

# European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to the Netherlands

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## Data Explorers and Tools

Violence against women survey data explorer

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>

EU LGBT Survey data explorer

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012>

Indicators on the right to political participation of people with disabilities

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>

Mapping victims' right and support in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

Mapping child protection systems in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

## Annual Reports

### Fundamental Rights Report 2016- Annual Report 2016 (May 2016)

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-fundamental-rights-report-2016-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-fundamental-rights-report-2016-2_en.pdf)

#### Focus: Asylum and Migration into the EU in 2015

“Since FRA’s 2011 report on the fundamental rights of migrants in an irregular situation was published, the number of Member States providing cost-free emergency, primary and secondary healthcare has decreased from five to four (Belgium, France, the Netherlands and Portugal).” (p. 26)

### 1. Charter of Fundamental Rights and Its Use by Member States

#### 1.1.5. Scope of the Charter: An Often Ignored Question

“In fact, courts in various Member States, including Estonia and the Netherlands, 11 used the Charter in cases dealing with the legality of national legislation implementing the Data Retention Directive, which was declared null and void by the CJEU.” (p. 43)

#### 1.2.2 Assessment of Fundamental Rights Compliance

“In the Netherlands, the government appeared to accept advice received from the National Commission for International Private Law during the review of a draft law against forced marriages. The draft legislation did not recognise marriages between cousins concluded in other countries, which the commission identified as a violation of the right to marry (Article 9).” (p. 49)

#### 1.2.3. Parliamentary Debates

“The references to the Charter tended to be made in passing. For example, a search for “Charter of Fundamental Rights” in the database for parliamentary debates in the Netherlands yields 106 hits for 2015, the majority of which lead to Charter references that do not cite the Charter in detail but rather include it as one of many background materials for the debate” (p. 50)

## 2. Equality and Non-discrimination

### 2.2. Promoting Equal Treatment by Supporting the Ageing Population and Tackling Youth Unemployment

“The outcomes of the Active Ageing Index show that [f]our EU Member States should particularly address unemployment among older women: the Czech Republic, Italy, Malta and the Netherlands.” (p. 62)

“Member States also made financial incentives available to employers if they hire older workers, as happened in Bulgaria, Croatia and the Netherlands.” (p. 63)

“Data published [by the European Commission] in 2015 show that eight Member States link postponing the retirement age to increased life expectancy: Cyprus, Denmark, Greece, Italy, the Netherlands, Slovakia, Portugal and the United Kingdom” (p. 63)

“Member States implemented different types of measures to bolster young people’s access to employment, education and training in 2015. Examples include reforming legislation to improve vocational training or apprenticeships (Italy, the Netherlands, and the United Kingdom).” (p. 63)

#### 2.4.3. Targeting Discrimination on the Ground of Disability

“Cyprus, Malta, the Netherlands, Slovakia, Spain and the United Kingdom took action to counter discrimination based on disability. [...] The Netherlands adopted a law that could benefit persons with disabilities. The Participation Act, which came into force on 1 January 2015, introduces wage subsidies and job coaching for employers who hire persons with disabilities and other persons who have difficulty gaining access to the job market. In addition, the Quota Act took effect on 1 May 2015. It requires employers with 25 or more employees to hire a percentage of people who fall under the remit of the

Participation Act. Employers in both the private and public sectors that not meet their targets will incur fines.” (p. 68)

### 3. Racism, Xenophobia and Related Intolerance

#### 3.2. Countering Hate Crime Effectively: Full Implementation of Relevant EU Acquis Required

“In the Czech Republic, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Spain and Sweden, national public campaigns and/or information websites were launched on living together without prejudice, racism and xenophobia; on increasing the reporting of racist and discriminatory incidents; and on victim support.” (p. 81)

“In a letter to the House of Representatives, the Dutch Minister of Security and Justice announced in November that the police had laid down the final policy framework for diversity. Entitled *The power of difference*, it sets four goals: strengthening ties between the police and society; improving the way the police deals with discrimination in society; a more inclusive work culture; and a more diverse workforce.” (p. 84-85)

### 4. Roma Integration

#### 4.2.3. Monitoring Progress on Roma Integration: Indicators and Tools

“Most Member States have monitoring processes in place at national level, under the responsibility of central state institutions such as ministries. This is the case in Croatia, Italy and the Netherlands, for example. The Netherlands developed a Roma Inclusion Monitor, which was populated for the second time with qualitative data based on interviews with Roma and Sinti on areas including education, work, housing, health, security and safety, and contact with local government.” (p. 107)

“Local and regional authorities are often represented on national monitoring committees – for example, through national associations of municipalities. This is the case in Bulgaria, Croatia, Ireland, Italy, the Netherlands and Romania. Civil society organisations dealing with Roma issues, particularly Roma NGOs, are also involved in the monitoring process for EU funds in, for example, the Czech Republic, Croatia, the Netherlands, Romania and Slovakia [...] In the Netherlands, the Platform Roma Municipalities is involved in the formal monitoring of ESIF, and civil society is also included in the advisory committee to the Roma Inclusion Monitor at national level.” (p. 108)

### 5. Information Society, Privacy and Data Protection

#### 5.1.3. EU Member States Revisit Their Intelligence Laws

“Several other Member States – such as Austria, the Czech Republic, the Netherlands, Poland, and Portugal – began the process of reforming their intelligence laws. The Dutch government in July published a draft bill to reform the Intelligence and Security Act 2002 that would extend the intelligence service’s surveillance capabilities. The draft law prompted criticism from the European Parliament because it would potentially infringe on fundamental rights.” (p. 120)

#### 5.2.2. Privacy Strengthened In National Legal Frameworks

“In the Netherlands, the Senate in May adopted new legislation that amends the Personal Data Protection Law. The new legislation obliges organisations – both public and private – that process personal data to report to the Dutch DPA (*College Bescherming Persoonsgegevens*, CBP) serious data breaches that result in the risk of loss or illegitimate processing of personal data. When a data breach has or may have negative consequences for those involved, organisations are also obliged to inform these individuals. The CBP may impose administrative fines on organisations that fail to report serious data breaches – an important legal change in the DPA’s role. On 21 September 2015, the CBP published draft guidelines about this new obligation for consultation.” (p. 123)

### 5.2.3. Data Retention Regime Remains in Flux

“The constitutional courts of Belgium and Bulgaria and the High Court of Justice of the United Kingdom all took the position in 2015 that their countries’ respective data retention regimes are unconstitutional, and in the **Netherlands** the District Court of The Hague handed down a similar judgment.” (p. 124)

## 6. Rights of the Child

### 6.2.1. Internet and Social Media: A Field of Risks and Opportunities

“Several states adopted policy measures that increased resources for anti-cybercrime operations, including the **Netherlands**, Portugal, Spain, Sweden, and the United Kingdom.” (p. 145)

## 7. Access to Justice, Including the Rights of Victims

### 7.2. Progress on EU directives strengthens procedural rights in criminal proceedings

“Legislative amendments in the **Netherlands** concerned the list of authorities and bodies obliged to use a sworn interpreter or translator in the course of criminal proceedings.” (p. 164)

“The Supreme Court of the **Netherlands** held that a summons issued to an accused person (or relevant parts of the summons) must be in a language intelligible to the person concerned, who in this case had insufficient command of **Dutch**. Since the person did not receive a translation and the Court of Appeal proceeded with its session, the resulting verdict was invalid.” (165)

“In the **Netherlands**, although parliament has not yet approved an implementing law, the Supreme Court referred to Directive 2013/48/EU and held that, from 1 March 2016 onwards, suspects have a right to the assistance of a lawyer during police questioning.” (165)

### 7.3.1. Transposing the Victims’ Rights Directive: Progress and Challenges

“An additional eight Member States notified the Commission of partial transposition by the end of 2015 (Austria, Belgium, Croatia, France, Ireland, Lithuania, the **Netherlands**, and Romania).” (p. 167)

“The **Dutch** government increased the budget for victim support by more than €7 million in 2015.” (p. 169)

### 7.4.3. Countering Violence against Women with Targeted Projects and Studies

“The **Netherlands** established the Advice and Reporting Centres on Domestic Violence and Child Abuse, called Safe at Home, which offer specialist support services to victims of domestic abuse and child abuse. As of September 2015, there are four sexual assault centres in the **Netherlands**: in Utrecht, Maastricht, Enschede and Nijmegen. A ‘Forced Marriage and Abandonment Centre’ was also opened in The Hague to provide information, advice and support to professionals dealing with cases of forced marriage and abandonment.” (p. 174)

## 8. Developments in the Implementation of the Convention on the Rights of Persons with Disability (CRPD)

### 8.2.2. Monitoring CRPD Implementation: Challenges and Opportunities

“By the end of 2015, only Finland, Ireland and the **Netherlands** had not ratified the CRPD, although each took significant steps towards completing the reforms required to pave the way to ratification.” (p. 194)

## 1. Equality and Non-discrimination

### 1.2. Using the Targeted Investment of EU funds to foster Social Inclusion

“[S]ome Member States have consulted or plan to consult with bodies in charge of protection of rights of persons with disabilities or disabled persons organisations (DPOs). This was the case in Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden.” (p. 31)

“Member States took steps to ensure that relevant staff will be trained on applicable EU and national disability law and policy, including accessibility and the implementation of the CRPD. This happened in Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia, Slovakia and Spain.” (p. 31)

## 3. Roma Integration

### 3.2. “What Gets Measured Gets Done”: Towards Rights-Based Indicators on Roma Integration

“Since 2012, FRA has coordinated the working party in close cooperation with the Commission. The number of Member States participating in the working party grew from 13 in 2013 – Belgium, Bulgaria, the Czech Republic, Croatia, Finland, France, Hungary, Italy, the Netherlands, Romania, Slovakia, Spain and the United Kingdom – to 18 with Austria, Greece, Ireland and Portugal joining in 2014 and Slovenia in 2015. The objective of this group is to develop and pilot a rights-based framework of Roma integration indicators (presented in detail in FRA’s Annual report 2013) that can comprehensively document progress made in reference to fundamental rights standards.” (p. 75)

## 4. Asylum, Borders, Immigration and Integration

### 4.2. Fundamental Rights Remain Central in Return Policy Discussions

“Forced return monitoring under Article 8(6) of the Return Directive (2008/115/EC) can be taken as an example of how fundamental rights safeguards included in the Return Directive are implemented in practice. Six years after the adoption of the Return Directive and four years after Member States were required to transpose it into national law, [...] [t]en Member States (Croatia, Finland, France, Greece, Italy, the Netherlands, Poland, Portugal, Romania and Slovenia), amended their legislation to establish independent monitoring systems in 2014. [...] In the Netherlands, the Integral Returns Monitoring Commission, previously responsible for the monitoring of forced returns, transferred its tasks to the Security and Justice Inspectorate, which accompanied 21 flights in 2014.” (pgs. 89–91)

### 4.6. EU Member State Measures Promoting Inclusive Societies

“Twelve EU Member States (Austria, Croatia, the Czech Republic, Denmark, Germany, Greece, Ireland, Italy, Latvia, Malta, the Netherlands and Slovenia), implement training programmes and capacity building for public administration. They offer these resources to civil servants dealing with migrants. Croatia, Germany, Malta, the Netherlands, Slovenia and Spain implement programmes targeting the private and third sectors, aiming to improve skills in and capacity for managing diversity in professional environments.” (p. 96)

#### 4.7. Transforming Education, Reflecting Diversity in Society

“FRA has looked into the way Member States respond to this challenge. In particular, data show that the education systems in EU Member States use different ways to inform children about different cultures, although most of them integrate such elements in the school curricula. [...] FRA found that diversity and intercultural education are included as core elements in the general principles and objectives of 10 Member States: Austria, Croatia, Denmark, Finland, Germany, Latvia, Malta, the Netherlands, Spain and Sweden.” (pgs. 97–98)

“In primary or secondary education, most EU Member States do teach about different cultures in society. It is part of the curriculum in both primary and secondary education in the Czech Republic, Denmark, Germany, Latvia, the Netherlands and Poland.” (p. 98)

“In the Netherlands, primary school pupils learn about the main aspects of the religions which play an important role in Dutch multicultural society, and they learn to treat people’s different perspectives respectfully. Secondary school pupils learn about similarities, differences and changes in culture and beliefs in the Netherlands, and how to connect their own and others’ ways of life. They also learn to see the significance of respect for each other’s ways of life and perspectives for society.” (p. 98)

#### 4.8. Empowering Migrants in Their Path to Participation

“The 2014 Fundamental Rights Conference emphasised that the need to improve the access of migrants, and particularly of their descendants, to citizenship, is of vital importance. A majority of Member States (Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia, Sweden, Spain and the United Kingdom) have granted third-country nationals the right to vote in local elections, for all or some selected nationalities.” (p. 99)

### 5. Information Society, Privacy and Data Protection

#### 5.2.3. EU Member States React to the Invalidation of the 2006 Data Retention Directive

“The Dutch Minister of Justice and Security announced that alterations to the Act on Obligatory Retention of Data and the Criminal Procedure Code, entailing more stringent procedures for accessing the stored data, will be presented to parliament.” (p. 116)

### 6. Rights of the Child

#### 6.2. Protection of Children, including against Violence

“In the Netherlands, for example, under the 2014 Youth Act, municipalities are responsible for a wide range of services for children and families, ranging from universal and general preventative services to specialised care. The Ombudsman for Children reported that a majority of municipalities lack information about child abuse and its prevention. Although the Transitional Committee Youth System Revision had shared similar concerns in previous reports, in its fifth report the committee considered that the infrastructure in the municipalities was ready for the new tasks.”(p. 132)

### 7. Access to Justice

#### 7.2. EU Member States Progress on the Roadmap on Procedural Rights

“In 2014, several Member States took important preliminary legislative steps to ensure the smooth and timely implementation of this directive (Directive on the Right to Access to a Lawyer and Communication): the Czech Republic, France, Greece, Malta, Luxembourg, the Netherlands, Poland and Spain.” (p. 149)



### 7.3. Member States' Implementation of Victims' Rights

“The most important changes introduced into a bill to implement the Victims' Directive in the Netherlands are an extension of the definition of ‘victim’ to include surviving family members and persons dependent on the victim, an obligation of the authorities to refer victims to the relevant support services and a guarantee that victims will receive information on their rights without delay (in particular on the important steps in criminal proceedings), the right to legal aid for victims at all stages of proceedings, and the right of victims to translation and interpretation.” (p. 151)

## Fundamental Rights: Challenges and Achievements in 2013 – Annual Report 2013 (June 2014)

<http://fra.europa.eu/en/publication/2014/fundamental-rights-challenges-and-achievements-2013-annual-report-2013>

### 4. The Rights of the Child and the Protection of Children

#### 4.1. The Rights of the Child and Protection of Children

“In the Netherlands, a criminal justice bill for juvenile offenders was passed. It allows judges to choose between juvenile and adult criminal law in cases of serious felonies committed by juveniles from the age of 16 to 23 years. The Ombudsman for Children has called on the government to amend the new bill so that the UN Convention on the Rights of the Child (CRC) will not be breached. The new bill means a deterioration of the situation for 16- to 17-year-olds, since they are presently judged according to juvenile criminal law only.” (p. 106)

#### 4.2. Europe Tackles Violence against Children

“The Action Plan Against Bullying in schools in the Netherlands contains a proposal for an act that will oblige all primary and secondary schools to employ effective measures against bullying, ensure its monitoring and appoint a person who coordinates actions tackling bullying. In 2013, the State Secretary for Education, Culture and Science appointed a committee of independent experts that will review the effectiveness of anti-bullying programmes. It is expected that a legislative proposal will be sent to the House of Representatives in 2014.” (p. 111)

#### 4.3. Europe Takes Aim at Child Poverty

“[T]he Dutch Ombudsman for Children produced in June a report on poverty among children, which concluded that one in nine Dutch children are growing up in poverty. The report examined the policies of 198 out of 408 municipalities to combat child poverty, given their key role in fighting poverty. Only three municipalities have policies specifically targeting children living in poverty. The Ombudsman for Children advised municipalities to provide a Children's Package to households with incomes below a certain threshold. Within a week after the report was released, 26 municipalities announced that they would provide such a Children's Package.” (p. 113-114)

## 5. Equality and Non-Discrimination

### 5.4. Member States Adopt Measures to Counter Discrimination

“The Senate in the Netherlands voted in favour of a law enabling transgender persons to change their legal sex without requirements such as sterilisation or genital surgery.” (p. 137)

## 9. Rights of Crime Victims

### 9.1. EU Member States take Steps to Enhance Victims' Rights

“In contrast, the Dutch government increased funding to Victim Support Netherlands, from €22 million in 2012 to over €23.2 million in 2013, with a structural subsidy for the specialised care of victims of severe violent crimes and sexual offences.” (p. 214)

### 9.3. Member States Enhance Victims' Access to Compensation

“The Netherlands announced in 2013 that it would expand the current advance payment provision for compensation of victims to victims of all crimes in 2016 and that it would also prolong the current three-year request submission period. One way the Netherlands provides for advance payment is through the Central Judicial Collection Agency, which is responsible for seizing perpetrators' property and using it to compensate victims. A further promising practice is that victims can apply for compensation with help from Victim Support Netherlands, which recently made it possible to apply for such compensation online.” (p. 215)

### 9.4. EU Focuses on Enhancing Rights of Hate Crime Victims

“The police in the Netherlands developed an online tool in 2013 to enable victims of hate crime to report the incident to the police anonymously. The website explains the concept of hate crimes and encourages reporting. Victims are invited to see a police office and are informed about their rights and legal proceedings.” (p. 221)

## Thematic Areas

### Access to Justice

Freedom to Conduct A Business: Exploring the Dimensions of A Fundamental Right (August 2015)

<http://fra.europa.eu/en/publication/2015/freedom-conduct-business-exploring-dimensions-fundamental-right>

#### 2.3.1. Constitutional Level

“Constitutions of other EU Member States contain more general references that might not necessarily be understood as directly granting the freedom to conduct a business as an enforceable fundamental right, such as those merely providing the right to freely choose an occupation (Belgium, Latvia or the Netherlands).” (p. 27) [But] “EU Member States that do not expressly include the freedom to conduct a business in their constitution provide for it in other instruments of national law, most commonly in commercial and civil law codes. In the legal order of the Netherlands, the freedom to conduct a business is considered to be of constitutional nature despite not being contained in the Dutch constitution.” (p. 28)

#### 2.3.3. Scope of the Freedom to Conduct a Business: Public Interest Case Law

“The internet service providers Xs4all and Ziggo had been ordered by a district court in the Netherlands in 2011 to block access to the file-sharing site ‘The Pirate Bay’ on grounds of copyright infringement. But the Court of Appeals overturned the ruling, since the providers could show, for instance, that the block had not been sufficiently effective. In applying the case law from the CJEU, the Court of Appeal held that entrepreneurial freedom outweighs intellectual property rights, because the blockades are disproportionate and ineffective.” (p. 30)

#### 2.3.4. Scope of Freedom to Conduct a Business: Case Law on Different Stages of the Business Cycle

“It should be noted that several Member States have recently undertaken measures to simplify licensing requirements and reduce the scope of business activities requiring permission. For example, the Business Environment Improvement Action Plan in Lithuania has reduced and simplified the procedures for obtaining licences and permits. The so-called top sector policy in the Netherlands takes the same approach, limited however to nine sectors with a particularly strong market position and high knowledge intensity.” (p. 33)

### 3. Exercising the Freedom to Conduct a Business in Practice: Selected Obstacles and Promising Practices

“Another very common barrier is linked to difficulties in accessing credit, particularly during an economic crisis. This issue seems to be of serious concern in various EU Member States such as Greece, the Netherlands and Romania. [...] In this context, promising practices have been identified in a number of countries. Belgium, France, the Netherlands, Romania and the United Kingdom have adopted programmes to ensure the availability of government grants and various other forms of support for obtaining the funding necessary to establish and operate a business.” (pgs. 37–38)

#### 3.1. Freedom to Conduct a Business in Relation to Specific Population Groups

“[A]ccessing financial capital to start or sustain a business may also be challenging for some entrepreneurs belonging to these population groups. This was reported as a key obstacle to the freedom to conduct a business for population groups in Belgium, France, Luxembourg, Lithuania, the Netherlands, Romania, and Spain.” (p. 38)

##### 3.1.1. Freedom to Conduct a Business and Youth

“One major problem is not knowing where to turn to for advice or information on setting up a business and receiving support in navigating the business environment. In the Netherlands, the information necessary for young entrepreneurs to set up a business was identified as being neither transparent nor accessible enough.” (p.40)

“Government initiatives as well as programmes designed by schools and universities to encourage young people towards entrepreneurial careers have been put into place in several countries, including in the Netherlands.” (p. 41)

“To overcome the problem of access to credit, the Netherlands is developing an ‘Action plan young innovative entrepreneurs’ (*Actieplan Jonge innovatieve ondernemers*). Through this plan, the government is investing in making financing more accessible, for example through microcredit systems and so-called Seed and Pre-Seed funds.” (p. 41)

##### 3.1.2. Freedom to Conduct a Business and Migrant and Ethnic Minorities

“In Belgium, Luxembourg, the Netherlands and Spain, problems included the fact that bank services were little used, and access to credit was difficult. Discrimination may contribute to this issue, as was identified in the Netherlands, where an anti-discrimination agency pointed out that having a migrant cultural background or a lack of proficiency in Dutch had most likely played a role in migrant entrepreneurs’ credit applications being turned down by banks and municipal institutions.” (p. 42)

“Another obstacle identified is lack of knowledge of the host country’s business environment, including lack of ability to navigate the administrative system, barriers to accessing information and difficulties in registering with the relevant authorities. These problems may be compounded by language difficulties, as many migrants have limited proficiency and knowledge of the host country’s language. This was reported as an obstacle in Belgium and the Netherlands.” (p. 42)

“Access to start-up capital and loans was seen as an obstacle to the freedom to conduct a business in the Netherlands, in particular concerning access to credit for Roma and Sinti entrepreneurs. Discrimination on the basis of ethnicity and negative perceptions of Roma and Sinti by non-Roma was reported as contributing to discriminatory behaviour by banks and other agencies when Roma entrepreneurs apply for business financing. An additional obstacle for Roma and Sinti entrepreneurs in the Netherlands is a lack of knowledge on where to turn for business support and advice.” (p. 43)

Severe Labour Exploitation: Workers Moving Within or Into the European Union (June 2015)  
<http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>

### 1.2. Criminalisation of Labour Exploitation and Trafficking at Member State Level

“Under the criminal law of a small group of EU Member States, including Finland (Section 6 (a) of the Criminal Code), the Netherlands (Article 197 of the Criminal Code) and Sweden (Chapter 20, Section 5 of the Aliens Act), the employment of a third-country national in an irregular situation of residence constitutes a criminal offence without regard to the question of whether or not the worker was subjected to particularly exploitative working conditions. As a consequence, the potential penalty for severe exploitation is only imprisonment for up to one year.” (p. 38)

### 1.3. Workers Accepting Severe Exploitative Working Conditions: The No-Name Problem

“Respondents from several EU Member States (for example Belgium, the Netherlands and Slovakia) reported that because of the multiplicity of laws relevant to labour exploitation, it is not clear what precisely constitutes a crime of labour exploitation. The lack of clear and distinct concepts is reflected in officials’ lack of awareness of the various forms of severe labour exploitation and their significant differences.” (p. 39)

### 5.2. Who is a Victim?

“In Germany, the Netherlands, Poland and the United Kingdom, support services providing accommodation or medical care are accessible only after victims are officially recognised as such by the police or public prosecutors. Without recognition, support is limited.” (p. 78)

### 5.4. Availability of Targeted Victim Support Services

“Institutional bodies that work on trafficking in human beings often focus exclusively on cases that are investigated and prosecuted as such. Therefore the help they provide is not accessible to victims of severe labour exploitation unless the case also comes under trafficking, as can be observed for instance in Bulgaria, the Netherlands and the United Kingdom.” (p. 80)

### 5.5. Compensation and Back-Payments

“Some countries, like the Netherlands, have adopted an active policy in criminal proceedings of contacting victims of any type of crime, informing them about the possibility of filing a compensation claim and providing assistance in doing so. Importantly, if a claim is awarded, the state is responsible for collecting the compensation money via the Central Judicial Collection Agency, and where it does not succeed, it needs to advance the money to the victim within eight months of the judgment.” (p. 82)

### 5.6. Facilitation of Complaints and the Role of Third Parties

“In addition, labour inspectorates or similar monitoring authorities in more than 10 Member States can support or even act on behalf of workers in proceedings (the Czech Republic, Estonia, France, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia and Spain).” (p. 85)

## Victims of Crime in the EU: The Extent and Nature of Support for Victims (January 2015)

<http://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>

### 2.3. Rights at Trial to Prevent Repeat and Secondary Victimization

“In eight EU Member States, special units or services are available to provide support directly during trial, ranging from a case coordinator in the Netherlands to a state-guaranteed access to witness-support services at all district and appeal courts in Sweden. (p. 47)

### 3.2. Organisational Aspects

“In the **Netherlands**, a Unit of Prevention and Victim Policy (*Afdeling Preventie en Slachtofferbeleid*) within the Ministry of Justice has primary responsibility for victim support. Victim support is regularly discussed within the tripartite consultations between the public prosecutor service, the police and local authorities as well as in the Juridical District Council (*Arrondissementaal Justitieel Beraad*).” (p. 64)

#### 4.2. Provision of Support to Specific Groups

“In the **Netherlands**, police developed an online tool in 2013 to enable victims of hate crime to report the incident to the police anonymously. The website explains the concept of hate crimes and encourages reporting. Victims are invited to see a police office and are informed about their rights and informed about their rights and legal proceedings.” (p. 84)

## Hate Crime

### Ensuring Justice for Hate Crime Victims: Professional Perspectives

<http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives>

#### 4.1. Measures Adopted by the Police to Encourage and Facilitate Reporting

“In the **Netherlands**, the Midden-Nederland, Noord-Nederland, Den Haag, Amsterdam, Limburg and Rotterdam units offer a ‘Pink in Blue’ (*Roze in Blauw*) telephone helpline/reporting point for LGBTI hate crime or LGBTI-related issues. Pink in Blue police officers are available in some units to speak with LGBTI victims who wish to report a hate crime. Citizens who call a Pink in Blue reporting point can speak directly to a police officer who is sensitive to the issue of LGBTI-related hate crime.” (p. 42)

#### 4.2. Recording Hate Crime and Ensuring that Bias Motives are Not Overlooked

“The Discrimination Instruction of the Public Prosecution Service of the **Netherlands** requires the police to maintain a list of discrimination incidents. For every notification of an incident involving discrimination, the police officer should carefully consider whether the incident constitutes a criminal offence and whether criminal proceedings could follow. If so, the person notifying the police should be asked to consider filing a report. The instructions also state that police officers need to pay attention to possible discriminatory elements in incidents even when the person reporting them does not indicate any such elements.” (p. 47)

#### 5.2. Ensuring that Policing is based in Local Communities

“In the **Netherlands**, efforts have been made to integrate the police in local or regional networks. In 2010, nearly all (10 out of 11) police units established expert groups on multiculturalism (*Expertgroep Multicultureel Vakmanschap*). Such groups consist of a culturally diverse team of police officers who support their colleagues in dealing with broad issues concerning diversity. In a few units (such as the Zeeland-West-Brabant unit), the expert group is specifically charged with supporting colleagues who deal with reports or cases involving discrimination. The experts coordinate discrimination cases and make sure they are dealt with accurately (including being properly registered).” (p. 58)

### Equal Protection for All Victims of Hate Crime – The Case of People with Disabilities (March 2015)

<http://fra.europa.eu/en/publication/2015/equal-protection-all-victims-hate-crime-case-people-disabilities>

“As of October 2014, a number of EU Member States explicitly recognise a disability bias motivation in their criminal law, including Austria, Belgium, Croatia, Finland, France, Hungary, Lithuania, **Netherlands**, Romania, Slovenia, Spain, and the United Kingdom.” (p. 5)

“Although bias motivation can also be defined as an aggravating circumstance, it may be only one among many, with the result that police reports and court proceedings are less likely to consider this

motivation alone. The bias element may therefore remain invisible, which increased the victim's suffering and at the same time reduces the chances that perpetrators will be deterred from committing bias-related offences in the future. For example, Austria, Croatia, Finland, France, Lithuania, the Netherlands, Romania, Spain and the United Kingdom currently use this approach with regard to disability hate crime.” (p. 5)

## Information Society, Privacy and Data Protection

Surveillance by Intelligence Services: Fundamental Rights Safeguards and Remedies in The EU (November 2015)

<http://fra.europa.eu/en/publication/2015/surveillance-intelligence-services>

### 1.3.2. Surveillance Following a Legitimate Aim

“Of the five Member States that have detailed legislation on signals intelligence, Germany, the Netherlands, and the United Kingdom use the term ‘national security’ as a reason for gathering such intelligence. [...] The Netherlands adds the protection of the rule of law and other important state interests.” (p. 26)

### 2.3.2. Data Protection Authorities [DPAs]

“DPAs have no powers over intelligence services in 12 Member States (the Czech Republic, Denmark, Estonia, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Spain, and the United Kingdom) [updated in forthcoming publication as 11 Member States as presently DPAs have limited powers over the British intelligence services].

### 3.1. A Pre-Condition: Obligation to Inform and the Right to Access

“In a report on the obligation to inform, the Dutch Review Committee stressed that very often there will be grounds to cancel notification, as for instance in case of signals intelligence, which involves third countries, meaning notification may seriously damage relations with these countries. It also emphasised that notification may take place after many years, since the activities of the intelligence service can be long-lasting; for example, operations started in 2002 may be considered on-going in 2009. The Hague District Court has held that, in cases of secret surveillance, there is no absolute duty of notification, and safeguarding secrecy prevails. However, the refusal to provide the data must be justified. The individual may also exercise the right to access their own data indirectly through the DPA on the basis of the general data protection legislation. The DPA, however, may not give information regarding the existence or content of the data, and may solely confirm carrying out the necessary checks.” (p. 64)

“In the Netherlands, the Review Committee shall be informed of the interior minister's refusal to disclose the information and the grounds for such. In 2010, the Dutch Review Committee assessed the implementation of the intelligence service's notification obligation and noted that between 2007 (date of the entry into force of this obligation for the services) and 2010, nobody had been notified. The lack of notification was only in exceptional cases based on incorrect grounds, which, however, did not mean that there might not have been other valid grounds for the non-notification of the individuals. The oversight body noted that an active obligation to notify must be balanced against the complexity of other existing legal safeguards, for instance filing a complaint based on an allegation of the intelligence service's improper conduct or applying for an inspection of personal data processed by the intelligence service.” (p.64)

## Gender

Violence against women: an EU-wide survey. Main results report (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf)

**Table 1: Women who have experienced physical and/or sexual violence by a current or previous partner, or by any other person since the age of 15, by EU Member State (%)<sup>a,b,c</sup>**

EU Member State	Any partner (current and/or previous) <sup>a</sup>	Non-partner <sup>c</sup>	Any partner and/or non-partner <sup>c</sup>
AT	13	12	20
BE	24	25	36
BG	23	14	28
CY	15	12	22
CZ	21	21	32
DE	22	24	35
DK	32	40	52
EE	20	22	33
EL	19	10	25
ES	13	16	22
FI	30	33	47
FR	26	33	44
HR	13	13	21
HU	21	14	28
IE	15	19	26
IT	19	17	27
LT	24	16	31
LU	22	25	38
LV	32	17	39
MT	15	15	22
NL	25	35	45
PL	13	11	19
PT	19	10	24
RO	24	14	30
SE	28	34	46
SI	13	15	22
SK	23	22	34
UK	29	30	44
<b>EU-28</b>	<b>22</b>	<b>22</b>	<b>33</b>

Notes: *a* The results in the first two columns of the Table do not sum up to the results in the third column due to the different computational base of the results (results on partner violence are based on respondents who have or have had a partner, as opposed to all women) and the fact that some respondents have experienced violence by both their partners and non-partners.

*b* Out of all women who were either married, living together with someone without being married, or involved in a relationship (without living together) at the time of the interview, or at any time in the past (n = 40,192).

*c* Out of all respondents (N = 42,002).

Source: FRA gender-based violence against women survey data set, 2012

Violence against women: an EU-wide survey – Results at a Glance (2014), p. 19

## LGBTI Rights

Professionally Speaking: Challenges to Achieving Equality for LGBT People (March 2016)  
<http://fra.europa.eu/en/publication/2016/professional-views-lgbt-equality>

### 1.1. Drivers Protecting and Promoting the Fundamental Rights of LGBT People

“[E]ven in countries with policy frameworks supporting the rights of LGBT persons, such as the Netherlands, there is thought to have been an increase in homophobic violence and bullying of LGBT pupils in schools.” (p. 24)

“There is evidence that LGBT equality issues are included in performance management in the Netherlands and in the United Kingdom. For example, a Dutch official reported that including LGBT issues in an overall plan meant that local officials could be held accountable by their municipal council, through monitoring processes.” (p. 26)

“In the Netherlands, strong administrative structures exist at all levels of government, from national to regional and local. Each of the 40 selected ‘frontrunner municipalities’ (*koplopergemeenten*) receives € 20,000 per year from the national government for the development and implementation of local LGBT action plans. For 2015–2017, this sum rises to € 50,000 per year. LGBT policy follows the general trend of decentralisation in Dutch governance.” (p. 27)

#### 4.1. Healthcare for Lesbian, Gay and Bisexual Persons

“Professionals in a number of countries, including Croatia, Greece, Hungary, Italy, Ireland, Latvia, Malta, the Netherlands, Romania and Slovakia, reported a lack of training or insufficient training on LGB health issues.” (p. 71)

### Protection against Discrimination on Grounds Of Sexual Orientation, Gender Identity and Sex Characteristics in the EU – Comparative Legal Analysis – Update 2015 (December 2015)

<http://fra.europa.eu/en/publication/2015/lgbti-comparative-legal-update-2015>

#### 1.3. Legal Recognition of a Person’s Gender Identity

“Concerning simplification, in the Netherlands a law was approved in 2013 providing that anyone who is 16 years or older can apply to the municipal registry office to have their registered sex altered. The only requirement is an expert statement declaring that the person requesting a change of sex is convinced that he/she belongs to the opposite sex and has shown the expert that he/she understands the scope and implications of this situation.” (p. 19)

#### 3.4. Protection from Homophobic and Transphobic Expression and Violence through Criminal Law

“In 2010, thirteen Member States explicitly criminalised incitement to hatred or discrimination on the ground of sexual orientation (Belgium, Denmark, Estonia, France, Ireland, Lithuania, the Netherlands, Portugal, Romania, Sweden, Slovenia, Spain and the United Kingdom).” (p. 59)

### People with Disabilities

#### Violence against Children with Disabilities: Legislation, Policies and Programmes in the EU (December 2015)

<http://fra.europa.eu/en/publication/2015/children-disabilities-violence>

#### 2.1. Legislation

“Some EU Member States include a victim’s disability as a ground for criminalising a hate crime. As of October 2014, 13 EU Member States explicitly recognise, in one form or another, a disability-bias motivation in their criminal laws: Austria, Belgium, Croatia, Finland, France, Greece, Hungary, Lithuania, the Netherlands, Romania, Slovenia, Spain, and the United Kingdom. This applies equally to adults and children.” (p. 38)

#### 2.2. Policies

“A second group of Member States, which includes Bulgaria, Germany, the Netherlands and Slovenia, has policies addressing the protection of children from violence that refer generally to children with disabilities, some of them recognising their particular vulnerability. However, they do not contain specific measures addressing violence against children with disabilities in particular.” (p. 42)



### 3.2. Causes of Violence against Children with Disabilities

“Respondents pointed out that society’s negative perceptions of disability may also be tied to economic conditions. In fact, several respondents from Bulgaria, the Czech Republic, Denmark, the Netherlands and Sweden maintained that economic hardship and heavier burdens contribute to increased intolerance, which can result in hostility and violence against adults and children with disabilities.” (p. 61)

### 4.4. Measures Targeting Professionals and Institutions

“Concerning prevention measures targeting professionals in care facilities, a respondent from the Netherlands spoke about a measure aimed at preventing sexual abuse in connection with personal hygiene, which precludes employees of care houses from individually washing clients and helping them change. To reduce the chance of abuse, institutions are now obliged to do this in couples.” (p.93)

The right to Political Participation for Persons with Disabilities: Human Rights Indicators (May 2014)

<http://fra.europa.eu/en/publication/2014/right-political-participation-persons-disabilities-human-rights-indicators>

### 2.2. The Legal Status of the Right of Persons with Disabilities to Vote in EU Member States

“Seven out of the 28 EU Member States – Austria, Croatia, Italy, Latvia, the Netherlands, Sweden and the United Kingdom – guarantee the right to vote for all persons with disabilities, including those without legal capacity.” (p. 40)

“In eight EU Member States, Austria, Denmark, Estonia, Finland, Germany, Lithuania, the Netherlands and the United Kingdom, all voters can vote using alternative methods, typically postal voting. In the Netherlands and the United Kingdom, proxy voting is permitted, although in the Netherlands nobody may cast more than two votes by proxy per election.” (p. 42)

### 2.3. Creating Enabling Conditions for the Political Participation of Persons with Disabilities

“Both public and private providers of media are subject to statutory accessibility standards in Austria, Belgium (the Flemish Community), Cyprus, Finland, France, Germany, Greece, Hungary, Ireland, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden, the analysis indicates. In these countries laws require broadcast (radio and television) media to provide subtitles, sign language interpretations and/or audio descriptions for all or part of the programmes broadcast.” (p. 45)

“In a second group of Member States, made up of Austria, Greece, Latvia, Lithuania, Malta and the Netherlands, electoral laws specify that assistance is only available to persons with physical or sensory impairments. In the Netherlands, the government and Electoral Council have expressed concern that the provision of assistance should not be extended to persons with intellectual disabilities due to the risk of voters being intimidated or influenced by assistants.” (p. 51)

### 3.1. Involving Persons with Disabilities in the Political Process

“The remaining group of Member States, Greece, Lithuania, the Netherlands and Romania, have neither legislation establishing mechanisms nor systematic practices for consultation with DPOs [Disabled Persons Organisations] in the development of laws and policies. It is important to note that this does not mean that DPOs are not involved in practice.” (p. 57)

## Rights of the Child

Guardianship Systems for Children Deprived Of Parental Care in the European Union (October 2015)

<http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>

### 2.6. Guardianship Systems for Unaccompanied Children

“[O]nly four Member States (Belgium, Denmark, Finland, and the Netherlands) have set up a separate guardianship system for unaccompanied children who only have a temporary right to stay in the Member State or have no right to stay at all. This usually includes children who are undocumented or seek asylum. Such a separate system, which in three of these Member States also covers unaccompanied children who are EU or EEA nationals, is different from the system in place for national children.” (p. 32)

### 4.4. Accountability and Oversight Mechanisms

“In the Netherlands, the Inspection on Youth Care (*Inspectie Jeugdzorg*) is an independent body responsible for monitoring guardianship institutions. Similarly in Ireland, the Health Information and Quality Authority (HIQA) is responsible, among its functions under Section 8(1)c of the Health Act 2007, for monitoring the quality of service provided by the Child and Family Agency to protect children and to promote their welfare. HIQA has drawn up national standards for the protection and welfare of children, and conducts audits to monitor compliance with those standards.” (p. 49)

### 5.6. Legal Representation of Child Victims of Trafficking in Criminal Proceedings and Legal Aid

“The Netherlands is one of the few Member States where the Legal Aid Board has drawn up a list of specialised lawyers, assigning them to child victims of trafficking who are placed within the protected reception system. There is a specific list of solicitors who have declared their ability for this kind of support and who are specialised in this area of work. The lawyer advises the child and the guardian, but the guardian retains the authority to take decisions during the procedure.” (p. 58)