

# *Council of Europe contribution for the 41<sup>st</sup> UPR session (Oct-Nov 2022) regarding Netherlands*

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## Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

The CPT's report on the 2016 periodic visit to the Netherlands:



**CPT\_inf\_2017\_1\_Netherlands.pdf**

One of the main objectives of the visit was to examine the treatment and care of patients placed in penitentiary psychiatric centres. The CPT's delegation also examined, for the first time, the situation of patients placed against their will in two civil psychiatric hospitals. Further, three prisons were visited to review the conditions of detention and the regime applied to prisoners, including persons sentenced to life imprisonment. The treatment of persons in police custody and the safeguards applicable to them were also reviewed.

Executive summary:



**CPT\_Exec\_sum\_Netherlands.pdf**

Government response:



**CPT\_inf\_2017\_9\_resp\_gov\_Netherlands.pdf**

## Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

N/A

## Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance (**ECRI**) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-

year cycles. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Conclusions on the Netherlands (adopted on 7 December 2021 / published on 3 March 2022)



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Fifth report on the Netherlands (adopted on 2 April 2019 / published on 4 June 2019) and Government comments



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### **Steering Committee on Anti-Discrimination Diversity and Inclusion (CDADI)**

*Under the authority of the Committee of Ministers and bearing in mind the Council of Europe's legal standards, the jurisprudence of the European Court of Human Rights and the findings and recommendations of the relevant monitoring mechanisms, the CDADI steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies, offering effective protection from discrimination and hate and where diversity is respected. The work of the CDADI shall take into account the work of the European Commission against Racism and Intolerance (ECRI), without prejudice to the latter's mandate.*

*The CDADI advises the Committee of Ministers on all questions within its mandate, including preventing and combating hate speech and discrimination on the grounds covered by ECRI, with a particular focus on fighting anti-Gypsyism and improving the active participation and inclusion of Roma and Travellers in society, safeguarding the rights of persons belonging to national minorities and the use of regional or minority languages, and promoting intercultural integration.*

*The CDADI promotes and facilitates thematic exchanges and peer reviews of experience and good practice among Council of Europe member States to develop common policy responses, analyse implementation and fulfil any other task assigned to it by the Committee of Ministers.*

In 2021, the CDADI prepared a [Compilation of promising and good practices on "Responses to the Covid-19 pandemic in the fields of non-discrimination, diversity and inclusion"](#) that cover examples from most CoE member States. Based on that work, it prepared [Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the COVID-19 and similar crises](#), together with an [Explanatory memorandum](#), which were adopted by the Committee of Ministers on 5 May 2021



## Protection of minorities

### Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

The Advisory Committee on the Framework Convention adopted its 3rd Opinion on the Netherlands on 6 March 2019.



The Resolution CM/ResCMN(2020)2 on the implementation of the Framework Convention for the Protection on National Minorities by the Netherlands was adopted by the Committee of Ministers on 12 February 2020 at the 1367th meeting of the Ministers' Deputies.



The Netherlands submitted their 4th state report in June 2021



### European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. Since

*the entry into force, in July 2019, of the reform of the monitoring mechanism, the subsequent reports are presented at five-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.*

The Committee of Experts adopted its sixth evaluation report on the Netherlands on 5 November 2019.



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The Committee of Ministers adopted Recommendation CM/RecChL(2020)3 on the application of the European Charter for Regional or Minority Languages by the Netherlands on 23 September 2020 at the 1384th meeting of the Ministers' Deputies.



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The Netherlands submitted their 7th periodical report in May 2021



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### ***Ad hoc Committee of Experts on Roma and Traveller Issues (ADI-ROM)***

*Under the authority of the Committee of Ministers and as a subordinate body to the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), the Committee of Experts on Roma and traveller Issues (ADI-ROM) is given the general task of assisting member states in the development and implementation of successful Roma and Traveller inclusion policies by overseeing the implementation of the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025), reviewing the implementation of relevant national legislation, policy and practice, exchanging information and experience, and identifying examples of effective measures on Roma and Traveller inclusion.*

*In 2021, the ADI-ROM prepared a Compilation of examples of good practice of Roma and/or Traveller inclusion at national, regional or local levels, to be adopted in 2022. The following deliverables are inscribed in the ADI ROM terms of reference for the coming period: Mid-term review report on the implementation of the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025); Draft Recommendation on equality for Roma and Traveller women and girls; Capacity-building programme and tools supporting the implementation of Recommendation [CM/Rec\(2020\)2](#) at national level; Feasibility study and possible draft Recommendation on desegregation and inclusion policies and practices in the field of education including Roma and Traveller children; Handbook on democratic governance as well as representation and participation of Roma and Travellers in public and political life; Final evaluation report on the implementation of the Strategic Action Plan for Roma and Traveller Inclusion 2020-2025 and at least two thematic reports per year, emanating from the two, possibly three, thematic visits foreseen per year*



ADI-ROM\_CMRec\_20  
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## Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

GRETA evaluation report (2<sup>nd</sup> evaluation round):



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[Press release](#)

## Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), [CETS No. 210](#)) is the most far-reaching international treaty to tackle this serious violation

of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

The Council of Europe Istanbul Convention provides for two types of monitoring procedures:

1. a country-by-country evaluation procedure;
2. and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention.

[GREVIO](#), the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

The implementation of the provisions of the Istanbul Convention by [the Netherlands](#) was monitored in 2019 and GREVIO's first [baseline evaluation report](#) was published in January 2020.



**GREVIO\_baseline\_evaluation\_report\_Netherl**

The Committee of the Parties to the Istanbul Convention has adopted its [recommendations](#) in relation to the Netherlands at its meeting in January 2020.



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### **Protection of children against sexual abuse (Lanzarote Convention)**

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "[the Lanzarote Convention](#)", requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The "Lanzarote Committee" (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme. At the end of each round, the Lanzarote Committee adopts "implementation reports" which contain its evaluation of the situation ("monitoring findings"). To assess whether Parties have acted upon its monitoring findings, the

Lanzarote Committee carries out compliance procedures. To date (2022) this has been done with respect to monitoring findings concerning the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse. Compliance procedures to assess measures taken with respect to the Committee's monitoring findings concerning the protection of children against sexual abuse in the circle of trust should be launched before the end of 2022.

The Netherlands ratified the Lanzarote Convention on 1 March 2010 and it entered into force in its respect on 1 July 2010.

### **1<sup>st</sup> monitoring round on the “Protection of children against sexual abuse in the circle of trust”**

This was carried out between 2013 and 2018 and focused on the protection of children against sexual abuse in the circle of trust. It led to the adoption of two implementation reports, one related to the [legal framework](#) and the other to the [strategies](#) to tackle the phenomenon. The information submitted by the Netherlands in the context of the 1st monitoring round is available [here](#).



The recommendations requiring the Netherlands to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:

On the criminalisation of sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Urges** the Netherlands to review its legislation to ensure effective protection of children from situations where abuse is made of a recognised position of influence (R1).

On the collection of data on child sexual abuse in the circle of trust, the Lanzarote Committee:

- **Urges** the Netherlands to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at national or local level and in collaboration with



civil society, for the purpose of observing and evaluating in terms of quantitative data collection the phenomenon of the sexual exploitation and sexual abuse of children in general and child sexual abuse committed in the circle of trust, in particular (R13).

- **Considers** that the Netherlands must set up a national or local system for recording case-based data for child sexual abuse in the circle of trust cases in the various sectors liable to come into contact with children victims in such instances; such administrative data collection systems should be implemented allowing to compare and cross-check the data thus collected at national level and avoid duplication (R15).

On the best interest of the child and child friendly criminal proceedings, the Lanzarote Committee:

- **Considers** that when sexual abuse is inflicted by someone in the child's circle of trust, the child victim is in a particularly delicate situation of having to report a crime made by someone who he or she trusted, respected and possibly loved. This situation which can create a serious disturbance on the child's family life and overall wellbeing, needs to be addressed specifically (R22).
- **Considers** that information and advice should be provided to child victims in a manner adapted to their age and maturity, in a language they understand, and which is gender and cultural sensitive (R23).
- **Considers** that the Netherlands should address and encourage as much as possible the co-ordination and collaboration of the different players who intervene for and with the child victim during criminal proceedings. This comprehensive and interdisciplinary approach offers extra support to the child victim and in some cases, the possibility for intervention not to be delayed and appropriate support to be provided immediately after the disclosure (R24).
- **Considers** that, in the context of sexual abuse in the circle of trust, the removal of the victim from his or her family environment should be foreseen as a last resort procedure, which should be clearly defined, setting out the conditions for and duration of the removal (R27).
- **Considers** that interventions and measures which are taken in the context of domestic violence operate on a different modus operandi to those established in child sexual abuse cases. An explicit mention of sexual abuse should therefore be included in all protection measures with regard to domestic violence (R28).
- **Urges** the Netherlands to take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care (R30).

On child participation, the Lanzarote Committee:

- **Considers** that the Netherlands should further encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse of children in the circle of trust specifically (R1).

On the participation of civil society, the Lanzarote Committee:

- **Considers** that, if it has not yet done so, the Netherlands should encourage the participation of the civil society in the elaboration and implementation of policies to prevent sexual abuse of children in the circle of trust also by providing financial support to them (R2).
- **Considers** that, if it has not yet done so, the Netherlands should cooperate with civil society organizations engaged in assistance to victims and provide, by means of legislative or other measures, in accordance with the conditions provided for by internal law, the possibility to assist

and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention (R3).

On raising awareness on sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Considers** that the Netherlands should carry out awareness raising activities aiming at informing the public about the phenomenon of child sexual abuse in the circle of trust, with the intent to prevent it (R6).
- **Considers** that the possibility of sexual abuse of children occurring within the family should be explicitly addressed in awareness raising efforts, with the intent to prevent it (R7).

On awareness raising strategies on sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Considers** that awareness raising actions targeting children should be age appropriate and make use of interactive methods as well as of information and communication technologies (R8).
- **Considers** that awareness raising actions focused on the risks and realities of sexually abused children in the circle of trust should be continuous and systematic. Parties should envisage including these activities in their national action plans for children's rights (R9).

On education for children, the Lanzarote Committee:

- **Considers** that the Netherlands should specifically address the issue of sexual abuse in the circle of trust in the information provided to children during primary and secondary education (R10).
- **Considers** that the Netherlands should put more emphasis on adapting the information given to children to their evolving capacity, thereby making it age-appropriate (R11).
- **Considers** that the Netherlands should further involve parents (and adults exercising parental responsibilities) in the provision of information given to children on sexual abuse, including in the circle of trust (R13).

On specialised training, the Lanzarote Committee:

- **Considers** that, if it is not doing so yet, the Netherlands should allocate adequate financial resources to the training of persons, units and services in charge of investigations as defined by Article 34§1 of the Lanzarote Convention (R15).

On intervention or measures offered during the different stages of judicial proceedings, the Lanzarote Committee:

- **Considers** that if the Netherlands has alternatives to imprisonment, it should ensure that intervention programmes and measures are in place (R32).

### **Urgent monitoring round on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”**

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a [special report](#) published in

March 2017. The information submitted by the Netherlands in the context of this round is accessible [here](#). To follow-up on the Special report and its monitoring findings, the Committee carried out a compliance procedure to assess the conformity of Parties with the recommendations urging them to act (the “urge” recommendations), as well as those considering that they should act (the “consider” recommendations).



Following the compliance procedure, the recommendations still requiring the Netherlands to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:

On the distinction made between victims prior to the entry on territory and after entry, the Lanzarote Committee:

- **Considers** that the Netherlands should fulfil obligations to prosecute the offenders and to provide international co-operation between the Parties in instances where the offence occurred prior to arrival on the territory for the purpose of investigation and prosecution (R12).<sup>1</sup>

On preventing children affected by the refugee crisis from being sexual exploited and sexually abused, the Lanzarote Committee:

- **Considers** that information and advice concerning prevention of and protection from sexual exploitation and sexual abuse should be provided to children affected by the refugee crisis in a manner adapted to their age and maturity, in a language they understand and which is sensitive to gender and culture (R15).<sup>2</sup>

On the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that the Netherlands should ensure that its specific recommendations on the child-friendly handling of proceedings involving children victims of sexual abuse be implemented also in the context of proceedings involving children affected by the refugee crisis (R31).<sup>3</sup>
- **Considers** that, if it has not yet done so, the Netherlands should encourage and support the setting up of specific information services such as telephone or Internet helplines to child victims of sexual exploitation and sexual abuse affected by the refugee crisis as well as persons wishing to help them to provide advice in a language which is understandable to them (R32).<sup>4</sup>

<sup>1</sup> On 7<sup>th</sup> March 2022, the Netherlands was considered only to partially comply with the recommendation at stake. More details on what is still lacking will be made available on the [Lanzarote Committee's website](#).

<sup>2</sup> On 10<sup>th</sup> of March 2022 the Netherlands was considered only to partially comply with the recommendation at stake. More details on what is still lacking will be made available on the [Lanzarote Committee's website](#).

<sup>3</sup> On 10<sup>th</sup> of March 2022 the Netherlands was considered only to partially comply with the recommendation at stake. More details on what is still lacking will be made available on the [Lanzarote Committee's website](#).

<sup>4</sup> On 7<sup>th</sup> of October 2021 the Netherlands was considered only to partially comply with the recommendation at stake. More details on what is still lacking will be made available on the [Lanzarote Committee's website](#).

On co-operation in protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that the Netherlands and other Parties to the Convention should agree on common strategies/procedures to effectively deal with the phenomenon of cross-border missing children (R35).<sup>5</sup>

**2nd thematic monitoring round: Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): Addressing the challenges raised by child self-generated sexual images and/or videos.**

This was carried out between October 2017 and March 2022 and was dedicated to “Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”, with a focus on “Addressing the challenges raised by child self-generated sexual images and/or videos”. It led to the adoption of an implementation report, which will soon be made available on the [website of the Lanzarote Committee](#). The information submitted by the Netherlands in the context of the 2<sup>nd</sup> monitoring round is available [here](#).



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The recommendations requiring the Netherlands to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:

On the legal frameworks:

- **Requests** that Parties ensure in their legal framework<sup>6</sup> that a child will not be prosecuted when he/she possess:
  - their own self-generated sexually suggestive or explicit images and/or videos
  - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
  - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them (Recommendation II-6).
- **Requests** that Parties ensure in their legal framework<sup>7</sup> that a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary,

<sup>5</sup> On 7th of October 2021 the Netherlands was considered only to partially comply with the recommendation at stake. More details on what is still lacking will be made available on the [Lanzarote Committee's website](#).

<sup>6</sup> The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

<sup>7</sup> The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

consensual and intended solely for their own private use (Recommendation II-8).

- **Requests** that Parties that have not already done so ensure that the distribution or transmission by children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) Lanzarote Convention (Recommendation II-9).

#### On investigations and prosecution:

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, **requests** those Parties that are not already doing so to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training (Recommendation III-3).
- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, **requests** those Parties that are not already doing so to ensure that prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training (Recommendation III-7).
- **Requests** the Netherlands to ensure that training on ICT facilitated sexual offences against children is available for prosecutors who are or will be working on these issues (Recommendation III-16).
- **Requests** the Netherlands to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues (Recommendation III-18).
- **Requests** the Netherlands to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations (Recommendation III-28).
- **Requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay (Recommendation III-30).

#### On international cooperation:

- **Requests** all Parties to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention (Recommendation V-3).

#### On assistance to victims:

- **Requires** the Netherlands to take the necessary legislative or other measures to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. These information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, and especially the child, can understand, and it is free of charge (Recommendation VI-1).
- **Requires** the Netherlands to take the necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child’s views, needs and concerns (Recommendation VI-3).

#### On higher education curriculum and continuous training:

- **Requires** the Netherlands to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional (Recommendation X-4).
- **Requires** the Netherlands to ensure that the persons who have regular contacts with children are equipped to identify any situations of sexual exploitation and sexual abuse of children:
  - in the social protection sector
  - in areas relating to sport, culture and leisure activities (Recommendation X-5).
- **Requires** the Netherlands to ensure that the persons who have regular contacts with children are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children, including online:
  - in the health sector
  - in the social protection sector
  - in areas relating to sport, culture and leisure activities (Recommendation X-6).
- **Requires** the Netherlands to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities (Recommendation X-7).

#### Fight against corruption (GRECO)

*The 'Group of States against Corruption' (GRECO) monitors all its 50 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a “compliance procedure”, assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report. GRECO has also an Ad hoc procedure for situations requiring urgent action.*

The Netherlands was evaluated in 2018 under the Fifth Evaluation Round on “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”. The corresponding [5<sup>th</sup> Round Evaluation report](#) was adopted by GRECO Plenary and made public in 2019. GRECO’s [5<sup>th</sup> Round Compliance Report](#), assessing the implementation of the recommendations, was made public in 2021. Additional information from the authorities is due by 30 September 2022.



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Concerning the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors”, the publication of the [4th Round Second Addendum to the Second Compliance Report](#) in 2021 terminated the compliance procedure in respect of the Netherlands.



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## ***Execution of judgments and decisions of the European Court of Human Rights***

### ***Statistical data***

On 31 December 2021, there were 10 cases against the Netherlands pending before the Committee of Ministers (“CM”) for supervision of their execution. Among these 10 cases, seven were “leading cases” evidencing different problems and one of them was under enhanced supervision (the procedure for complex and/or structural problems). In 2021, seven cases against the Netherlands were transmitted by the Court for supervision by the CM. Two friendly settlements were closed in 2021, one leading case was closed in 2020.

### ***Main cases / groups of cases under the Committee of Ministers’ supervision***

1. [CORALLO v. the Netherlands](#), judgment of 9 October 2018, enhanced supervision (complex problem). This case concerns poor conditions of detention on remand in Philipsburg Police Station in Sint Maarten (Caribbean part of the Kingdom of the Netherlands) pending extradition proceedings (Article 3).



**CORALLO v. the  
Netherlands.pdf**

2. [MURRAY v. the Netherlands](#), Grand Chamber judgment of 26 April 2016, standard procedure. The case concerns inhuman and/or degrading treatment on account of the *de facto* irreducibility of life sentence imposed on the applicant, who suffered from a mental illness and was convicted of murder and sentenced to life imprisonment in the Netherlands Antilles in 1980 (violation of Article 3).



**MURRAY v. the  
Netherlands.pdf**

3. [MAASSEN group v. the Netherlands](#), judgment of 9 May 2021 (two repetitive cases), standard procedure. This group of cases concerns the domestic courts’ insufficiently reasoned decisions regarding the applicants’ continued pre-trial detention and, in one of the cases, a violation of the

applicant's right to a speedy judicial review of his pre-trial detention (violations of Article 5 §§ 3 and 4).



**MAASSEN v. the  
Netherlands.pdf**

4. [HOKKELING v. the Netherlands](#), judgment of 14 February 2017, standard procedure. The case concerns a violation of the right to a fair trial on account of the Court of Appeal's refusal to consider measures that would have enabled the applicant, who was in pre-trial detention in Norway at that time on account of different facts, to attend the hearing on the merits of his criminal case alongside his counsel in person (violation of Article 6 §§ 1 and 3(c)).



**HOKKELING v. the  
Netherlands.pdf**

For a fuller overview of the pending cases against the Netherlands and the main reforms adopted in the past, see the Department for the Execution of Judgments of the European Court of Human Rights' [Country factsheet](#) and the Committee of Ministers' [Annual Reports](#) on its supervision activity. More detailed information on the status of execution of closed and pending cases can also be found on [Hudoc EXEC](#).



**Supervision of the  
execution of judgments**

### *Important cases closed recently*

In 2020, one leading case, [CABRAL v. the Netherlands](#), was closed by a [final resolution](#). This case concerned a violation of the applicant's rights to a fair trial and to examine a witness or have a witness examined on account of his criminal conviction for robbery solely on the basis of statements made by a witness whom he had not been able to examine, as that witness had invoked his privilege against self-incrimination (Article 6 §§ 1 and 3 (d)).



**CABRAL v. the  
Netherlands.pdf**



**Case of Cabral  
against Netherlands.pdf**

In 2018, the leading case [JALOUD v. the Netherlands](#), which was examined by the CM under the enhanced supervision procedure, was closed by a [final resolution](#). This case concerned the failure of the Dutch authorities to carry out an effective investigation into the circumstances surrounding the death of an Iraqi civilian from gunshot wounds in Iraq in April 2004 in an incident involving Royal Netherlands Army personnel (a breach of the procedural obligation under Article 2).



**JALOUD v. the  
Netherlands.pdf**



**case of jaloud  
against the netherlands.pdf**



## Social and Economic Rights (ECSR)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.



**ESC\_Netherlands\_fact  
sheet.pdf**



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## Venice Commission

The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe's advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.

Since 2017, concerning the Netherlands, the Commission, upon requests by the Speaker of the House of Representatives of the States-General of the Netherlands, adopted the Opinion on the Legal Protection of Citizens.



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