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## Netherlands

**Country:**

Netherlands

**Year:**

2018

**Freedom Status:**

Free

**Political Rights:**

1

**Civil Liberties:**

1

**Aggregate Score:**

99

**Freedom Rating:**

1.0

**Overview:**

The Netherlands is a parliamentary democracy with a strong record of safeguarding political rights and civil liberties. Nevertheless, wariness of immigration and Muslim minorities has grown in recent years, and harsh policies toward irregular migrants and asylum seekers have been a source of controversy.

**Political Rights and Civil Liberties:**

### POLITICAL RIGHTS: 40 / 40

#### A. ELECTORAL PROCESS: 12 / 12

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The Netherlands is a parliamentary constitutional monarchy. The role of the monarch is largely ceremonial. The prime minister is the head of government and is appointed by the monarch after elections. The incumbent prime minister, Mark Rutte, won a third term following parliamentary elections held in March 2017. He formed a coalition government consisting of his own center-right People's Party for Freedom and Democracy (VVD)

alongside the Christian Democratic Appeal (CDA), Democrats 66 (D66), and the Christian Union. It took a record 225 days for the coalition to form, reflecting the fragmentation in Dutch politics.

**A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

The Netherlands has a bicameral parliament that consists of the 75-seat First Chamber, which is elected indirectly to four-year terms in a proportional vote by the 12 provincial council members; and the 150-seat Second Chamber, which is elected to terms of four years by proportional representation. The parliamentary elections in March 2017 were generally well administered, and all parties accepted the results. Parliament now has thirteen parties, the most since 1972. Geert Wilders's far-right PVV won 20 seats, the second-highest total, but all other parties refused to form a coalition with the PVV, effectively shutting it out of government.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4**

Elections are administered by the Electoral Council, which works impartially and professionally to carry out Dutch elections.

**B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties operate freely and regularly rotate in and out of power. The Elections Law does not impose any undue restrictions on the creation of political parties. In the 2017 parliamentary elections, the ruling VVD lost eight seats. Government funding extends to all parties that have participated in the most recent parliamentary elections and have gained at least one seat.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

Opposition parties have a realistic opportunity to increase support or gain power, as evidenced by the 2017 election results in which the PVV, CDA, and D66 all gained seats, with the latter two joining the governing coalition after being in the opposition during the second Rutte cabinet.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4**

The people are generally free to make their own political choices without pressure from groups that are not democratically accountable.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4**

Minority groups participate freely in the political process, and political parties represent their interests. The DENK (THINK) party, which seeks to represent a broad spectrum of ethnic and religious minorities, and voters with migrant backgrounds, won three seats in the 2017 parliamentary elections. The party has been controversial and centrist parties have accused it of enflaming discontent among migrant communities. In March 2017, Dutch LGBT (lesbian, gay, bisexual, transgender) activists launched a “Rainbow Agreement” to enhance LGBT rights. Seven of the parties that won parliamentary representation signed the pledge.

While most major parties addressed gender issues in their party manifestos, the PVV’s does not mention women. An active debate in the media ensued when the prime minister appointed a cabinet with fewer women than in the previous government and no minorities.

**C. FUNCTIONING OF GOVERNMENT: 12 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Government policies reflect the choices of freely elected members of parliament.

**C2. Are safeguards against official corruption strong and effective? 4 / 4**

The Netherlands has low levels of corruption and anticorruption mechanisms are generally effective.

In October 2017, the chairman of the House for Whistleblowers, a government agency created to support those reporting abuse and corruption, resigned due to the organization’s failure to conclude a single investigation since its inception a year earlier.

**C3. Does the government operate with openness and transparency? 4 / 4**

Laws are in place recognizing the right to access information, and they are generally enforced. However, these laws do not apply to legislative and judicial bodies.

**CIVIL LIBERTIES: 59 / 60**

**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16**

**D1. Are there free and independent media? 4 / 4**

A free and independent press thrives in the Netherlands. The Dutch Association of Journalists has criticized the passage of the Intelligence and Security Services Act in July 2017, because the law’s dragnet approach to collecting information may compromise the ability of journalists to protect their sources.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

The constitution guarantees freedom of religion, which is generally respected in practice.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

Academic freedom is largely respected in the Netherlands.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4**

There are no restrictions on the freedom of speech or expression, apart from the criminalization of hate speech. The Intelligence and Security Services Act, which critics fear may lead to dragnet surveillance of private communications, caused a public outcry and led to a campaign for a referendum.

The Netherlands has had lèse majesté laws, which forbid insulting the monarch, in place since 1881. Although rarely enforced, these laws do occasionally result in sanctions. Although a parliamentary majority expressed its support for repealing the law in September 2016, the legal situation remained unchanged at the end of 2017.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**

**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is constitutionally guaranteed and respected in practice.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4**

Nongovernmental organizations (NGOs) operate freely and without interference from the government or nonstate actors.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4**

Workers' rights to organize, bargain collectively, and strike are protected.

## **F. RULE OF LAW: 15 / 16**

**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent, and the rule of law generally prevails in civil and criminal matters.

**F2. Does due process prevail in civil and criminal matters? 4 / 4**

The right to a fair trial is constitutionally guaranteed and respected in practice. Defendants have access to legal counsel, and counsel is provided for them if they cannot afford an attorney.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4**

The police are under civilian control, and prison conditions mostly meet international standards. However, people suspected or convicted of terrorism often experienced treatment that NGOs have called inhumane, including constant surveillance and regular full-body searches.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4**

The Netherlands has antidiscrimination laws and hate speech laws on the books. While Dutch society is known for its tolerance, rising anti-immigrant sentiment in recent years has been accompanied by more open expression of anti-Islamic views. In 2016, Geert Wilders was found guilty of inciting hatred and insulting a group after he had made anti-Moroccan remarks during a campaign rally in 2014, but no penalties were imposed. In the run up to the 2017 parliamentary elections, Wilders called for the “de-Islamicization” of the Netherlands. Perceived discrimination against Muslims is higher in the Netherlands than in many other European countries. Muslims and immigrants experience harassment and intimidation.

Dutch asylum policies have long drawn criticism for being unduly harsh. Asylum seekers and irregular migrants often experience prolonged detentions in prison-like facilities before deportation. Asylum policy remains politically divisive.

The government enforces legal protections for women, including in employment and family law.

**G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Residents generally enjoy freedom of movement and choice of residence, employment, and institution of higher education. A counterterrorism law passed in March 2017 allows the government to restrict the movement of people suspected of terrorist links. Human rights advocates have complained that the law is vulnerable to abuse.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 4 / 4**

Property rights are legally protected and generally upheld in practice.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4**

Personal social freedoms are largely respected. Although the government generally does not restrict individuals' choice of dress, religious dress and symbols are prohibited for police officers in order to safeguard their impartiality. In October 2017, one police officer submitted a complaint to the College for Human Rights because she is not allowed to wear a headscarf.

Female genital mutilation, although illegal, still occurs in some immigrant communities. The Ministry of Health, Welfare, and Sport runs a project to prevent the practice.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4**

While the Netherlands is a source, destination, and transit point for human trafficking, the government makes strong efforts to combat it, vigorously investigating and prosecuting suspected traffickers. In 2017, the government continued to implement its National Program against Child Pornography and Child Sex Tourism.

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