

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE NETHERLANDS
SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 7 December 2021¹

Published on 3 March 2022

¹ Any developments which occurred after 4 October 2021, the date on which the Dutch authorities provided some clarifications, additional to their initial report submitted on 20 August 2021 on measures taken to implement the recommendations chosen for interim follow-up, have not been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² CM/Del/Dec(2012)1154/4.2.

1) In its report on the Netherlands (Fifth Monitoring Cycle), published on 4 June 2019, ECRI recommended that the Dutch authorities adopt an integration strategy and action plan that openly states that integration is a two-way process and contains measures to mobilise the entire society to facilitate, support and promote integration. The authorities should organise the integration process themselves by providing free language and integration courses as from the first moment and provide for the possibility to adapt integration programmes to the individual needs and capacities of people with migration backgrounds and Antilleans. Integration indicators and targets to reach should be defined for all objectives and measures.

It emerged from the information provided by the Dutch authorities that no integration strategy or action plan for integration has been drawn up. However, an important development is that a new Civic Integration Act was adopted. It will enter into force on 1 January 2022. Positive aspects of the new law are that municipalities will be formally responsible for providing guidance to, and supervision of, asylum seekers' and other non-EU migrants' integration efforts, based on an individual integration plan drawn up between the municipality and each asylum seeker or other non-EU immigrant. The integration plan will, apart from learning of the Dutch language and about Dutch society, culture and history, also include an employment element, including in the form of a work placement or volunteer work.

Another measure under the new law is that a monitoring mechanism will be established to assess the degree to which the provisions of the new legislation on integration will bring desired results. The body which is to perform the monitoring is a relatively new private sector body, Blik op Werk,³ which has been approved and designated by the Dutch authorities to assess the quality of integration courses and also to issue training licences in this regard. As such, ECRI considers this a welcome step as the quality of some of the integration courses offered have been low in the absence of any regulation or supervision. However, Blik op Werk has been criticised for not necessarily being as competent in assessing the quality and impact of integration courses offered by private companies as the State body mandated to assess the quality of ordinary education in Dutch schools.

A welcome change brought by the new Civil Integration Act is that asylum seekers will no longer as of 2022 have to finance their integration and language courses themselves, but the courses will be paid and organised by the municipalities, with financing by the authorities. However, until the end of 2021, all asylum seekers arriving in and seeking asylum in the Netherlands still fall under the old rules, which means that they have to pay the high costs of the integration courses (at least three courses until the final integration exam), which in many cases necessitates taking loans of up to around €10 000. Moreover, non-EU immigrants will generally continue to have to pay for their integration courses. As a rule, it is compulsory for asylum seekers and non-EU immigrants to pass a final integration exam within three years.⁴ Failure to do so results in a relatively large fine, which may constitute a heavy, additional, financial burden for those striving to integrate.⁵

³ <https://www.blikopwerk.nl/index>

⁴ Dutch nationals from Aruba, Sint Maarten and Curacao, as well as from the Dutch municipalities of Eustatius, Saba and Bonaire are not required to pass the integration exam. In case their Dutch language skills are insufficient, they may benefit from state support.

⁵ More details can be found here: [DUO - Inburgeren](#).

Whilst noting that no integration strategy or action plan was adopted, ECRI welcomes the positive features of the Civil Integration Act, including that asylum seekers arriving as of 2022 will no longer need to pay for their integration courses, that there will be an individual integration plan agreed for each asylum seeker or non-EU immigrant and that a monitoring procedure is foreseen to ensure that the quality of the integration courses is up to standards. Nonetheless, ECRI notes with concern that asylum seekers having applied for asylum before 2022 need to finance substantially their integration courses while other non-EU migrants continue to be obliged to pay for their integration courses until the end of 2021 and beyond. This punitive approach taken to integration, with significant fines imposed if courses are not passed within three years, cannot be considered as reflecting a two-way integration process facilitating, supporting and promoting integration.

As a consequence, ECRI considers that, in the present state of affairs, its recommendation has not yet been implemented.

2) In its report on the Netherlands (Fifth Monitoring Cycle), ECRI recommended that the authorities insert for all objectives and measures of the Action Plan against Labour Market Discrimination indicators and measurable targets to reach. Within this plan, they should continue focusing on access to the labour market, ensure that non-discriminatory recruitment procedures are developed and implemented, and extend the competences of the labour inspectorates to the field of recruitment.

According to the Dutch authorities, the effectiveness, scope and results of the measures deployed in the 2018-2021 labour market anti-discrimination action plan are monitored as much as possible. In addition, there are regularly various studies conducted about discrimination in the Dutch labour market, as well as data on complaints about alleged or established discrimination collected. The action plan focuses on increasing access to the labour market for various groups, promoting discrimination-free recruitment and selection methods, and bolstering the Labour Inspectorate's position in fighting labour market discrimination.

The Dutch authorities have explained that, where possible, the results of the steps taken as part of the action plan are measured. For example, the impact of a campaign aimed at making employers more aware of labour market discrimination has been evaluated. According to the Dutch authorities, not all parts of the action plan can be measured in concrete terms or indicators. The goal is rather to ensure that as many employers as possible take action to combat labour market discrimination in recruitment and selection procedures and to make them aware of relevant legislation. The degree of awareness among employers is also being monitored through regular questionnaires.

Moreover, ECRI was informed that a bill on the supervision of equal opportunities in recruitment and selection is pending in parliament. It includes a provision on evaluation of the supervisory system. If adopted, the Dutch Labour Inspectorate will play an enhanced role in the supervision. However, because no Government has been formed yet in the Netherlands following the March 2021 parliamentary elections, it cannot be predicted whether and if so when the bill will be adopted. Similarly, the Dutch authorities consider it likely that another action plan or other measures will be agreed on as a follow-up to the soon expiring action plan.

ECRI notes that neither indicators nor measurable targets were inserted into the 2018-2021 action plan and that new legislative and other measures against discrimination in the labour market have still to be adopted.

As a consequence, ECRI considers that, in the present state of affairs, its recommendation has not yet been implemented.