



## FREEDOM IN THE WORLD 2020

# Netherlands

# 99

/100

FREE

|                         |        |
|-------------------------|--------|
| <u>Political Rights</u> | 40 /40 |
| <u>Civil Liberties</u>  | 59 /60 |

## LAST YEAR'S SCORE &amp; STATUS

99 /100    Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

The Netherlands is a parliamentary democracy with a strong record of safeguarding political rights and civil liberties. Nevertheless, Muslims and immigrants experience harassment and intimidation, and polarization around cultural identity issues has increased. Harsh policies toward irregular migrants and asylum seekers have been a source of controversy. The Kingdom of the Netherlands also has overall responsibility for human rights compliance on six Caribbean islands. Corruption, prison conditions and asylum policies are of concern on the islands.

## Key Developments in 2019

- A law allowing for many asylum-seeking, long-term resident children to apply for a pardon (Kinderpardon), entered into force in January. The legislation sought to resolve the cases of around 700 children whose residence status had long been uncertain after their asylum applications were turned down.
- In January and April, multiple international observers voiced concerns over the treatment of Venezuelan refugees on Caribbean islands belonging to the Kingdom of the Netherlands, and the Dutch government's inadequate response to the crisis. Thousands of Venezuelans sought refuge on the Dutch islands and were denied asylum, expelled from the territories, or detained for unreasonably long periods.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

**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 prime minister is the head of government, appointed by the parliament after elections. The incumbent prime minister, Mark Rutte, won a third term following elections for the Second Chamber of parliament in March 2017, leading a cabinet of his own People's Party for Freedom and Democracy (VVD) alongside the Christian Democratic Appeal (CDA), the Democrats 66 (D66), and the Christian Union.

**A2** 0-4 pts

|   |            |
|---|------------|
| <b>Were the current national legislative representatives elected through free and fair elections?</b> | <b>4/4</b> |
|---|------------|

The Netherlands has a parliament that consists of the First Chamber, elected indirectly by the members of the twelve provincial councils; and the Second Chamber, which is directly elected to terms of four years. Elections for the provincial councils in March 2019 led to the government losing its majority in the First Chamber; it has started to depend on ad hoc majorities in upper chamber to have bills signed off.

The nationalist Forum for Democracy (FvD) party gained a plurality of the vote in the Provincial Council elections (14.5 percent). Party leader Thierry Baudet was criticized for attempting to justify sexist and white supremacist statements as legitimate cultural commentary, leading to some defections of elected representatives in provincial councils and in the First Chamber.

The elections were well administered, and all parties accepted the results.

**A3** 0-4 pts

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| <b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b> | <b>4/4</b> |
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Elections are administered by the Electoral Council, which works impartially and professionally.

# B. Political Pluralism and Participation

**B1** 0-4 pts

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|---|-------------------|
| <p><b>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?</b></p> | <p><b>4/4</b></p> |
|---|-------------------|

Political parties operate freely. The Elections Law does not impose any undue restrictions on the creation of political parties and the registration of candidates for elections.

Government funding extends to all parties with at least 1,000 members and at least one seat in parliament.

**B2** 0-4 pts

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|--|-------------------|
| <p><b>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</b></p> | <p><b>4/4</b></p> |
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In the 2017 Second Chamber elections, a number of opposition parties gained seats and three of them joined the new government. After the March 2019 provincial elections, newcomer FvD made significant gains, winning the most votes and seats of any individual party, and removing the governing coalition's majority from the upper chamber.

**B3** 0-4 pts

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|---|-------------------|
| <p><b>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b></p> | <p><b>4/4</b></p> |
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The people are free to make their own political choices without pressure from groups that are not democratically accountable.

**B4** 0-4 pts

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| <b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b> | <b>4/4</b> |
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Minority groups participate freely in the political process. Some political parties specifically cater to the (perceived) positions of religious groups or ethnic minorities.

## C. Functioning of Government

**C1** 0-4 pts

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| <b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b> | <b>4/4</b> |
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Government policies reflect the choices of freely elected members of parliament. Inordinate influence of corporate interests over government policies continued to be criticized by investigative journalists and NGOs.

**C2** 0-4 pts

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|---|------------|
| <b>Are safeguards against official corruption strong and effective?</b> | <b>4/4</b> |
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The Netherlands has low levels of corruption and anticorruption mechanisms are generally effective.

Both chambers of parliament continued deliberations on the Council of Europe's Group of States against Corruption (GRECO) observation that insufficient safeguards exist to prevent conflicts of interest and regulate dealings with lobbyists and other

third parties. By the end of the year, several of GRECO's recommendations had been implemented.

**C3** 0-4 pts

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|--|------------|
| <b>Does the government operate with openness and transparency?</b> | <b>4/4</b> |
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Laws are in place recognizing the right to request government information, and they are generally enforced, although critics contend that long delays in responding to requests for information are common. A bill that would require the government to make documents available online rather than by request was awaiting parliamentary discussion at the end of the year after being amended in January 2019 to enhance the government's ability to implement it.

Parliamentary questions about the Tax Administration having unlawfully terminated childcare allowances were insufficiently answered. Parents who requested their files were provided with heavily redacted documents that obscured information used to decide their cases. In December 2019 this led to the resignation of State Secretary for Finance Menno Snel.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

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| <b>Are there free and independent media?</b> | <b>4/4</b> |
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A free and independent press thrives in the Netherlands. A journalist was detained for refusing to testify in a judicial investigation by supplying information from a

source in October 2019; the detention was cancelled by court after one night.

**D2** 0-4 pts

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| <b>Are individuals free to practice and express their religious faith or nonbelief in public and private?</b> | <b>4/4</b> |
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The constitution guarantees freedom of religion, which is generally respected in practice. A prohibition of burqas and niqabs in public establishments and on public transport came into force in August 2019. Little to no enforcement by the agencies involved and by law enforcement was reported.

The freedom to create religious schools, traditionally considered an important component of freedom of religion, was challenged in mainstream debate with respect to Islamic establishments, after the government antiterrorism agency claimed that teachers at one secondary school in particular seemed to foment hatred towards nonbelievers and rejection of a pluriform society. This caused a significant controversy, especially after the school was refused government funding, but this step was annulled in an administrative court decision in November 2019.

**D3** 0-4 pts

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|---|------------|
| <b>Is there academic freedom, and is the educational system free from extensive political indoctrination?</b> | <b>4/4</b> |
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Academic freedom is largely respected in the Netherlands.

**D4** 0-4 pts

|   |            |
|---|------------|
| <b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b> | <b>4/4</b> |
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There are no restrictions on freedom of speech or expression, apart from the criminalization of hate speech. The exact interpretation of hate speech provisions continued to be debated. The appeal case against the conviction of member of

parliament Geert Wilders for calling for the reduction of the number of Moroccans in the Netherlands, continued amidst discussion about alleged inappropriate interference of the Ministry of Justice in decision-making on the case.

In February 2019, the official Review Committee for Intelligence and Security Services published its first report on the implementation of the Intelligence and Security Services Act of 2018. The committee expressed dissatisfaction over the level of security and risk assessment in information exchange with foreign security services.

In March 2019, parliament adopted legislation abolishing the criminalization of insulting the king and his family as well as foreign heads of state. Nonetheless a man was prosecuted for insulting the queen in October.

## E. Associational and Organizational Rights

**E1** 0-4 pts

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| Is there freedom of assembly? | 4/4 |
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Freedom of assembly is constitutionally guaranteed and generally respected in practice by authorities. However, multiple instances of organized groups attacking peaceful protesters have occurred in recent years. Fourteen people, who had attacked individuals protesting the popular blackface figure Black Pete in 2018, were prosecuted and convicted in July 2019. In November 2019, an internal gathering of the main protest group, Kick Out Black Pete, was violently interrupted by an ad hoc vigilante group, a number of whom were arrested by police.

Discussion continued on the extent to which authorities are bound to facilitate assemblies that may severely obstruct traffic or otherwise affect public “security.” Most of this debate in 2019 was around the perceived difference of facilitation of farmers’ protests against environmental policies as opposed to climate justice

protests. While disruptive farmers' protests were largely facilitated by police, several protests by climate activists were broken up over obstructing traffic or, in the case of Amsterdam Airport Schiphol, "security" considerations.

**E2** 0-4 pts

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| <b>Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?</b> | <b>4/4</b> |
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Nongovernmental organizations (NGOs) operate freely and without interference from the government or nonstate actors.

**E3** 0-4 pts

|   |            |
|---|------------|
| <b>Is there freedom for trade unions and similar professional or labor organizations?</b> | <b>4/4</b> |
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Workers' rights to organize, bargain collectively, and strike are protected.

## F. Rule of Law

**F1** 0-4 pts

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|---|------------|
| <b>Is there an independent judiciary?</b> | <b>4/4</b> |
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The judiciary is independent, and the rule of law generally prevails in civil and criminal matters.

**F2** 0-4 pts

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|--|------------|
| <b>Does due process prevail in civil and criminal matters?</b> | <b>4/4</b> |
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The right to a fair trial is legally guaranteed and respected in practice. The Dutch Council for the Judiciary expressed increasing concern over the level of financing made available for the justice system.

Defendants have access to legal counsel, and counsel is provided for them if they cannot afford an attorney. The Netherlands Bar Association raised alarm over increasingly insufficient financial compensation of lawyers, threatening the availability of free legal aid, in particular in administrative and civil cases. Additional funding was offered by the government for the years 2020 and 2021.

### F3 0-4 pts

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|---|------------|
| <b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b> | <b>4/4</b> |
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The police are under civilian control, and prison conditions mostly meet international standards. The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the end of 2018 urged improvements with respect to prison conditions and treatment of asylum seekers in the Caribbean parts of the Netherlands in particular. Sub-standard prison conditions continued to be reported throughout 2019, notably on the Caribbean island Sint Maarten.

### F4 0-4 pts

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| <b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b> | <b>3/4</b> |
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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. The European Commission against Racism and Intolerance, while applauding a range of government initiatives, denounced the continued strong influence in mainstream political discourse and in media reporting of “xenophobic, fear-fueling rhetoric.”

Muslims and immigrants experienced harassment and intimidation. Persistent labor market discrimination on ethnic grounds, of older people, of pregnant women, and of disabled people continued to be documented.

Leader of the far-right FvD party, Thierry Baudet, has been widely criticized for his sexist and white supremacist views, which he has attempted to pass off as legitimate cultural commentary. In March 2019, his remarks caused several politicians to distance themselves from him, and the right-wing FvD. Political analysts have noted that Baudet has expanded the political base of the radical right, raising concerns over the spread of racial and gender-based discrimination throughout the country.

The police struggle with severe discriminatory behavior. Many ethnic minorities report ill-treatment by the police. The need for police programs to increase personnel diversity and to tackle ethnic profiling was seen both outside and inside the police force.

A Children's Pardon (Kinderpardon) was issued in January 2019, allowing up to 700 long-term resident children who were initially denied asylum to apply for the pardon and stay in the country. Ultimately, the fate of many children was undetermined at the end of the year.

The Caribbean islands that are part of the Netherlands lack proper asylum procedures. Thousands of Venezuelan refugees were reportedly refused any kind of permit to stay on the islands. The Netherlands Red Cross provided emergency assistance but called on the government to come to a "structural solution." The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment criticized the Netherlands on this issue. Alarming reports emerged of Venezuelans regularly being expelled from Curaçao. At the same time, some asylum seekers were kept in long-term detention without an apparent prospect of their asylum claim being processed.

Dutch asylum policies have long drawn criticism for being unduly harsh. In November 2019 the Dutch State Secretary for Asylum and Migration announced the end of the standard provision of a legal advisor to asylum seekers on their first meeting with

immigration authorities. It would only be provided for appeals following a rejected application.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

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| <b>Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?</b> | <b>4/4</b> |
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Residents generally enjoy freedom of movement and choice of residence, employment, and institution of higher education.

**G2** 0-4 pts

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| <b>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</b> | <b>4/4</b> |
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Property rights are legally protected and generally upheld in practice.

**G3** 0-4 pts

|  |            |
|--|------------|
| <b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b> | <b>4/4</b> |
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Personal social freedoms are largely respected.

Domestic violence is a persistent problem, with an annual estimate of between 200,000 and 230,000 severe or repeated cases. The Netherlands Institute for Human Rights called for more government attention to underlying factors such as stereotyped gender roles.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**4/4**

The governmental National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children noted in February and March 2019 updates that between 2013 and 2017 the number of criminal prosecutions for trafficking had strongly declined from 257 to 144, out of the total estimated annual number of cases of 5,000 to 7,500. The Rapporteur in particular reprehended the very low number of prosecutions for labor exploitation.

**On Netherlands**

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*Country Facts*

Global Freedom Score

**99/100** Free

*Other Years*

2019

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