education in judicial youth institutions ('Onderwijsraad zet in op beter onderwijs in justitiële jeugdinstellingen'), February 2025, <https://www.vo-raad.nl/nieuws/onderwijsraad-zet-in-op-beter-onderwijs-in-justitiële-jeugdinstellingen>

New Issues that Emerged in 2025

Issue 1: Remuneration for social lawyers³³ is low, resulting in a decline in the number of these lawyers.³⁴ There is a shortage of social lawyers in various regions and areas of law. Social law is not attractive to young people, partly because of the low remuneration.³⁵ The above is at the expense of legal protection for those seeking justice and equality before the law in the Netherlands.³⁶

The Commissie van der Meer II report has been published.³⁷ The committee, chaired by Herman van der Meer, investigated whether the (fixed) fees are still appropriate and whether the reference income (set by the government) is achievable for a social lawyer. The answer to the first question is that most fees are still appropriate, but that the complexity surcharges in particular are too low. The committee proposes increasing these surcharges by 35%.³⁸ The answer to the second question is that a lawyer working in a law firm cannot earn this reference income.³⁹

The report 'Balie in beeld' by NOVA dated 24 February 2025 shows that there is an outflow of lawyers in social law. Compared to five years ago, the number of lawyers in social law declined by almost 13%. Less than one in four lawyers is a social lawyer.⁴⁰

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

33 A 'social lawyer' is defined as a lawyer working for those who are not able to pay for judicial assistance. They are mainly paid by the government. See Nederlandse Orde van Advocaten, Sociale Advocatuur, <https://www.advocatenorde.nl/voor-advocaten/sociale-advocatuur>

34 Commissie van der Meer ii (the Netherlands), Changing Times (Veranderde tijden), 3 March 2025, <https://www.rijksoverheid.nl/documenten/rapporten/2025/03/27/tk-bijlage-adviesrapport-commissie-van-der-meer-ii> , p. 5, 115

35 Commissie van der Meer ii, p. 44-45

36 Commissie van der Meer ii, p. 44-45, chapter 8 (starts at p. 111)

37 Raad voor Rechtsbijstand, Report 'Changing times' commission Van der Meer II presented (Rapport 'Veranderende tijden' commissie Van der Meer II gepresenteerd), 3 March 2025, <https://www.rvr.org/@18729/rapport-vdmeer-gepresenteerd-2025/>

38 Commissie van der Meer ii, p. 4, 8,

39 Commissie van der Meer ii, p. 4-5, 39

40 Although most social lawyers work in Amsterdam (701), Limburg has the highest relative number of lawyers working on a pro bono basis (45%). In absolute numbers, Overijssel has the fewest social lawyers (190). Nederlandse Orde van Advocaten, The legal profession in figures ('Balie in beeld'), 24 February 2025.

asylum and refugee law, where 31% of lawyers are aged 60+ and only one lawyer is under 30.⁴¹ This is a possible indication of future shortages. Already, in some districts, there are no lawyers specialising in certain areas of law.⁴²

Funding will be made available for social legal aid in 2026. The State Secretary for Legal Protection announced⁴³ this in a letter to parliament on 26 June 2025. In 2026, the cabinet will allocate an additional €30 million to the legal aid system on a structural basis. The Van der Meer II Commission has recommended investing €40 million per year, with immediate effect.⁴⁴ The €30 million for 2026 and 2027 is therefore actually still insufficient. To prevent the departure of young social lawyers and to compensate for the aging of social lawyers, structural investments will have to be made in this sector. This will ensure that everyone retains the right to a lawyer.

This is the same amount that was previously announced for 2027. The State Secretary is also extending⁴⁵ the existing subsidy for the professional training of social lawyers by approximately €2.5 million. This subsidy will cover the costs of professional training for 175 new social lawyers. In addition, the outgoing State Secretary wants to make an advance payment possible for starting lawyers who have not yet received any additional payments and for lawyers who are experiencing temporary payment problems due to external factors.⁴⁶

Issue 2: In 2025, persistent ICT failures at the OM emerged as a critical and visible threat to the continuity of criminal proceedings. Outdated systems, recurring outages and weak digital infrastructure increasingly affected both internal prosecutorial functioning and external access to criminal case information.

The situation intensified throughout 2025:

41 *Nederlandse Orde van Advocaten, The legal profession in figures ('Balie in beeld'), p. 2, 24 February 2025.*

42 (*"Balie in beeld" by Nova February 24, 2025*).

43 Kamerstukken 2024-25 II, 31753, nr. 312.

44 Commissie van der Meer ii (the Netherlands), Changing Times (Veranderde tijden), 3 March 2025, <https://www.rijksoverheid.nl/documenten/rapporten/2025/03/27/tk-bijlage-adviesrapport-commissie-van-der-meer-ii>; <https://www.mr-online.nl/commissie-van-der-meer-ii-jaarlijks-40-miljoen-erbij-voor-sociale-advocatuur/>

45 Kamerstukken 2024-25 II, 31753, nr. 312.

46 Ibid.

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- During the summer, the OM was taken largely offline following a cyberattack, with systems only gradually restored.⁴⁷
 - The shutdown led to significant backlogs in criminal cases, further delaying proceedings.⁴⁸
 - The NVvR publicly reported exhaustion, frustration and declining morale within the justice system, highlighting the cumulative impact of ICT failures, high workload and budget uncertainty.⁴⁹
 - OM staff sent a formal warning letter addressing the continued malfunctioning of ICT systems and the resulting delays.⁵⁰
 - Parliamentary questions were submitted by D66, focusing on:
 - delayed access to crucial information for defence lawyers;
 - prolonged pre-trial detention caused by processing delays.⁵¹
 - The State Secretary for Justice and Security acknowledged the outdated nature of the ICT systems, while emphasising that the OM remains responsible for its own operational management.

Issue 3: A change in the Custodial Institutions Act (*Penitentiaire Beginselenwet*) came into force on the first of November.⁵² This tightens the rules regarding prisoners in maximum security detention;

47 <https://www.nrc.nl/nieuws/2025/03/28/werk-om-door-aanhoudende-ict-problemen-bijna-volledig-tot-stilstand-gekomen-a4888064>

48 Ibid.

49 Letter NVvR, <https://www.nvvr.org/wp-content/uploads/Taakstelling-OM-en-ICT-brief-11-11-2025-def.pdf>, last consulted february 2026.

50 <https://www.nrc.nl/nieuws/2025/04/02/een-op-de-vier-werknemers-van-om-kan-niet-werken-door-ict-problemen-a4888529>

51 D66 asks questions about ICT at the Public Prosecution Service, (D66 stelt vragen over de ICT bij het Openbaar Ministerie.) https://www.tweedekamer.nl/kamerstukken/plenaire_verslagen/kamer_in_het_kort/d66-stelt-vragen-over-de-ict-bij-het-openbaar

52 House of Representatives of the Netherlands, Amendment in the proposal of act providing for amending of the Custodial Institutions Act related to additional measures against organised crime during detention (Wijziging van het voorstel van wet houdende wijziging van de Penitentiaire beginselenwet in verband met aanvullende maatregelen tegen georganiseerde criminaliteit tijdens detentie), https://www.eerstekamer.nl/behandeling/20240312/voorstel_van_wet_tweede_lezing/document3/f=/vmbhdazs32w3.pdf

prisoners who are held in an intensive supervision unit (*Afdeling Intensief toezicht*, AIT) or in the Extra Secure Institution (*Extra Beveiligde Inrichting*, EBI). Lawyers representing these prisoners have now stopped visiting these clients because they claim they can no longer do so confidentially. According to them, this new law violates the right to confidential communication with a lawyer.⁵³

Before the law came into effect, there was already a lot of criticism from the legal profession and the NOvA.⁵⁴ Since the law came into force (on 1 November 2025)⁵⁵ cameras were installed in the visitor rooms. The cameras are focused on the faces of both the lawyers and the detainees. These are Artificial Intelligence (AI) cameras, which give lawyers the impression that what they say can be lip-read. In addition, the cameras are focused on the table. This could allow confidential documents to be read. It is not sufficiently clear to the lawyers what will be done with the images during and after a visit. This has resulted in prisoners no longer feeling safe discussing their cases with their lawyers. For this reason, lawyers who have clients in these departments have stopped visiting these clients.⁵⁶ This will cause significant delays in major cases.

Implications and Recommendations for 2026

The absence of explicit attention to prosecutorial ICT failures has several important consequences:

- Risks to fair trial rights (Article 6 ECHR) are insufficiently recognised, particularly where delayed access to digital files undermines effective defence preparation.

53 See e.g. Jan Meeus, A lawyer cannot just get angry anymore in the EBI. And smile, they wonder: can we do that? (Boos worden mag een advocaat niet zomaar meer in de EBI. En lachen, vragen ze zich af: kan dat nog wel?), NRC, 19 November 2025, Boos worden mag een advocaat niet zomaar meer in de EBI. En lachen, vragen ze zich af: kan dat nog wel? - NRC; Author unknown, Lawyers refuse to work under video surveillance (Strafpleiters weigeren te werken onder video-toezicht), *Advocatenblad*, 18 November 2025, Strafpleiters weigeren te werken onder video-toezicht - Het Advocatenblad

54 Wetgevingsadviescommissie Strafrecht, Consultatie wetsvoorstel in verband met aanvullende maatregelen tegen georganiseerde criminaliteit in detentie, 3th of January 2025; J.W. Soeteman, E.K.L. Van den Bosch & T. Van der Deijl 2023, 'Voorgestelde wijziging van de Penitentiaire beginselenwet vanuit advocatuurlijk perspectief', *Sancties* 2023/65; J.W. Soeteman, 'Ondermijning', *Adv. bl.* 2025, afl. 1.

55 Introduction of the Pbw legislative amendment in AITs and ECI (Invoering wetswijziging Pbw in AIT's en EBI) 2025-11-01 <https://www.dji.nl/actueel/nieuws/2025/11/01/invoering-wetswijziging-pbw-in-aits-en-ebi>

56 'Advocaten staken om strengere regels EBI Vught', *nos.nl*, November 18th 2025; Advocaten schorten werk in zware strafzaken op uit protest om nieuwe regels, *nos.nl*, 18th of November 2025; Topadvocaten staken hun werk in de EBI om cameratoezicht, chaos in zware strafzaken dreigt, *ad.nl*, 18 November 2025.

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- The omission reduces EU-level scrutiny and pressure on the Netherlands to structurally address vulnerabilities in prosecutorial ICT systems.
 - Accountability for delays affecting pre-trial detention, defence rights and case processing remains limited, as the problem is framed as a technical or managerial issue rather than a rule of law concern. As a result, the systemic nature and legal significance of the problem are underestimated.

With regards to the developments regarding malfeasance in office:

In a reaction to the public consultation,⁵⁷ it has been argued that the justification for striking out the relevant Articles in the Criminal Code is not sufficient. Specifically, regarding the conscious signing of decrees contrary to the Constitution (covered by Article. 355, Section 1 Criminal Code), the punishable offense is clear and foreseeable, while general rules are excluded from administrative adjudication (Article. 8:3 Section 1 subsection a General Administrative Act). When the government is supported by a majority in parliament, parliamentary control alone might not be enough of a check. Thus, we fear that removing the penal provisions might lead to a gap in justiciability and accountability. Our concern is heightened by the fact that this change was quietly included in the midst of a larger revision, at a time when ministers openly hint at pursuing actions that are qualified as unconstitutional by their advisors.⁵⁸

Introduce an office allowance, which provides the remuneration for lawyers working in an office, making it possible for social lawyers to train the new lawyers.

Include an explicit recommendation that the Netherlands:

- Structurally invests in modern, secure and interoperable ICT systems for the Public Prosecution Service;
- Guarantees uninterrupted digital access to complete case files for defence lawyers and courts;
- Establishes independent oversight of prosecutorial ICT infrastructure to prevent systemic risks to fair trial rights;

57 Overheid.nl | Consultatie Herzieningswet ambtsmisdrijven Kamerleden en bewindspersonen, reactie, 1 March 2025, <https://www.internetconsultatie.nl/ambtsmisdrijven/reactie/ae9c2bb2-d558-4839-854b-a55ff8923332>.

58 See also: S. van Oort, Can you “do what you want” with a Council of State opinion? (“Kun je met een Raad van State-advies “doen wat je wilt?”), *Ars Aequi* 2025/0817, <https://arsaequi.nl/product/kun-je-met-een-raad-van-state-advies-doen-wat-je-wilt/>

- Ensures that budgetary decisions do not further compromise the digital functioning of the criminal justice system.

Ensures that the current practice of recording lawyer–client visits — including the possibility to lip-read conversations or view confidential case files during such meetings — is brought fully in line with the right to confidential communication with a lawyer as protected under Article 6 of the ECHR.

Implementation of Judgments

Progress in 2025 has been limited largely because no major structural European Court of Human Rights (ECtHR) or Court of Justice of the European Union (CJEU) judgments requiring legislative reform were pending. The Committee of Ministers’ supervision database shows that the Netherlands has no long-standing or complex cases under enhanced supervision, and recent ECtHR judgments concerning the Netherlands relate primarily to individual circumstances rather than systemic deficiencies.⁵⁹ Similarly, the European Commission’s Rule of Law Report notes that the Netherlands has no significant backlog in implementing CJEU rulings, and Dutch courts routinely apply EU law directly without requiring legislative intervention. As a result, the government did not initiate new reforms in 2025, as existing institutional mechanisms were considered sufficient, and no implementation gaps were identified.⁶⁰

59 Council of Europe, Committee of Ministers, *Supervision of the Execution of Judgments – Netherlands (2024–2025): The Netherlands has no cases under enhanced supervision and only a small number of standard-track cases, none involving structural problems.*

60 Dutch Ministry of Justice and Security, *Annual Human Rights Report 2024/2025: Indicates that no major legislative reforms were required for ECtHR or CJEU implementation during the reporting period.*

ANTI-CORRUPTION FRAMEWORK ➔

General assessment

The general assessment for 2025 is that there has been insufficient progress on anti-corruption policy. The Schoof cabinet produced little legislation in any sector and as such also produced relatively little legislation vis-à-vis anti-corruption. Developments in the anti-corruption sector were limited to parliament's approval of the new revolving door legislation, which was in the making since 2022 and the publication of the anti-corruption approach. Given the lack of progress on key anti-corruption dossiers, such as the lack of a lobby register, the role of shell companies in facilitating international financial crime, and the lack of an intersectoral anti-corruption strategy, it can be stated that no progress has been made in the Netherlands over the past year.

Implementation of 2025 Commission recommendations

Recommendation: Establish stricter transparency rules on lobbying for members of the Government and Parliament (first made in 2023)

Relatively clear but contains multiple issues.

The recommendation remains broad and general. It does not provide guidance about the necessary steps that the Dutch government should take to improve transparency, for example by implementing a lobby register. The recommendation could be improved by mentioning best practices and focusing on EU-policy coherence, such as the Irish lobby register. It also falls short in terms of scope (e.g. parliamentary assistants and high-level bureaucrats are missing) and offers no insights into an enforcement mechanism.

No progress (potentially backsliding)

In March 2025, the Minister of the Interior and Kingdom Relations decided not to introduce a lobby register.⁶¹ This decision was taken despite a parliamentary majority in favour of such a register. The Minister argued that a lobby register would be disproportionate and that transparency should instead be ensured through existing instruments, rules, and legislation.⁶²

61 NOS Nieuwsuur, No Lobby Register After All: Civil Servants See No Value in Extra Transparency Rules ("Toch geen lobbyregister: ambtenaren zien niets in extra transparantieregels"), <https://nos.nl/nieuwsuur/artikel/2559034-toch-geen-lobbyregister-ambtenaren-zien-niets-in-extra-transparantieregels>

62 Ibid.

The government has taken limited steps to implement this recommendation. Due to the breadth of the recommendation, multiple angles can be considered. Importantly, as noted above, the government chose not to implement a required lobby register for lobbying the government and the second chamber.⁶³ This, alongside active publishing of the agendas of cabinet members, is a fundamental instrument in increasing transparency.⁶⁴ In this regard, the government of the Netherlands has made little to no progress on implementing stricter transparency rules on lobbying for members of government and parliament.

Establish stricter transparency rules on lobbying for members of the Government and Parliament by implementing a binding lobby register in accordance with the Group of States against Corruption (GRECO) recommendations. It should include at a minimum the government (including parliamentary and political assistants and high-level bureaucrats) and parliamentarians.

Commission's 2025 assessment: limited further progress

**Transparency International-NL
current assessment: No progress**

Gaps in the Commission's Report

There are several points which the Commission did not address in its recommendations. Importantly, the role of corruption in subversive crime in the Netherlands was not discussed. There have been several cases where (local level) bureaucrats have been bribed by criminals for specific or personal information.⁶⁵ Such cases are clear examples of where corruption leads to real-world consequences. Moreover, this issue exists in a broader context within the Dutch government where tackling corruption is often not seen as a priority. Worrying trends present themselves in this regard. For example, the government buried a report on anti-corruption policy due to what the government labelled methodological issues—a conclusion that independent experts do not share.⁶⁶ The report's authors suggest

63 Ibid.

64 GRECO, Fifth Evaluation Round: Preventing Corruption and Promoting Integrity in Central Governments (Top Executive Functions) and Law Enforcement Agencies. Second Compliance Report. 17 October, 2023. <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680acf3dc>

65 Organized Crime and Corruption Reporting Project, Data dealers and bomb plots: Inside the Netherlands's shadow market for stolen data, 17 October 2025, <https://www.occrp.org/en/feature/data-dealers-and-bomb-plots-inside-the-netherlandss-shadow-market-for-stolen-data>

66 Follow the Money, Ministry kept critical report on corruption under wraps ('Ministerie hield kritisch rapport over corruptie onder de pet'), 2025, <https://www.ftm.nl/artikelen/ministerie-hield-kritisch-rapport-over-corruptie-onder-de-pet>

that the Dutch state approaches the corruption risks naively. The report, based on 163 interviews with experts, suggests that the civil service is potentially susceptible to corruption risks.⁶⁷ The authors note that the government does not do enough to protect its civil servants against potential corruption risks, noting that there is no specific policy on this to prevent interference.⁶⁸ By ignoring the report, the government inherently indicates that it does not consider corruption as a risk for the civil service, further indicating weaknesses within the Dutch anti-corruption framework.

The Dutch government introduced the ‘Anti-corruption approach’ (*Anti-corruptie aanpak*) in June 2025.⁶⁹ This document outlines the need for a structured and coordinated approach to anti-corruption policy within the Netherlands. The document was written by both the minister for Justice and Security and the minister for Internal Affairs and Kingdom Relations, indicating on the one hand that corruption is cross-sectoral, while on the other hand introducing a potential problem of non-ownership. An important part of the strategy is to develop and publish the first National Risk Assessment Corruption, to gain an insight into corruption in the Netherlands. This will be carried out by the Research and Data Centre (*Wetenschappelijk Onderzoek en Data Centrum, WODC*).⁷⁰ Importantly, this document cannot be seen as a fully-fledged anti-corruption strategy yet as it largely tackles the low hanging fruit. As such this indicates that anti-corruption policy remains a low-level political priority for the Dutch central government.

While the government’s initiative for a new coordinated anti-corruption approach was a welcome change, the current plan fails to address the comprehensive and cross-border nature of corruption. The policy does not adhere to what can be considered a full-fledged anti-corruption strategy. This should – at a minimum – encompass all ministries and executive agencies. In addition, the approach excludes many areas of corruption that require the attention of the government. This includes, among others, political finance, undue influence by foreign states, financial crime, foreign bribery and sanctions. Lastly, many of the approach’s policies already exist, and the plan introduces little new initiatives to combat corruption. The issue of corruption, however, is becoming more salient as the new EU anti-corruption directive will likely impose new guidelines for the anti-corruption policy, including harmonised definitions of corruption offences.

67 Ministerie van Justitie en Veiligheid, Critical report on corruption risks in the public administration (‘Kritisch rapport over corruptie bij de overheid’), 2025, Open Overheid, <https://open.overheid.nl/documenten/0d-6b19a1-4031-4b88-8ec2-e1b008dbe639/file> (This version of the report contains redacted paragraphs)

68 *ibid*

69 Ministerie van Justitie en Veiligheid, Letter to Parliament on Anti-Corruption Approach (‘Kamerbrief anti-corruptieaanpak’), 20 June 2025, Rijksoverheid <https://open.overheid.nl/documenten/1cb649ba-5ebe-43d0-8e37-e82067b3f369/file>

70 *ibid*

Another development in 2025 that came to light is the relationship between Sander Dekker (former minister for legal protection under the third Rutte cabinet⁷¹) and the gambling sector. The Netherlands legalised online gambling on the 1st of October 2021.⁷² The responsible minister for this, Sander Dekker, was found in recent journalistic investigations to have had frequent contact with the president of the umbrella organisation for gambling.⁷³ It reveals a clear conflict of interest at the highest level of government and indicates the prevalence of trading in influence. The government itself thought the same way about this and has increased the transparency requirements for contact with the gambling sector.⁷⁴ More lobby transparency would have allowed parliament to intervene at an earlier stage indicating the opacity of the existing integrity frameworks within the Netherlands.

New Issues that Emerged in 2025

The defence sector requires special attention in the 2026 commission report. Several cases in the Netherlands indicate that this sector, due to its inherent secrecy, is particularly sensitive to fraud and corruption. The Damen case most clearly comes to mind, for which the court proceedings recently began.⁷⁵ Damen Shipyards is one of the most important defence-related companies in the Netherlands, with orders from several major European countries. Importantly, Damen is suspected of non-compliance with sanctions against Russia and exporting defence-grade products to Russia since the large-scale invasion in 2022, through falsifying export permits.⁷⁶ This behaviour indicates the importance of including a comprehensive and effective sanctions approach within the national anti-corruption strategy.

71 Eerste Kamer der Staten-Generaal, Profile of Dr. S. Dekker (VVD) ('Drs. S. Dekker (VVD)'), accessed 2026, https://www.eerstekamer.nl/persoon/drs_s_dekker_vvd

72 Kansspelautoriteit, Remote Gambling Act: Changes from 1 October 2021 ('Wet Koa: veranderingen per 1 oktober 2021'), 2021, <https://kansspelautoriteit.nl/nieuws/2021/september/wet-koa-veranderingen-per-1-oktober-2021/>

73 NRC, Minister Dekker maintained close contact with the gambling industry during legalisation of online gambling: "Succeeded, well done" ('Minister Dekker onderhield nauw contact met gokbranche bij legalisering online gokken: "Gelukt, well done)'), 10 December 2025, <https://www.nrc.nl/nieuws/2025/12/10/minister-dekker-onderhield-nauw-contact-met-gokbranche-bij-legalisering-online-gokken-gelukt-well-done-a4914955>

74 Ibid.

75 NOS Nieuwsuur, Unique court case against Damen Shipyards starts: a case with extra pressure and tension ('Unieke rechtszaak Damen Shipyards van start: zaak met extra druk en spanning'), 19 November 2025, <https://nos.nl/nieuwsuur/artikel/2591770-unieke-rechtszaak-damen-shipyards-van-start-zaak-met-extra-druk-en-spanning> ; NRC, List of suspicions against shipbuilder Damen longer than thought ('Lijst verdenkingen tegen scheepsbouwer Damen langer dan gedacht'), 19 November 2025, <https://www.nrc.nl/nieuws/2025/11/19/lijs-verdenkingen-tegen-scheepsbouwer-damen-langer-dan-gedacht-a4913094>

76 Ibid

Another example is that of the twin brother of the state secretary for Defence taking up a high-level position with AIA Systems.⁷⁷ AIA Systems is a Dutch defence drone manufacturer. The state-secretary for defence is responsible for the purchasing of armaments, including drones. In fact, the state secretary noted that he wants to invest up to €310 million in 2025 in unmanned systems.⁷⁸ Importantly, so far as has come to light, there has been no problematic use of this relationship, nonetheless this does highlight the potential for conflicts of interest in the defence sphere. Particularly considering the increasing budgets for defence, a clean and as transparent as operationally possible defence ministry and industry is fundamental. Both the above cases highlight the sensitive nature of the defence sector within the Netherlands, as such indicating the need for further attention. A clean defence sector ensures both a more efficient use of taxpayer money and as a consequence more long-term support from the population at large.

The Dutch financial sector plays an important role in financing pro-Russian businesses and TV-channels in Georgia.⁷⁹ In particular one of the most popular TV channels in Georgia—TV Imedi—is headquartered in the Netherlands through its parent shell company.⁸⁰ This TV channel is used largely for pro-Russia Kremlin propaganda.⁸¹ Though questions were raised in the Parliament by member Kati Piri, the then Minister of Foreign Affairs Casper Veldkamp noted that the government is not able to force the company to close so long as they comply with Dutch law.⁸² This highlights serious shortcomings in the system as this is a clear example of individuals or parties using Dutch shell companies to subvert the rule of law in upcoming democracies like Georgia.

77 AD, Twin brother of state secretary goes to work at drone company while army invests millions ('Tweelingbroer staatssecretaris gaat bij drone-bedrijf werken terwijl leger miljoenen investeert'), 2025, <https://www.ad.nl/binnenland/tweelingbroer-staatssecretaris-gaat-bij-drone-bedrijf-werken-terwijl-leger-miljoenen-investeert~a5421a392/>

78 Rijksoverheid, State Secretary Wants to Deploy AI for Warfare ('Staatssecretaris wil AI inzetten voor oorlogsvoering'), 23 April 2025, <https://www.rijksoverheid.nl/actueel/nieuws/2025/04/23/staatssecretaris-wil-ai-inzetten-voor-oorlogsvoering>

79 Transparency International Nederland, Netherlands Must Act Against Erosion of Rule of Law in Georgia and Financial Interests in the Netherlands ('Nederland moet in actie komen tegen afbraak rechtsstaat Georgië en financiële belangen in Nederland'), 30 July 2025, <https://www.transparency.nl/nieuws/2025/07/nederland-moet-in-actie-komen-tegen-afbraak-rechtsstaat-georgie-en-financiele-belangen-in-nederland/>

80 Follow the Money, Zuidas facilitates anti-Western television broadcaster in Georgia ('Zuidas faciliteert anti-westerse televisiezender Georgië'), 2025, <https://www.ftm.nl/artikelen/zuidas-faciliteert-antiwesterse-televisiezender-georgie>

81 *ibid.*

82 Tweede Kamer der Staten-Generaal, Response to Questions from MP Piri on the Current Situation in Georgia ('Antwoord op vragen van het lid Piri over de actuele situatie in Georgië'), 31 March 2025, <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2025Z04643&did=2025D13977>

Research by the Instituut voor de Publieke Economie and the Stichting Democratie en Rechtsstaat analysed the independence of ‘government watchdogs’, rule of law institutions from the central government.⁸³ This report analysed 19 institutions and organisations within the system of checks and balances. In particular it looked at public institutions that are primarily financed by the Dutch government. The institutions under analysis include for example the Council of State (*Raad van State*) or the Netherlands Court of Auditors (*Algemene Rekenkamer*). The results varied, in general government watch dogs are judicially independent. However, in terms of financial or organisational independence there are steps to be taken. In particular, the limited independence of certain bodies, such as the Internal Investigations Department (*Rijksrecherche*) and the Whistleblowers Authority (*Huis voor Klokkeluiders*) can be seen as problematic for the fight against corruption in the Netherlands. Both organisations enjoy limited financial independence because they have a budget item in a departmental budget. For example, the budget of the Rijksrecherche falls under the budget of the Public Prosecution Service, which in turn falls under the Ministry of Justice and Security.

Implications and Recommendations for 2026

Implications of the omissions are broad. Corruption facilitates criminal activity. The implication of this point not being covered explicitly in the rule of law report is that this relationship remains insufficiently addressed in the Dutch context.⁸⁴ This type of corrupt behaviour facilitates criminal and destructive acts within society. For example, several explosions at private addresses in Amsterdam can be traced back to the selling of private addresses via so-called ‘information-brokers’ - corrupt bureaucrats with access to personal records databases to criminals.⁸⁵ As such, the approach of the Dutch government to corruption issues remains unsatisfactory.

83 Instituut voor Publieke Economie, Vulnerabilities of Democratic Watchdogs Mapped (‘Kwetsbaarheden waakhonden democratie’), 2025, <https://www.instituut-pe.nl/highlights/kwetsbaarheden-waakhonden-democratie> ; Stichting Weerbare Democratie, Launch of Research on Dutch Watchdogs (‘Lancering onderzoek Nederlandse waakhonden’), 25 November 2025, <https://www.weerbaredemocratie.nl/nieuws/lancering-onderzoek-nederlandse-waakhonden>

84 Transparency International Nederland, Critical Report on Corruption Kept Under Wraps by Justice and Security (‘Kritisch rapport over corruptie onder de pet gehouden door Justitie en Veiligheid’), 15 October 2025, <https://www.transparency.nl/nieuws/2025/10/kritisch-rapport-over-corruptie-onder-de-pet-gehouden-door-justitie-en-veiligheid/>

85 Organized Crime and Corruption Reporting Project (OCCRP), Data Dealers and Bomb Plots: Inside the Netherlands’s Shadow Market for Stolen Data, 16 October 2025, OCCRP.org <https://www.occrp.org/en/feature/data-dealers-and-bomb-plots-inside-the-netherlandss-shadow-market-for-stolen-data>

Recommendations:

1. Develop a coherent and cross-sectoral anti-corruption strategy with a single responsible anti-corruption agency.
2. Implement a lobby register consistent with the recommendations made by GRECO.
3. Further develop and clarify existing integrity guidelines for members of Parliament (first and second chamber) especially post-employment rules and asset declarations.
4. Amend the Whistleblower Protection Act (*Wet bescherming klokkenluiders*⁸⁶) to strengthen whistleblower protection by allowing for anonymous reporting and implementing dissuasive sanctions against companies that retaliate against whistleblowers.

Investigate the role of the Dutch financial sector in facilitating international bribery and corruption and work to fully implement the AMLD6 recommendation.

86 Whistleblower Protection Act (*Wet bescherming klokkenluiders*) Consulted on 12 March 2026, Valid from 18 February 2023 <https://wetten.overheid.nl/BWBR0037852>

MEDIA ENVIRONMENT AND MEDIA FREEDOM -

General assessment

There was no progress booked on the recommendation. All other topics covered in this chapter show no progress either or even a deterioration (e.g. increase in attacks on journalists). They are slight deteriorations as of now, which is why it is marked ‘no progress’. They are mainly observed risks, of which not all of them have slid into actual actions (yet). They will be monitored closely by several independent institutions and reported on for next year.

Implementation of 2025 Commission recommendations

Recommendation: Take forward the planned reform of public service media to enhance its governance and its ability to uphold journalistic standards, taking into account European standards on public service media (first made in 2024)

No progress, slight backsliding due to proposals made which are now unclear on progress due to the government becoming defunct.

The Netherlands has not taken steps to enhance the governance of public service media in line with European standards.

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

Commission's 2025 assessment: Some progress

FPU, RNW Media and NJCM current assessment: No progress

CHECKS AND BALANCES

General assessment

Examples of infringements of the civic space in the Netherlands, discussed in more detail below, are:

1. The proposed Transparency of CSO law (*Wet Transparantie Maatschappelijke Organisaties*, WTMO)⁸⁷ presents problems regarding mayoral powers to access donation data, vague offence definitions, preventive sanctioning that could violate human rights, and additional burdens on prosecutors.
2. The Dutch government is pursuing greater control over demonstrations through three draft laws⁸⁸ expanding mayoral surveillance powers, even though a December 2025 study advised against further legal restrictions on protest rights.
3. According to a study commissioned by the Netherlands National Human Rights Institute, 86% of CSOs surveyed indicated that conditions for their work had worsened over the past two years.⁸⁹
4. As outlined below, MPs and members of government are shaping a political debate that places increasing pressure on civil society, attacking and criminalising CSOs during debates and in motions, such as the motion to ban Antifa.⁹⁰

87 House of Representatives of the Netherlands, Transparency of Civil Society Organisations Act (*Wet Transparantie Maatschappelijke Organisaties*, WMTO), <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2020Z22508&dossier=35646>.

88 Bill to amend the Women's Protection Act with a ban on face-covering clothing at demonstrations ('Wetsvoorstel wijziging Wom met verbod op gezichtsbedekkende kleding bij demonstraties') (<https://www.internetconsultatie.nl/verbodgezichtsbedekkendekledingdemonstraties>); Bill on online incitement to public disorder ('Wetsvoorstel online aangejaagde openbare-ordeverstoring') (<https://www.internetconsultatie.nl/oaov/b1>); Public Order Data Collection Bill ('Wetsvoorstel Gegevensvergaring openbare orde') <https://www.internetconsultatie.nl/gegevensvergaringopenbareorde/b1>

89 Civil society in the Netherlands is under pressure ('Maatschappelijk middenveld in Nederland staat onder druk'), 8 September 2025, <https://www.mensenrechten.nl/actueel/nieuws/2025/09/08/maatschappelijk-middenveld-in-nederland-staat-onder-druk>.

90 Motion by Representative De Vos et al. to designate Antifa as a terrorist organization in the Netherlands as well ('Motie van het lid De Vos c.s. over Antifa ook in Nederland als terroristische organisatie aanmerken'), 18 September 2025, <https://www.tweedekamer.nl/kamerstukken/detail?id=2025Z17241&did=2025D40130>.

The Dutch government proposed to fast-track several law proposals, such as the Asylum Emergency Measures Act or the proposal for amending the Public Assembly Act.⁹¹ For example, the government fast-tracked the legislative procedure due to the urgency of asylum issues (Asylum Emergency Measures Act), giving only a limited number of bodies (including the immigration service and judiciary) just one week to provide input on the proposal. The Council of State notes that early input from citizens, implementing organisations, and legal practitioners is essential for good legislation—a principle acknowledged in the government program itself—and warns that political urgency to tighten asylum policy is insufficient justification for skipping or rushing preparatory steps, deeming this legislative preparation inadequate.⁹²

Two draft constitutional amendments address Article 57’s prohibition on combining parliamentary and ministerial roles: one amendment clarifies that sitting Members of Parliament who join caretaker governments cannot retain both positions,⁹³ while another amendment allows temporary parliamentary replacement for those in dual roles.⁹⁴ These changes aim to strengthen checks and balances by reducing conflicts of interest and parliamentary absences.

The Dutch government proposes transferring malfeasance investigation authority to the Prosecutor-General while removing criminal provisions from the Criminal Code, arguing they overlap with political and administrative accountability.⁹⁵ This creates an accountability gap for knowingly unconstitutional actions.

91 NOS, Cabinet Introduces Ban on Face-Covering Clothing at Demonstrations (‘Kabinet komt met verbod op gezichtsbedekkende kleding bij demonstraties’), 2026, <https://nos.nl/artikel/2595230-kabinet-komt-met-verbod-op-gezichtsbedekkende-kleding-bij-demonstraties>

92 Afdeling advisering van de Raad van State, Opinion 5 February 2025 Advisory Division of the Council of State Asylum Emergency Measures Act (‘Advies 5 februari 2025 Afdeling advisering van de Raad van State Asielnoodmaatregelenwet’), <https://www.raadvanstate.nl/adviezen/@147826/w03-24-00364-ii/>

93 Bill clarifying Article 57, paragraph 3, of the Constitution (‘Wetsvoorstel verduidelijking artikel 57, derde lid, Grondwet’), https://www.internetconsultatie.nl/verduidelijking_57_grondwet/b1

94 Constitutional amendment proposal introducing replacement arrangements for members of parliament who also serve as ministers during a caretaker period (‘Grondwetsvoorstel introductie vervangingsregeling Kamerleden met dubbelfunctie als bewindspersoon in demissionaire periode’), https://www.internetconsultatie.nl/vervangingsregeling_kamerleden_dubbelfunctie_bewindspersoon/b1.

95 Constitutional amendment proposal on the prosecution of offenses committed by members of parliament and government officials (‘Grondwetsvoorstel vervolging ambtsdelicten Kamerleden en bewindspersonen’), <https://www.internetconsultatie.nl/vervolgingambtsdelictenkamerledenbewindspersonen/b1>; Revision Act on Offenses Committed by Members of Parliament and Government Officials (‘Herzieningswet ambtsmisdrijven Kamerleden en bewindspersonen’) <https://www.internetconsultatie.nl/ambtsmisdrijven/b1>

The Dutch Bar Association commissioned an independent expert review of election programs ahead of parliamentary elections, which found a record number of proposals conflicting with rule of law principles.⁹⁶ This review received criticism and sparked a debate about the rule of law.

There is also an issue with the influence of citizen violence on government decision-making and its outcomes. For example, violence and threats of violence were used to block asylum center plans, leading to the resignation of the mayor of Terneuzen.⁹⁷

Implementation of 2025 Commission recommendations

Recommendation: Take forward the proposal of the State Commission on Rule of Law to strengthen a rule of law culture, including by setting up a structured dialogue between the state powers based on a ‘rule of law agenda’ (first made in 2025)

This recommendation is more vague than the proposals of the State Commission. Without specifying where the rule of law culture must be strengthened, the first part of the recommendation covers much more than just a structured dialogue between the state powers.

There are no signs that the government has set up a structured dialogue between the state powers based on a ‘rule of law agenda’.

96 Committee on the Rule of Law Review of Election Manifestos: Record Number of Proposals in Violation of the Rule of Law (Commissie rechtsstatelijke toets verkiezingsprogramma’s: recordaantal voorstellen in strijd met de rechtsstaat) 20 October 2025 <https://www.advocatenorde.nl/nieuws/commissie-rechtsstatelijke-toets-verkiezingsprogrammas-recordaantal-voorstellen-strijd-met>

97 NOS, Terneuzen Mayor Definitely Departs Due to Asylum Center Conflict (‘Burgemeester Terneuzen vertrekt definitief om azc-conflict’), 2 December 2025, <https://nos.nl/artikel/2592986-burgemeester-terneuzen-vertrekt-definitief-om-azc-conflict>

However, the government has, on 4 July 2025, published an official reaction to the recommendations of the State Commission on the Rule of Law.⁹⁸ The government wants to promote rule of law culture and awareness of the citizens' perspective amongst civil servants; simplify tax and benefit systems and facilitate information sharing between organisations; and improve legal protection of citizens, for instance by investing more in legal aid from 2027 onwards. In the final paragraph of the reaction, the government briefly mentions a structured dialogue with the other state powers - reiterating the recommendation, without mentioning concrete steps already taken in that regard.

Also on 4 July 2025, the government presented for public consultation the previously announced draft law aimed at enabling constitutional review of legislation.⁹⁹ Contrary to the recommendation of the State Commission, the proposed law excludes the review of socio-economic rights. As of yet, no proposal has been published for the establishment of a Constitutional Court.

Take forward the proposals of the Commission on Rule of Law to strengthen a rule of law culture in all parts of the central government, by educating civil servants on the rule of law and by setting up a structured rule of law dialogue between the state powers based on a rule of law agenda, a separate rule of law budget chapter and the advice of an independent rule of law research institute.

Commission's 2025 assessment: N/A NHC and NJCM current assessment: In progress (initial steps)

Gaps in the Commission's Report

Narrowed space for civil society:

Although the Commission's 2025 report acknowledged that "the space for civil society organisations has narrowed and is affected by a combination of funding cuts and a risk of new legal obstacles",¹⁰⁰ no recommendation was made with regards to this point.

98 Brief van de Minister van Binnenlandse Zaken en Koninkrijksrelaties, de Staatssecretaris van Justitie en Veiligheid, de Staatssecretaris van Justitie en Veiligheid en de Sociale Zaken en Werkgelegenheid, Tweede Kamer, Kamerstuk 29279, nr. 981, 4 juli 2025.

99 Amendment of the Constitution to introduce constitutional review (Wijziging van de Grondwet ter invoering van constitutionele toetsing) <https://www.internetconsultatie.nl/constitutioneietoetsing/b1>

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

Several worrying developments can be observed, which we will discuss in more detail and with references later on:

- Worsening conditions for CSOs and increasingly hostile political discourse.
- Draft Law on Transparency of CSOs raising concerns about data access, vague offences, preventive sanctions, and stigmatising language.
- Growing political push to restrict protests despite most being peaceful.
- Ineffective, lengthy, and insufficiently independent procedures for complaints about police violence.
- Increasing use of emergency orders to restrict protests, leading to mass arrests and forced removals without solid legal basis.
- Political pressure to limit CSO-led public-interest litigation, including calls to cut funding and tighten representativeness requirements.
- Proposal for administrative banning of organisations based on vague criteria, raising risks of politically motivated bans.¹⁰¹

With regards to other gaps, we also want to highlight issues around the rights and needs of children. While Dutch authorities increasingly acknowledge children as a distinct and vulnerable group, persistent structural tensions remain between law in practice and the obligation to safeguard the best interests of the child. Although in last year's input also relevant developments were added related to children, these issues were not addressed in the Commission's recommendation. As there is no

101 Initiatiefvoorstel - Kuiken, Van Toorenborg, Van Wijngaarden, Van der Graaf en Van der Staaij Wet bestuurlijk verbod ondermijnende organisaties, <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cf-g=wetsvoorsteldetails&cqry=wetsvoorstel%3A35079>

notable progress to these issues, concerns remain about (1) children within the migration system,¹⁰² (2) children within the educational system,¹⁰³ and (3) children with youth care and youth protection.

Finally, there is the issue of women's rights, which are under pressure. The Netherlands has one of the largest gender pay and pension gaps in the EU according to EIGE's Index.¹⁰⁴ GREVIO calls for urgent action on gender-based violence, for more safe shelters, for specialist services for women at risk of intersectional discrimination, for expanding emergency barring orders and for reforming domestic violence definitions in law and in practice with the convention's standards.¹⁰⁵

In a study commissioned by the National Human Rights Institute, 86% of the surveyed CSOs indicated that the conditions for their work have worsened over the past two years.¹⁰⁶ Political discourse increasingly casts critical CSOs as threats rather than democratic watchdogs, with parliamentary support growing for measures that prioritise public order over the protection of peaceful activism.

The draft law on Transparency of CSOs (*Wet transparantie en tegengaan ondermijning door maatschappelijke organisaties*), that is expected to increase pressure on civil society organisations, is still pending

102 Kamerstukken I, 36373, H, gewijzigde motie Van Meenen c.s., 27 February 2024, https://www.eerstekamer.nl/motiedossier/36373_h_gewijzigde_motie_van; Nieuws uit de commissies, Eerste Kamer der Staten-Generaal, 9 juli 2025), R. Stift, "The House of Representatives agrees with amended act that criminalizes irregular stay", NRC.nl, 18 December 2025, <https://www.nrc.nl/nieuws/2025/12/18/tweede-kamer-stemt-in-met-aangepaste-wet-die-illegaliteit-straftbaar-stelt-a4915780> Minister for Asylum and Migration, Decision memorandum on the amendment of the no-fault policy for unaccompanied minor foreign nationals, 30 September 2024, reference no. 4288909, https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2025Z06702&did=2025D15447.

103 [Balans.nl](https://www.balans.nl), 'Drop-outs counting', 9 December 2024, <https://balansdigitaal.nl/thuiszitters-tellen> FollowtheMoney.nl, 'Why the Tailored Education Act finally has failed', 31 March 2025, <https://www.ftm.nl/artikelen/waarom-de-wet-passend-onderwijs-definitief-mislukt-is>

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

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

106 College voor de Rechten van de Mens, Annual Report 2024-2025: Counter-Speech Under Pressure ('Jaarrapportage 2024-2025: Tegenspraak onder druk'), 2025, <https://publicaties.mensenrechten.nl/publicatie/24d329a2-cdb0-4f6e-9429-fb7ef9cf5e38>

in the Senate.¹⁰⁷ The relevant Senate committee held an expert meeting on 25 November 2025, where experts expressed concerns about, amongst other points, the competence for the mayor to retrieve data on donations, the extra pressure on the public prosecution service, the vagueness of the sanctioned offences and the possibility of preventive sanctioning (problematic with regards to human rights infractions), and the necessity of data use.¹⁰⁸ Input for the second report will be presented on 13 January 2026.¹⁰⁹ The law was renamed from ‘Law on Transparency of Civil Society Organisations’ to ‘Law on transparency and against undermining by civil society organisations’. This rephrasing in itself already has a stigmatising effect on civil society organisations, as was also noted by the National Human Rights Institute.¹¹⁰

Moreover, the government and parliament are further pursuing ways to increase authorities’ control over demonstrations. The protest-turned-riot that took place on 20 September 2025 in The Hague prompted members of parliament to call for enhanced possibilities to restrict protests.¹¹¹ While the vast majority of protests proceed without incidents (97%¹¹²) many politicians and members of government are portraying protests as disruptive and calling for more restrictions. Several draft laws have been submitted to public consultation over the past year, aimed at providing the mayor with more competences to survey and restrict demonstrations.¹¹³ On 11 December 2025, the Scientific Research

107 Eerste Kamer, ‘Wet transparantie tegengaan ondermijning door maatschappelijke organisaties’, https://www.eerstekamer.nl/wetsvoorstel/35646_wet_transparantie_en.

108 Eerste Kamer der Staten-Generaal, Report of the Justice and Security Committee Meeting 25 November 2025 (‘Verslag van de vergadering van de commissie voor Justitie en Veiligheid 25 november 2025’), 25 November 2025, https://www.eerstekamer.nl/commissievergadering/20251125_j_v/verslag

109 Eerste Kamer der Staten-Generaal, Transparency Act and Countering Undermining by Civil Society Organisations Act (‘Wet transparantie en tegengaan ondermijning door maatschappelijke organisaties’), 20 November 2020, https://www.eerstekamer.nl/wetsvoorstel/35646_wet_transparantie_en

110 College voor de Rechten van de Mens, Annual Report 2024-2025: Counter-Speech Under Pressure (‘Jaarrapportage 2024-2025: Tegenspraak onder druk’), 10 September 2025, <https://publicaties.mensenrechten.nl/publicatie/24d329a2-cdb0-4f6e-9429-fb7ef9cf5e38>

111 See motions no. 797, 798, 805 and 811: Dutch House of Representatives, Tweede Kamer der Staten-Generaal, Debate on the Course of the Anti-Immigration Demonstration in The Hague (‘Debat over het verloop van de anti-immigratiedemonstratie in Den Haag’), 25 September 2025, https://www.tweedekamer.nl/debat_en_vergadering/plenaire_vergaderingen/details/activiteit?id=2025A06390

112 Informatie-Analyseteam (IAT), Analysis of Public Order Enforcement: Demonstrations, Events, and Football (‘Analyse Handhaving Openbare orde Demonstraties, evenementen en voetbal’), April 2024, <https://open.overheid.nl/documenten/dpc-a5d776d6b8cdc8fef258be39acdb5563935f5fc6/pdf>

113 Prohibiting face-covering clothing (<https://www.internetconsultatie.nl/verbodgezichtsbedekkendekledingdemonstraties/>); <https://njcm.nl/actueel/njcm-reageert-op-het-wetsvoorstel-gegevensvergaring-openbare-orde/>;

and Data Centre published its anticipated study on the right to protest.¹¹⁴ A key finding is that it is not advisable to introduce further legal restrictions on the right to protest. Instead, the study points to the importance of facilitating peaceful demonstrations and highlights practical barriers in this regard.

Complaints about police violence during protests face lengthy procedures and rarely provide effective remedies. Investigations are often inadequate and lack independence, as most cases are handled by the police themselves.¹¹⁵ These complaint procedures are not always in line with ECHR standards that require an independent investigation after complaints of inhuman treatment and police violence. Few cases lead to prosecution, and judicial review does not always assess whether force was strictly necessary under ECHR standards.¹¹⁶

Following some high-profile CSO lawsuits¹¹⁷ against the state, political debate has increasingly questioned the legitimacy of public-interest litigation.¹¹⁸ Some MPs called for cutting CSO funding and restricting their ability to bring cases, with a 2023 parliamentary motion urging the exploration of stricter conditions for CSOs litigating against the state, particularly tighter representativeness requirements.¹¹⁹

114 Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC), Drug-Related Corruption at Schiphol Airport and the Port of Rotterdam ('Druggerelateerde corruptie op Schiphol en de Rotterdamse haven'), 2024, <https://repository.wodc.nl/handle/20.500.12832/3499>

115 Amnesty International Nederland, Amnesty International Calls for Better Oversight of Police Databases in the Netherlands, 2025, <https://www.amnesty.nl/actueel/amnesty-international-wil-beter-toezicht-op-politiedatabanken-in-nederland>

116 Nederlands Juristenblad, The Assessment of Police Violence in the Netherlands ('De beoordeling van politiegeweld in Nederland'), 2025, [njb09_de-beoordeling-van-politiegeweld-in-nederland.pdf](https://njb09.de-beoordeling-van-politiegeweld-in-nederland.pdf)

117 E.g. regarding ethnic profiling (<https://njcm.nl/actueel/gerechtshof-doet-baanbrekende-uitspraak-en-stelt-coalitie-van-burgers-en-ngos-in-het-gelijk-in-zaak-over-etnisch-profileren/>) and the climate case Urgenda <https://www.rechtspraak.nl/bekende-rechtszaken/klimaatzaak-urgenda>

118 See e.g. <https://nos.nl/artikel/2581370-politiek-omstreden-maar-maatschappelijke-rechtszaken-kunnen-rekenen-op-steun>; <https://decorrespondent.nl/16592/klimaat-stikstof-en-pfas-politici-kunnen-pijnlijke-keuzes-voor-zich-uit-schuiven-maar-rechters-hebben-die-luxe-niet/81f0a939-a9eb-061d-2934-4cc53acbb472>

119 Research into civil society organisations and court cases (Onderzoek naar maatschappelijke organisaties en rechtszaken) 22 February 2023 <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2023Z03051&-did=2023D07194>; News article about this: <https://natuurenmilieu.nl/nieuws-artikel/onderzoek-naar-maatschappelijke-organisaties-en-rechtszaken/>

A draft law¹²⁰ to allow the administrative banning of organisations allegedly undermining public order was introduced alongside efforts to outlaw motorcycle gangs. It would have given the Minister of Justice broad powers based on a vague definition, raising fears of politically motivated bans of organisations. Although the Senate rejected the proposal for lack of necessity,¹²¹ it illustrates a wider trend of expanding public-order powers without sufficient safeguards. After rejection seemed likely, the minister announced plans to further explore “banning organisations suspected of links to terrorist groups”.¹²²

Developments during 2025:

Regarding right to protest: A study by public broadcaster NOS (*Nederlandse Omroep Stichting*) shows that Dutch authorities increasingly rely on emergency powers often severely restricting the right to peaceful assembly.¹²³ Mayors frequently use emergency orders, which have a significant impact on the fundamental rights of citizens, including freedom of assembly.¹²⁴ An emergency order is frequently used to disperse or ban protests, even though existing law already provides sufficient powers, leading to excessive restrictions and practices such as mass arrests and forced removal of protesters (‘administrative displacement’).¹²⁵ These measures raise serious legal concerns: emergency orders do not provide an adequate legal basis for depriving individuals of liberty under Dutch constitutional law or the

120 Initiative proposal - Kuiken, Van Toorenburg, Van Wijngaarden, Van der Graaf and Van der Staaij Administrative Prohibition of Subversive Organisations Act (Initiatiefvoorstel - Kuiken, Van Toorenburg, Van Wijngaarden, Van der Graaf en Van der Staaij Wet bestuurlijk verbod ondermijnende organisaties) 13 November 2018 <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A35079>

121 Eerste Kamer der Staten-Generaal, Senate Rejects Administrative Ban on Undermining Organisations (‘Senaat verwerpt bestuurlijk verbod ondermijnende organisaties’), 27 May 2025, https://www.eerstekamer.nl/nieuws/20250527/senaat_verwerpt_bestuurlijk_verbod

122 Ministerie van Justitie en Veiligheid, Government Letter: Research into Possibilities for Banning Organisations with Possible Links to Terrorist Organisations (‘Brief regering: Onderzoek naar mogelijkheden tot het verbieden van organisaties die een mogelijke link hebben met terroristische organisaties’), 15 May 2025, <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D21746&did=2025D21746>

123 <https://nos.nl/artikel/2591625-rechten-burgers-vaker-ingeperkt-met-noodmaatregelen-soms-langdurig>

124 NOS, Citizens’ Rights Increasingly Restricted with Emergency Measures, Sometimes Long-Term (‘Rechten burgers vaker ingeperkt met noodmaatregelen, soms langdurig’), 22 November 2025, <https://nos.nl/artikel/2591625-rechten-burgers-vaker-ingeperkt-met-noodmaatregelen-soms-langdurig>

125 Roorda, Bernd & Brouwer, Janneke, Administrative Relocation in Demonstrations (‘Bestuurlijke verplaatsing bij demonstraties’), June 2022, *Ars Aequi* 2022/6, pp. 452-456 (Artikel AA20220452). <https://research.rug.nl/nl/publications/bestuurlijke-verplaatsing-bij-demonstraties/>

ECHR. Courts, including the Council of State in a July 2025 ruling,¹²⁶ have confirmed that removing peaceful protesters under emergency ordinances lacks legal grounds.

Regarding Public Interest Litigation: In November 2025, the evaluation committee concluded that while the Act on the Resolution of Mass Damages in Collective Action (*Wet afwikkeling massaschade in collectieve actie*, WAMCA) has some uncertainties, these are typical of major reforms and can largely be resolved through case law rather than legislative change.¹²⁷ The State Secretary subsequently confirmed that no revision of the WAMCA law is needed.¹²⁸

Regarding public participation and access to information: In 2025, access to information and public participation in the Netherlands faced mounting challenges despite strong legal frameworks. The implementation of the Open Government Act (*wet open overheid*, WOO) remained deeply flawed, with response times to information requests far exceeding legal deadlines, limiting the ability of citizens, journalists and CSOs to engage in timely oversight and advocacy. In a parliamentary debate, some motions were submitted that could further weaken the implementation of the WOO.¹²⁹ While the most harmful motions were rejected, the Ministry of Interior in a letter to the ‘formateur’ who was tasked with forming a new government coalition, proposes measures to simplify and restrict the WOO.¹³⁰

Youth law/children's rights

Children within the migration system

A persistent problem is the repeated relocation of children within the asylum system, with severe consequences for educational continuity and psychosocial stability. Although fundamental reforms are required, structural changes to the asylum chain have yet to be realised, leaving minors in

126 <https://www.raadvanstate.nl/actueel/nieuws/juli/uitspraak-bestuurlijk-verplaatsen/>

127 <https://www.rijksoverheid.nl/documenten/rapporten/2025/11/19/ek-bijlage-wodc-wamca-volledig-finaal>

128 Ministerie van Justitie en Veiligheid, Government Letter: WODC Evaluation of the Mass Damage Settlement in Collective Action Act (‘Brief regering: WODC-evaluatie Wet afwikkeling massaschade in collectieve actie’), 19 November 2025, <https://www.tweedekamer.nl/kamerstukken/detail?id=2025D47139&did=2025D47139>

129 Open State Foundation, Civil Society Organisations Send Urgent Letter to Parliament (‘Maatschappelijke organisaties sturen brandbrief aan de Kamer’), May 2025, <https://openstate.eu/nl/2025/05/maatschappelijke-organisaties-sturen-brandbrief-aan-de-kamer/>

130 Open State Foundation, Position Paper in Response to the Proposed Restriction of the Open Government Act (Woo) (‘Position paper in reactie op voorgestelde inperking van de Woo’), 18 December 2025, <https://openstate.eu/nl/2025/12/position-paper-in-reactie-op-voorgestelde-inperking-van-de-woo/>

instability and being frequently relocated, which threatens the right to uninterrupted development and education.¹³¹

Recent legislative developments¹³² disaffect minors in precarious situations, as the criminalisation of irregular stay¹³³ contributes to a broader climate of insecurity for undocumented families and children. Stretching the law could potentially affect all adults without a secure residence status and indirectly children¹³⁴ by normalising prolonged uncertainty and fear as part of daily life for minors. Unaccompanied minor asylum seekers (AMVs) are particularly impacted by policy changes following key court rulings. Dutch and EU courts have ruled that distinctions based on age as among unaccompanied minors are discriminatory and that return decisions may not be taken without first establishing whether adequate reception exists in the country of origin.^{135 136} This builds on EU case law which held that issuing a return decision before establishing whether adequate reception exists violates EU law and fails to¹³⁷ In return, the government proposed reforms to the no-fault.¹³⁸

Reception practices reflect this approach: minors seen as having long-term prospects are supported toward integration (under Nidos care) while those with temporary permits remain in large-scale reception centers (COA) for extended periods. As a result, a growing number of minors spend extended

131 Kamerstukken I, 36373, H, gewijzigde motie Van Meenen c.s., 27 February 2024, https://www.eerstekamer.nl/motiedossier/36373_h_gewijzigde_motie_van; Nieuws uit de commissies, Eerste Kamer der Staten-Generaal, 9 juli 2025).

132 It's the Asylum Emergency Act (Asielnoodmaattregelenwet) (see note 132) and the Dual Status System Act (Tweestatusstelsel) (See note 133) which is mentioned also further in this document. Nouvelle aanpassing strafbaarstelling illegaal verblijf (36.855) - Eerste Kamer der Staten-Generaal RC, House of Representatives Approves Amended Law Making Illegality Punishable ('Tweede Kamer stemt in met aangepaste wet die illegaliteit strafbaar stelt'), 18 December 2025, <https://www.nrc.nl/nieuws/2025/12/18/tweede-kamer-stemt-in-met-aangepaste-wet-die-illegaliteit-strafbaar-stelt-a4915780>.

133 *Humanitarian assistance is exempted from this amended Act.*

134 NRC, House of Representatives Approves Amended Law Making Illegality Punishable ('Tweede Kamer stemt in met aangepaste wet die illegaliteit strafbaar stelt'), 18 December 2025, <https://www.nrc.nl/nieuws/2025/12/18/tweede-kamer-stemt-in-met-aangepaste-wet-die-illegaliteit-strafbaar-stelt-a4915780>.

135 Administrative Jurisdiction Division Council of State, 8 June 2022, ECLI:NL:RVS:2022:1530

136 Also in two other cases on the same date, Administrative Jurisdiction Division Council of State, 8 June 2022, ECLI:NL:RVS:2022:1531 and ECLI:NL:RVS:2022:1532

137 HvJ EU, 14 January 2021, T.Q., Case C-441/19, judgment of 14 January 2021 (ECLI:EU:C:2021:9).

138 Minister for Asylum and Migration, Decision memorandum on the amendment of the no-fault policy for unaccompanied minor foreign nationals, 30 September 2024, reference no. 4288909, https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2025Z06702&did=2025D15447.

periods in large-scale reception centers while facing ongoing uncertainty about their future.¹³⁹ From a child-centered perspective, prolonged stays in such settings risk undermining social development, emotional well-being and access to stable support networks.

Overall, while Dutch law increasingly acknowledges children's specific needs, it continues to prioritise deterrence, temporary measures and return over long-term protection. This assessment raises concerns about whether Dutch policies sufficiently comply with (inter)national and European obligations to place the best interests of the child at the heart of migration governance.

Children within the educational system

There is a growing number of children whose educational needs cannot be met and who drop out of school (*thuiszitters*), including highly-sensitive children, children with special educational needs as giftedness or autism, children with (learning) disabilities, and children with trauma.¹⁴⁰ Last year, the parental association 'Balans' calculated the amount of thuiszitters at approximately 70,000 children and another 280,000 children as deprived of proper education.¹⁴¹ Meanwhile the Children's Ombudsman expressed her concerns¹⁴² and insisted on measures to tackle this problem. One of the bottlenecks is the concept and dwelling term of 'compulsory education' (*leerplicht*), where children are obliged to receive and undergo an educational curriculum and where compliance is sought and enforced within the criminal system, as the focus is on the concept of unauthorized absenteeism (*ongeoorloofd schoolverzuim*). By focusing on schoolverzuim children, who are unable to attend school, are framed as being unauthorized absent, which results in the perpetuation of policies that focus on school redemption and re-attending school.¹⁴³

139 Minister for Asylum and Migration, Decision memorandum on the amendment of the no-fault policy for unaccompanied minor foreign nationals, 30 September 2024, reference no. 4288909, https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2025Z06702&did=2025D15447.

140 Follow the Money, Why the Passend Onderwijs Act Has Definitively Failed ('Waarom de Wet Passend Onderwijs definitief mislukt is'), <https://www.ftm.nl/artikelen/waarom-de-wet-passend-onderwijs-definitief-mislukt-is>

141 Balans Digitaal, Counting Homeschoolers ('Thuiszitters tellen'), 9 December 2024, <https://balansdigitaal.nl/thuiszitters-tellen>

142 Children Ombudsman, 'Too many children do not receive education, worries stay for continuing problem of dropouts, Te veel kinderen krijgen geen onderwijs, zorgen om blijvende problematiek van thuiszitters | De Kinderombudsman, Format projectopdracht Kinderombudsman

143 Ingrado.nl, 'Dutch congress about School attendance: once again a success', 6 October 2025, <https://www.ingrado.nl/actueel/items/nederlands-congres-schoolaanwezigheid-wederom-een-succes>

In contrast to the ‘Leerplicht’, there is also a ‘right to education’ (*leerrecht*) where the right of a child to receive education and to develop him/herself is paramount, shifting the paradigm to focus on what an individual child needs to establish (holistic) development.¹⁴⁴ Children who do not fit within the current educational system seem to be highly-sensitive children, children on the spectrum, traumatised children or children with learning disabilities. These children express feelings of loneliness, isolation and their mental and physical health is under strain.¹⁴⁵

The government has initiated new legislation in order to push back school absenteeism,¹⁴⁶ which is currently under consultation.¹⁴⁷ However, the concerns remain because the governmental focus is on a better registry of the amount of thuiszitters from the concept of unauthorized school absenteeism, instead of the needs of these children. There is an upward trend in emerging initiatives to help these thuiszitters,¹⁴⁸ and meanwhile the population of children who attend private schools are rising,¹⁴⁹ displaying the urgent need for fundamental reforms of the education system to safeguard children’s rights to development and education.

Children with youth care and youth protection

One in seven children receive youth care and youth protection and there remain concerns about this sector.¹⁵⁰ Placement in a secure youth care facility means, due to the generally repressive climate,

144 Childrens Ombudsman Rotterdam, ‘Who holds schools accountable for their duty of care (zorgplicht)’, 10 December 2025, <https://orr.nl/wie-houdt-scholen-verantwoordelijk-voor-hun-zorgplicht/>

145 MaatschapWij, The Silence of 70,000 Children: The Cry for Change in the Education System (‘De stilte van 70.000 kinderen: de schreeuw om verandering in het onderwijssysteem’), 12 February 2025, <https://maatschap-wij.nu/sociaal/de-stilte-van-70-000-kinderen-de-schreeuw-om-verandering-in-het-onderwijssysteem/>

146 The Dutch Senate, Kamerstukken 36663 nr. 6, ‘Report on preventing and reducing absenteeism in primary, secondary and vocational education’, 6 February 2025, <https://www.eerstekamer.nl/behandeling/20250206/verslag/document3/f=/vmknokvm5qzn.pdf>

147 Internetconsultatie, Draft Decree on Reducing School Absenteeism (‘Besluit terugdringen schoolverzuim’), 24 November 2025, <https://www.internetconsultatie.nl/schoolverzuim/b1>

148 Movisie, Day of Education: More and More Initiatives Tackle the Homeschooling Problem (‘Dag van het Onderwijs: steeds meer initiatieven pakken het thuiszittersprobleem aan’), 24 January 2025, <https://www.movisie.nl/artikel/dag-onderwijs-steeds-meer-initiatieven-pakken-thuiszittersprobleem-aan>

149 Algemeen Dagblad, Parents Increasingly Turn to Expensive Private Schools, Inspectorate Warns of Unequal Opportunities (‘Ouders wijken steeds vaker uit naar dure privéscholen, inspectie waarschuwt voor ongelijke kansen’), 5 February 2025, <https://www.ad.nl/politiek/ouders-wijken-steeds-vaker-uit-naar-dure-privescholen-inspectie-waarschuwt-voor-ongelijke-kansen~a7f2e581/?referrer=https%3A%2F%2Fwww.google.com%2F>

150 As elaborated in last year’s input to the Questionnaire.

including searches after leave and the possibility of applying other freedom restricting measures, an increased risk of violence for young people.

The use of pain stimuli, inadequate registration and insufficient supervision point to structural shortcomings. Current practices indicate a structural lack of control, legal safeguards and effective control mechanisms. This calls into question the legitimacy of secure youth care under the rule of law and the confidence in the government as the guardian of children's rights.¹⁵¹ A report of a young-expert who stayed himself in the special closed youth care wards (ZIKOS) experienced a repressive climate, with frequent use of freedom-restricting measures.¹⁵²

The requirements for applying freedom-restricting measures were more stringent in 2025,¹⁵³ and introduced a stricter registration requirement than before. Although the CPT noted provided safeguards in the Act which ensure that freedom restricting measures are only applied when strictly necessary and in exceptional circumstances,¹⁵⁴ it concluded that full implementation of the applicable legislation is necessary. It urges the Netherlands to improve compliance with the law in this regard, to set child-appropriate standards and ensure proper implementation to remove the risk of ill-treatment when applying restrictive measures on children under the care of the state.¹⁵⁵ Since 2024 it has been mandatory to submit a six-monthly overview of restrictive measures imposed (Article. 6.7.3 Jw), but according to the CPT, this has not been done properly to date.

151 M. de Kruijff, M. Bruning, Gesloten Jeugdhulp anno 2025, ontwikkelingen en zorgen, Nederlands Juristenblad – 14-11-2025 – Af. 35. P 2910.

152 J. Bhugwandass, Lonely and locked up. Research into the experiences of young people with ZIKOS, 5 March 2024, https://www.expex.nl/wp-content/uploads/2024/03/06032024_Jason_Gesloten-jeugdzorg_drukker2.pdf

153 the Act on the legal status of closed youth care came into force on 1 January 2024. Wet van 17 mei 2023 tot wijziging van de Jeugdwet in verband met het versterken van de rechtspositie van jeugdigen die worden opgenomen in een gesloten accommodatie ('Wet rechtspositie gesloten jeugdhulp'), Stb. 2023, 182, in.w.tr. Stb. 2023, 421.

154 M. de Kruijff, M. Bruning, Gesloten Jeugdhulp anno 2025, ontwikkelingen en zorgen, Nederlands Juristenblad – 14-11-2025 – Af. 35. P 2913.

155 Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Government of the Netherlands on the Visit from 7 to 12 October 2024, together with the Dutch Authorities' Response, CPT/Inf (2025) 17 and CPT/Inf (2025) 18, Strasbourg, 20 June 2025, <https://www.coe.int/nl/web/cpt/-/the-european-committee-for-the-prevention-of-torture-and-inhuman-or-degrading-treatment-or-punishment-cpt-has-today-published-the-report-of-its-visit-to-the-netherlands-in-october-2024-together-with-the-response-of-the-dutch-authorities>.

Although some closed care facilities are scheduled to be shut down by 2030, the alternatives do not necessarily lead to better results for the children involved.¹⁵⁶ There is a call for a fundamental reform of the system, with a shift from control to connection and appropriate support for children and youngsters.¹⁵⁷ In response to the ambition to close these institutions, there have been numerous reports describing secure youth centres locking children in their rooms at night, rolling back the progress.¹⁵⁸

New Issues that Emerged in 2025

There are four main issues regarding asylum procedures in the Netherlands. These are highlighted in the sections below. Asylum seekers and beneficiaries of international protection in the Netherlands face a heightened risk of being unable to exercise their right to family life under the country's international law obligations following the proposed Asylum Emergency Act (*Asielnoodmaatregelenwet*)¹⁵⁹ and the Dual Status System Act (*Tweestatusstelsel*).¹⁶⁰ This is further explained as issue No. 4.

In addition, Parliament adopted motions targeting freedom of association, including calls to ban Antifa¹⁶¹ and strip Extinction Rebellion of public-benefit status.¹⁶² While not implemented due to

156 Pointer (KRO-NCRV), It's Still a Search for an Alternative to Closed Youth Care ('Het blijft zoeken naar een alternatief voor de gesloten jeugdzorg'), <https://pointer.kro-ncrv.nl/het-blijft-zoeken-naar-een-alternatief-voor-de-gesloten-jeugdzorg>

157 Jeugdhulp Rijnmond, One-to-One Guidance in Youth Care ('Publicatie Een-op-een begeleiding in de jeugdhulp'), 26 June 2025, <https://www.jeugdhulprijnmond.nl/2025/06/26/publicatie-een-op-een-begeleiding-in-de-jeugdhulp/>

158 Jeugdstem, Stop Night-Time Lock-Up: Young People Deserve Protection ('Stop de nachtelijke opsluiting: jongeren verdienen bescherming'), 7 August 2025, <https://jeugdstem.nl/over-jeugdstem/nieuws/stop-de-nachtelijke-opsluiting-jongeren-verdienen-bescherming>

159 Tweede Kamer, Proposal of Law amending the Aliens Act 2000 and the General Administrative Law Act (Asylum Emergency Measures Act) (Voorstel van wet tot wijziging van de Vreemdelingenwet 2000 en de Algemene wet bestuursrecht (Asielnoodmaatregelenwet)), Parliamentary Documents II 2024/25, No. 36 704.

160 Tweede Kamer, Proposal of Law amending Parliamentary Document 36 704 (novelle) (Voorstel van wet tot wijziging van wetsvoorstel 36 704 (novelle Asielnoodmaatregelenwet)), Parliamentary Documents II 2024/25, No. 36 855.

161 Tweede Kamer der Staten-Generaal, Nota over de toestand van 's Rijks Financiën, Kamerstuk, 18 September 2025, <https://www.tweedekamer.nl/kamerstukken/detail?did=2025D40130&cid=2025Z17241&utm>

162 House of Representatives of the States General (Tweede Kamer der Staten-Generaal), Motion by Member Eerdmans on Withdrawing the ANBI Status of Extinction Rebellion ('Motie van het lid Eerdmans over de anbi-status van Extinction Rebellion intrekken'), Parliamentary Paper 34 324, no. 21, 22 January 2025, <https://zoek.officielebekendmakingen.nl/kst-34324-21.html>

legal incompatibility, their adoption by a parliamentary majority marks a worrying shift in political norms around protecting fundamental rights. Pressures on civic space are part of a broader attack on checks and balances, marked by attacks on judicial independence, undermining of oversight institutions, and a growing acceptance of proposals that undermine human rights and the rule of law—even among centrist parties. This is reflected in the political debate, and legislative proposals as outlined in this report, but also in different analyses of election programmes.¹⁶³

A new legislative proposal would criminalise any expression of support for a designated ‘terrorist’ organisation, even without incitement to violence or criminal acts. Its vague definitions of ‘terrorist organisation’ and ‘support’, introduced amid debates on pro-Palestine activism, raise concerns about necessity, arbitrariness, and discrimination—particularly against Muslims and pro-Palestine protesters. Civil society strongly opposed the draft, prompting an unusually high number of consultation responses (11,561). The proposal is now pending.¹⁶⁴

Issue 1: LGBTQIA+ asylum seekers in Dutch reception centres face persistent safety and health risks, particularly due to institutional neglect and a lack of procedural and physical safeguards, raising concerns about the effective implementation of legal standards. Despite international human rights obligations (e.g. International Covenant on Civil and Political Rights, Article. 2, 9, 26; International Covenant on Economic, Social and Cultural Rights Article. 2 in conjunction with 12) and EU legislation emphasising the need for special attention to applicants with special reception needs (Directive 2013/33/EU, Article. 2(k) and many relevant provisions, such as Article. 11, 17(2), 18, 19, which further clarify that LGBTQIA+ persons fall within this category, with Directive 2024/1346, Article. 24(f)), the Netherlands primarily employs a formal equality approach. Authorities assume that identical treatment suffices, overlooking the heightened vulnerabilities linked to sexual orientation and gender identity, which undermines the effectiveness of minimum protection standards.¹⁶⁵ Additionally, there is no process to challenge the inaction or decisions of state officials regarding safety reports.

163 Democratiecoalitie, *DemocratieWijzer - The Democracy Voter Guide* (‘DemocratieWijzer - de kieswijzer over democratie’), <https://democratiecoalitie.nl/kieswijzer/>; Nederlandse Orde van Advocaten, *Commission on Rule of Law Review of Election Manifestos: Record Number of Proposals Conflict with the Rule of Law* (‘Commissie rechtsstatelijke toets verkiezingsprogramma’s: recordaantal voorstellen in strijd met de rechtsstaat’), 20 October 2025, <https://www.advocatenorde.nl/nieuws/commissie-rechtsstatelijke-toets-verkiezingsprogrammas-recordaantal-voorstellen-in-strijd-met-de-rechtsstaat>

164 <https://www.internetconsultatie.nl/terrorismeverheerlijking/b1>

165 For detailed research, see: Kudret, Hüseyin Ali, *Ensuring Safety and Health for LGBTIQ+ Asylum Seekers in Dutch Reception Centres: Upholding the Netherlands, International Human Rights Obligations in the Context of Equality and Non-Discrimination*, (2) *Journaal Vreemdelingenrecht* (2025).

Issue 2: The Central Agency for the Reception of Asylum Seekers (COA) raises significant rule of law concerns due to persistent shortcomings in transparency and access to legal remedies, particularly in relation to transfers and disciplinary measures.¹⁶⁶ Under Article 1:3(1) of the General Administrative Law Act (*Algemene wet bestuursrecht*¹⁶⁷), only written public-law acts qualify as administrative decisions, yet COA frequently implements transfers and sanctions as informal or factual acts rather than as written decisions intended to alter legal rights. Moreover, the Wet Centraal Orgaan opvang Asielzoekers (Wet COA) only explicitly equates certain acts with decisions for legal protection purposes, notably those concerning the termination of reception benefits (Article 5(2) Wet COA), leaving other impactful measures outside the default system of administrative review. As a result, asylum seekers are often transferred or sanctioned without written reasoning or information on available remedies. The same lack of challengeability arises when asylum seekers report safety concerns, as COA's inaction or insufficient response is similarly not formalised as a reviewable decision, effectively depriving affected individuals of timely access to an effective remedy.

Issue 3: A legislative proposal (TK 2025/26, 36 831, nr.2¹⁶⁸) has been introduced to prohibit municipalities from prioritising recognised refugees (status holders) for social rental housing. This marks a significant shift in how the principle of equality is interpreted within the Dutch legal framework. The proposal is based on a formal view of equal treatment, in which the government argues that treating refugees the same as other housing applicants would create a more equitable environment. However, this approach conflicts with the substantive or material interpretation of equality, as advocated by the Advisory Division of the Council of State. (TK 2025/26, 36 831, nr. 4¹⁶⁹) The Council argues that by ignoring the existing inequalities faced by refugees, who typically lack local networks and resources compared to domestic residents, the state risks violating Article 1 of the Constitution. This Article requires measures to ensure equal outcomes for those starting from disadvantaged positions.

Issue 4: The Asylum Emergency Act proposes to restrict derivative residence rights by limiting family reunification to nuclear family members only, excluding unmarried partners, foster children, dependent adult children and other dependents as a rule.¹⁷⁰ The Dual Status System Act, while not

166 <https://www.coa.nl/nl/nieuws/stabiele-opvang-en-structurele-financiering-nodig-voor-menswaardige-en-betaalbare>

167 Artikel 1:3 Algemene wet bestuursrecht, <https://wetten.overheid.nl/jci1.3:c:BWBR0005537&hoofdstuk=1&titeldeel=1.1&artikel=1:3&z=2026-01-01&g=2026-01-01>

168 TK 2025/26, 36 831, nr. 2.-2.html, <https://zoek.officielebekendmakingen.nl/kst-36831-2.html>

169 TK 2026/26, 36 831, nr. 4., <https://zoek.officielebekendmakingen.nl/kst-36831-4.html>

170 Tweede Kamer der Staten-Generaal, Asylum Emergency Measures Act ('Asielnoodmaatregelenwet', wetsvoorstel 36704), ingediend 7 March 2025, aangenomen 3 July 2025 (94-56), https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36704&utm_ ; VluchtelingenWerk Nederland, What is in the Strict New Asylum Laws? ('Wat staat er in de strenge nieuwe asielwetten?'), <https://www.vluchtelingenwerk.nl/nl/nieuws-en-kennis/onze-themas/asiel/wat-staat-er-de-asielwetten>

primarily regulating family reunification, introduces differentiated protection statuses and conditions such as waiting periods and material requirements, which may further delay reunification for some beneficiaries.¹⁷¹

These restrictions raise concerns under the EU Family Reunification Directive (Directive 2003/86/EC), especially Articles 4 and 5, which obliges Member States to authorise reunification for core family members, and permits discretion regarding extended family only where proportionality, individual assessment and the objective of family unity are respected. Furthermore, the proposed changes risk contradicting Article 8 ECHR, which requires an individualised and proportionate assessment of family life, ICCPR Articles 17 and 23 that protect against arbitrary interference.

Developments during 2025

1: The existing crisis reached a critical and fatal level in 2025, highlighting the lethal consequences of the persistent safety gaps. In March 2025, a Russian transgender teenager who had been placed in Ter Apel was sexually assaulted and subsequently died in a reception centre.¹⁷² This tragedy followed a period where over 750 incidents of violence were recorded between 2023 and 2024,¹⁷³ underscoring the severity of the hostile environment, where asylum seekers are advised by officials to ‘hide their identity for their safety’.¹⁷⁴ The concerns raised by asylum seekers attending COC Nederland’s Cocktail Meetings regarding their safety in asylum centres remain pertinent.

While parliamentary discussions have acknowledged these issues, official responses have often dismissed them as isolated or unrelated to sexual identity, lacking transparent evidence. Authorities resist

171 Tweede Kamer der Staten-Generaal, Act Introducing the Two-Tier Status System (‘Wet invoering tweestatusstelsel’, wetsvoorstel 36703), ingediend 7 March 2025, aangenomen 3 July 2025 (95-55), <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36703>

172 LGBT Asylum Support, Minor Trans Asylum Seeker Dies Tragically in Neglected Condition in Adult Shelter; LGBT Asylum Support Sends 12th Urgent Letter on Negligent Government to Minister Faber (‘Minderjarige trans asielzoekster overlijdt op tragische wijze in verwaarloosde toestand in een opvang voor volwassenen; LGBT Asylum Support stuurt 12e brandbrief over nalatige overheid naar minister F.’), 1 April 2025, <https://lgbtasymlsupport.nl/nl/minderjarige-trans-asielzoekster-overlijdt-op-tragische-wijze-in-verwaarloosde-toestand-in-een-opvang-voor-volwassenenlgbt-asylum-support-stuurt-12e-brandbrief-over-nalatige-overheid-naar-minister-f-2/>

173 NL Times, Lesbian, Gay, Trans Asylum Seekers Feel Unsafe in Dutch Shelters, 11 March 2024, <https://nltimes.nl/2024/03/11/lesbi-an-gay-trans-asylum-seekers-feel-unsafe-dutch-shel-ters-aid-organisations> (Accessed 19 December 2025).

174 Kudret (2025) pp.25, 38.

necessary structural measures—such as consistent vulnerability assessments or specialised accommodations—arguing that general standards are adequate or fearing stigma from special arrangements.¹⁷⁵ Currently, there is no mechanism for asylum seekers to challenge actions or decisions made by the COA when they report safety issues and no effective measures are taken.

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

2: In 2025, the practice continued, with transfers between reception centres occurring immediately, often after perceived disruptive behaviour, without formal notification. Since these transfers are not consistently classified as administrative decisions under the General Administrative Law Act¹⁷⁶, many asylum seekers are unaware of their ability to challenge them. Consequently, transfers can happen before adequate legal review, significantly impacting access to legal assistance, healthcare, and social support.

Recent case law from the Council of State (ECLI:NL:RVS:2024:2011¹⁷⁷) suggests that some COA transfers can be viewed as appealable decisions when no other legal remedy exists. However, this safeguard only applies retrospectively and assumes that asylum seekers possess legal knowledge, which many do not. Furthermore, there is no statutory obligation for COA to formalise such measures or inform individuals of their rights prior to execution, undermining legal protection and leaving asylum seekers vulnerable to arbitrary decision-making.

3: After its submission on 4 October 2025 (TK 2025/26, 36 831, nr. 2¹⁷⁸) the bill received detailed evaluation by the Raad van State with government commentary (TK 2025/26, 36 831, nr. 4). Parliamentary committees on housing and constitutional rights subsequently discussed the proposal,

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

176 Algemene wet bestuursrecht, <https://wetten.overheid.nl/jci1.3:c:BWBR0005537&z=2026-01-01&g=2026-01-01>

177 ABRvS 15 May 2024, ECLI:NL:RVS:2024:2011., <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RVS:2024:2011>

178 TK 2025/26, 36 831, nr. 2., <https://zoek.officielebekendmakingen.nl/kst-36831-2.html>

leading to the submission of a committee report on 16 December 2025 (TK 2025/26, 36 831, nr. 5¹⁷⁹). As of late 2025, the bill remains under consideration and has not been adopted.

Adoption of the proposal will lead many asylum seekers to stay for a longer time in the asylum centres. This is particularly important, especially considering that the Dutch reception system remains in a prolonged state of emergency rather than a temporary crisis. More than 40% of asylum seekers are still housed in emergency or crisis facilities, many of which do not meet the minimum standards for physical and mental health. This situation has already been judicially recognised as unlawful for vulnerable individuals.¹⁸⁰

4: In March 2025, the Dutch cabinet advanced a legislative package consisting of the Asylum Emergency Measures Act (*Wetsvoorstel* 36 704) and a corrective adjustment bill (Novelle 36 855), alongside the Dual Status System Act, with the stated aim of reducing asylum inflows and easing pressure on reception facilities.¹⁸¹

The bill was adopted by the Tweede Kamer but remained under examination in the Eerste Kamer throughout 2025 and therefore had no legal effect pending a final vote.¹⁸² However, advisory bodies and the civil society organisations warned that the proposed family reunification restrictions were not supported by convincing evidence of effectiveness in reducing workload and costs, and disproportionately interfered with asylum seekers' rights.¹⁸³

Implications and Recommendations for 2026

Meaningful public participation weakened as consultations were increasingly perceived as late, selective or symbolic, with key policy decisions often taken before civil society input was sought. A growing

179 TK 2025/26, 36 831, nr. 5., <https://zoek.officielebekendmakingen.nl/kst-36831-5.html>

180 Battjes et al. *Kroniek van het migratierecht* 37 NEDERLANDS JURISTENBLAD (2025).

181 Eerste Kamer der Staten-Generaal, Asylum Emergency Measures Act ('Asielnoodmaatregelenwet', wetsvoorstel 36.704), aangenomen 16 December 2025 (38-36), https://www.eerstekamer.nl/wetsvoorstel/36704_asiel-noodmaatregelenwet

182 *ibid.*

183 *Advisory Council on Migration (Adviesraad Migratie), Advice on the Amendment of the Aliens Act and the General Administrative Law Act in Connection with Measures to Relieve the Asylum Chain and Reduce Asylum Seeker Influx (Asylum Emergency Measures Act), February 2025, pp. 13–14, https://nltimes.nl/2025/01/27/council-judiciary-urges-pvv-minister-submit-asylum-bills?utm_*

number of CSOs have the feeling that consultation processes have become less meaningful.¹⁸⁴ Trust between government and civil society continued to erode, and advocacy and lobbying by CSOs were more frequently met with suspicion in political debate.

The concerns remain for the (in)voluntary youth care and youth protection as well. Parents are often pressured, or coerced, to ‘voluntarily’ accept child protection measures without judicial authorisation to do so and without any legal protection.¹⁸⁵

There are fundamental shortcomings regarding safeguarding children’s rights in practice, which remain unaddressed if they are not included in this year’s report. Although there are some steps taken by the government to improve the position of children, they are not sufficiently thorough. According to last year’s Child Right’s Index, the Netherlands fell down in ranking to 21st place. According to the Child Right’s Committee, a Child Impact Assessment is necessary for every law and policy that may affect children, but this is not common practice in the Netherlands. There are serious concerns about inequality of opportunities, and there is a major mental health crisis amongst Dutch children and young people, partly due to the above-mentioned issues.

Recommendation:

With regards to women’s rights: Acknowledgement is needed that gender-based violence stems from inequality and disproportionately affects women, impacting the determination of child custody and visitation arrangements after violence and divorce, exposing women and children to prolonged risk from (ex-)partners.¹⁸⁶ There is a backlash on legal practitioners/defenders who dare to address these systematic responses by framing and reprimanding them (in last year’s

184 Verwey-Jonker Instituut, Perceived Space for the Civil Society Middle Field in the Netherlands (‘Ervaren ruimte maatschappelijk middenveld Nederland’), September 2025, https://www.verwey-jonker.nl/wp-content/uploads/2025/09/124460_Ervaren-ruimte-maatschappelijk-middenveld-Nederland.pdf

185 Trouw, Geldrop Baby Removed from Home to Secret Location Without Judge’s Ruling: “This Goes Too Far” (‘Geldropse baby uit huis geplaatst op geheime plek zonder oordeel rechter: dit gaat veel te ver’), 2025, <https://www.trouw.nl/binnenland/geldropse-baby-uit-huis-geplaatst-op-geheime-plek-zonder-oordeel-rechter-dit-gaat-veel-te-ver-be3b1aad/>

186 Ibid

questionnaire a senior-judge is included, in this one a social advocate¹⁸⁷) resulting in further victimisation and silencing of women by (legal) institutions for revealing gender-based violence.¹⁸⁸

63% of applicants for compensation of the Toeslagenaffaire are recognised as victims, mainly women, and a vast majority is still waiting for adequate compensations, even for child-protection measures like out-of-home placements of their children due to wrongful debts and financial instability.¹⁸⁹ These protection measures, imposed because of lacking financial resources instead of offering help, are still in practice, as aid-seeking homeless (undocumented or migrant) women are threatened with child-protection measures by municipalities.¹⁹⁰

Recommendation: The Netherlands should undertake urgent reforms across the asylum chain, youth criminal law, education, and youth care and protection systems to address structural inequalities affecting disadvantaged migrant children and to ensure equal access to safety, development, and justice.

Recommendations:

- Refrain from cutting funds, introducing legal obstacles and stigmatizing civil society organisations through unnecessarily strict transparency requirements.
- Refrain from raising legal and practical barriers for civil society organisations' access to courts.
- Refrain from introducing general legal restrictions on the right to protest.

187 Het Advocatenblad, Mr. X Cannot Substantiate Intimate Terror ('Mr. X kan intieme terreur niet hard maken'), 3 December 2025, <https://www.advocatenblad.nl/2025/12/03/mr-x-kan-intieme-terreur-niet-hard-maken/>.

188 de Volkskrant, How the Lives of Victims of Intimate Terror Often Only Get Worse Through Judges and Authorities ('Hoe het leven van slacht-offers van intieme terreur door rechters en instanties vaak alleen maar slechter wordt'), 21 September 2025, <https://www.volkskrant.nl/binnenland/hoe-het-leven-van-slacht-offers-van-intieme-terreur-door-rechters-en-instanties-vaak-alleen-maar-slechter-wordt~b6c44834/>

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

190 Platform Investico, Municipalities Threaten Homeless Mothers with Taking Away Children ('Gemeenten dreigen dakloze moeders met afnemen kinderen'), 9 December 2025, [https://www.platform-investico.nl/onderzoeken/gemeenten-dreigen-dakloze-moeders-met-afnemen-kinderen](https://www.platform-investico.nl/onderzoeken/gemeenten-dreigen-dakloze-moeders-met-afnemen-kinderen/gemeenten-dreigen-dakloze-moeders-met-afnemen-kinderen)

- The Netherlands should ensure timely identification of LGBTQIA+ vulnerabilities, tailored safeguards, adequate mental-health support, and an accessible way to challenge omissions in special-needs assessments.
- The Netherlands should require COA to formally record all transfers and measures affecting reception conditions to guarantee asylum seekers' effective access to legal remedies.
- The Netherlands should revise housing allocation rules and assess their impact to prevent discriminatory effects on beneficiaries of international protection.
- The Netherlands should amend the Asylum Emergency Measures Act to ensure individualised, non-arbitrary family-reunification decisions consistent with EU and international standards.

CONTACTS

Dutch section of the International Commission of Jurists (NJCM, Nederlands Juristen Comité voor de Mensenrechten)

The NJCM was established in 1974 as the Dutch section of the International Commission of Jurists (ICJ). It has evolved into an authoritative organisation that is committed to and advocates for the protection of human rights in the Netherlands and Dutch foreign policy.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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