

# ECRI REPORT ON THE NETHERLANDS

(sixth monitoring cycle)



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**ECRI**  
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## FOREWORD

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The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 3 July 2025; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**

## SUMMARY

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**Since the adoption of ECRI's fifth report on the Netherlands on 2 April 2019, progress has been made and good practices have been developed in a number of fields.**

In the area of inclusive education, the law on citizenship education was amended to strengthen the position of human rights in citizenship education at both primary and secondary levels.

The ground of sexual orientation was added to the non-discrimination provision of the Constitution. Financial compensation was also awarded to transgender and intersex people who were required to undergo surgery and sterilisation in order to obtain legal gender recognition.

Several legislative developments were noted in the area of combating hate crimes. These included increasing the penalty for inciting hatred, discrimination or violence, and introducing a hate/discriminatory element as a legal basis for aggravating penalties under the Criminal Code. A Police Centre of Expertise for Combating Discrimination was established to increase the capacity of law enforcement officials to respond to hate crimes.

In the field of migrants' integration and inclusion, refugees are no longer required to finance their language and integration courses, and efforts have been made to improve their labour market participation.

Significant progress has been made in acknowledging the role of various Dutch stakeholders in the history of slavery. Subsidy schemes will be deployed to support social initiatives that strengthen the communities of descendants of enslaved people in the Kingdom of the Netherlands and Suriname. Support will also be provided for measures aimed at raising awareness and addressing the present-day effects of slavery.

The police and the border police updated their policies to include the fact that "race", ethnicity and origin cannot be factors when deciding on proactive police or border police checks (such as identity checks and stop-and-searches). Several measures have been taken to develop safeguards against discrimination arising from the use of algorithms.

**ECRI welcomes these positive developments in the Netherlands. However, despite the progress achieved, some issues give rise to concern.**

Initiatives on inclusive teaching about the history and culture of different ethnic and religious groups living in the country were often lacking. Bullying, including cyberbullying, is a reportedly widespread problem in schools.

Access to gender-affirming care still poses challenges for transgender persons and the legislation does not prohibit medically unnecessary sex assignment treatment and/or surgical intervention on intersex children.

Hate speech has reportedly become more widespread and appears to be most prevalent in political speech, in the media, in football and online, particularly on social media platforms. Political hate speech targeting various groups of concern to ECRI often remains unchallenged. Underreporting of hate crimes also continues to be a key issue, reportedly motivated inter alia by a lack of trust in the justice system by victims and groups most at risk.

When it comes to integration and inclusion of migrants, there are long waiting times in the processing of family reunification applications. Refugees awaiting housing in municipalities were also accommodated in temporary emergency reception facilities, where substandard housing and living conditions were reported.

The situation of Roma, Sinti and Travellers is said to remain difficult, particularly in housing, as they continue to face a significant shortage of pitch sites in the country. People of African descent reportedly continue to face inequalities and structural forms of discrimination in everyday life. There are reports of increased normalisation of anti-Muslim prejudice and discrimination and several laws may have a particularly negative impact on Muslims.

Racial and other discriminatory profiling practices have come to light in a number of areas, such as policing and social protection. The development and deployment of algorithmic risk profiling systems by various government agencies are said to have had discriminatory effects on people belonging to groups of concern to ECRI, in particular people with a different national or ethnic background to the majority population.

**In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.**

In the area of inclusive education, effective policies and mechanisms should be set up across

the country to prevent, monitor and respond to racist and anti-LGBTI incidents in schools.

When it comes to LGBTI equality, the authorities should prepare and bring to Parliament a comprehensive bill that expressly acknowledges the right of intersex persons to bodily integrity and prohibits the performance of medically unnecessary surgeries (often referred to as “sex-normalising” surgery) and other non-therapeutic treatments until such time as the intersex child is able to participate in decisions, based on the principle of free and informed consent. The preparation of such legislation should include consultations with relevant experts and health care professionals, intersex children and their parents or guardians, and take due account of ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant standards of the Council of Europe.\*

As regards action against hate crime, the authorities should take further action aimed at tackling the underreporting of racist and LGBTI-phobic hate crimes, in consultation with a broad range of civil society organisations and persons belonging to groups of concern to ECRI. Such action should include awareness-raising activities about victims’ rights and available remedies, support to civil society organisations providing support to victims, and improved dialogue and cooperation between law enforcement agencies and groups of concern to ECRI, particularly people of African descent, Muslims, LGBTI people and Jews.

In the area of integration and inclusion, the authorities should further review and develop policies based on positive incentives, including through legislative measures where necessary,

to improve the integration and inclusion of migrants residing in the Netherlands. With respect to the inclusion of Muslims, the authorities should give a high priority to preventing and combating anti-Muslim racism and discrimination by i) taking any necessary measures, in consultation with a wide range of actors, to address public manifestations of such forms of racism and discrimination; and ii) reviewing laws, policies and practices to ensure that these do not discriminate directly or indirectly against Muslims.

The authorities should introduce an effective system of recording identity checks/stop-and-search instances carried out by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices and at strengthening mutual trust between them and the public, in the light of ECRI’s General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.\*

Further action should be taken with a view to ensuring that i) algorithmic systems are only used or applied in situations where their use is appropriate; ii) adequate transparency and effective oversight, including meaningful human oversight, are in place; iii) clear accountability and responsibility frameworks to prevent and combat discrimination resulting from the use of algorithmic systems have been developed; and iv) effective remedies to address discrimination arising from the use of algorithmic systems are available and accessible.

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\* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

## FINDINGS AND RECOMMENDATIONS

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### I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

#### A. Equality bodies<sup>1</sup>

1. The Netherlands Institute for Human Rights (NIHR) has been designated as the national equality body in the Netherlands.<sup>2</sup> ECRI recalls that the NIHR's mandate, institutional architecture and functions are mostly in line with its General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level.<sup>3</sup>
2. It notes, however, that the NIHR's mandate still does not cover all areas in both the public and private sectors, as per § 4 (c) of ECRI's GPR No. 2. In particular, the material scope of its mandate covers all areas within the General Equal Treatment Act,<sup>4</sup> that is mainly employment, goods and services (including education) and social protection (the latter area being covered only in relation to the ground of "race"). In this context, while recalling its previous recommendation,<sup>5</sup> ECRI notes and supports the opinion of the NIHR and other stakeholders that the scope of the General Equal Treatment Act should be extended to cover all unilateral government acts, thereby enabling the NIHR to review all government acts.<sup>6</sup> The authorities informed ECRI that they support such an extension based on an analysis conducted up to the beginning of 2025.<sup>7</sup>
3. With regard to the territorial scope of the NIHR's mandate, ECRI welcomes the legislative developments that provide for its extension to the Caribbean Netherlands (Bonaire, Sint Eustatius and Saba),<sup>8</sup> as per § 4 (d) of its GPR No. 2.
4. ECRI notes that the NIHR received 3 529 complaints of discrimination in 2019, 2 723 in 2020, 5 286 in 2021, 1 811 in 2022, 2 074 in 2023 and 1 847 in 2024. During this period, "race" appeared to be the second most frequent ground for such complaints. The NIHR's opinions were acted upon in 78% of the cases in 2020, 88% in 2021, 74% in 2022 and 68% in 2023.<sup>9</sup>
5. In recent years, additional financial resources have been allocated to the NIHR for addressing institutional racism. It appeared during the visit that the NIHR had sufficient financial resources to meet its key objectives.<sup>10</sup>
6. In its fifth report on the Netherlands (§ 22), ECRI recommended that the Dutch authorities ensure that all local anti-discrimination services (ADVs) become fully independent, and that they are merged at regional level or establish strong regional cooperation and are provided with the necessary resources. In this context, ECRI welcomes the fact that the ADVs have been operating under the same name (Discriminatie.nl) since January 2024 and that the awareness-raising campaign

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<sup>1</sup> The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 which was published on 27 February 2018.

<sup>2</sup> Articles 9-13 of the [Act on the establishment of the Netherlands Institute for Human Rights](#). The NIHR is a multi-mandate institution.

<sup>3</sup> ECRI (2019): §§ 17, 21; ECRI (2013): §§ 51-54. See also, in this context, [Council Directive \(EU\) 2024/1499](#) of 7 May 2024.

<sup>4</sup> See [General Equal Treatment Act](#).

<sup>5</sup> ECRI (2019): § 16.

<sup>6</sup> NIHR, [Evaluatie Gelijkebehandelingswetgeving 2017-2022](#), 2024, pp. 7-9; NIHR, National Coordinator against Discrimination and Racism and the State Commission against Discrimination and Racism, [Letter on unilateral government acts](#), 2023.

<sup>7</sup> See also Kamerstukken, II 2023-24, 30 950, [nr. 365](#), p. 6; Kamerstukken II, 2024-25, 30 950, [nr. 455](#), p. 2.

<sup>8</sup> NIHR, [Equal Treatment Legislation to apply in the Caribbean Netherlands](#), 2025. On 18 February 2025, the House of Representatives approved the Anti-Discrimination Protection Act for the BES.

<sup>9</sup> NIHR, Discrimination cases monitor: [2020](#), [2021](#), [2022](#), [2023](#) and [2024](#). The NIHR informed ECRI that in 2022 it had received more than 800 complaints against unilateral government acts that could not be dealt with.

<sup>10</sup> See also NIHR, [Wetsevaluatie Tien jaar College voor de Rechten van de Mens](#), 2024, p. 16. The NIHR's structural financial framework stands at 9 446 000 euros.

associated with this change has given greater visibility to their work, as confirmed by several interlocutors during the visit.<sup>11</sup>

7. However, ECRI regrets that not all ADVs are fully independent, that they do not have competences and powers to engage in prevention and awareness-raising activities<sup>12</sup> and that their funding is dependent on the priority given to anti-discrimination policy in the different municipalities.<sup>13</sup> Against this background, ECRI takes note of the forthcoming reform aiming to regroup the ADVs under a national organisation with regional and local offices in order to enhance their effectiveness.<sup>14</sup> According to the authorities, the new system will be operational as of 1 January 2027. ECRI encourages the authorities to strengthen the current system and to ensure that the envisaged national organisation of ADVs is fully independent and effective and has sufficient human and financial resources for the full performance of its functions, in the light of its GPR No. 2.
8. The National Ombudsman, while not an equality body, is an independent institution, entrenched in the Dutch Constitution, which receives complaints concerning the actions of public authorities.<sup>15</sup> ECRI notes that it received 157 complaints of discrimination in 2020, 321 in 2021, 284 in 2022, 253 in 2023 and 311 in 2024. In 2024, the largest number of complaints were received on the ground of origin, sometimes in combination with skin colour and religion.<sup>16</sup>

## **B. Inclusive education<sup>17</sup>**

9. ECRI welcomes the overall commitment of the authorities to promote inclusion and equality and to combat racism and discrimination in education, including through the adoption of the Agenda against Racism and Discrimination for 2022-2026.<sup>18</sup> However, long-standing problems appear to persist, such as *de facto* segregation of pupils belonging to groups of concern to ECRI (in particular those with a migration background) in primary and secondary education, bias in the school advice for secondary education leading to an underestimation of such pupils' abilities, and potential discrimination in access to and during internships in secondary vocational education and higher professional and university education.<sup>19</sup> In addition, according to many interlocutors met during the visit, voluntary parental financial contributions further exacerbate inequalities within the Dutch education system.<sup>20</sup>

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<sup>11</sup> See [www.discriminatie.nl](http://www.discriminatie.nl). See also European network of legal experts in gender equality and non-discrimination, [Country report Non-discrimination](#), 2024, p. 83.

<sup>12</sup> See [Municipal Anti-Discrimination Services Act](#). See also European network of legal experts in gender equality and non-discrimination (2024), p. 93. It appears that a number of larger ADVs, such as RADAR, are carrying out activities in this area.

<sup>13</sup> See, *inter alia*, Van Beijnhem, R. et al, [Inrichting, takenpakket en financiering ADV's](#), 2023.

<sup>14</sup> Ministry of the Interior and Kingdom Relations, [Een nieuwe centrale organisatie voor de aanpak van discriminatie](#), January 2025.

<sup>15</sup> Article 78a of the [Constitution](#) and the [National Ombudsman Act](#).

<sup>16</sup> See Government, [Discriminatiecijfers in 2024](#), April 2025. In addition, the Children's Ombudsperson received 19 complaints of discrimination in 2024, often related to bullying at school on the grounds of origin or skin colour. The National Ombudsman's annual reports for 2021 to 2025 do not contain data on the outcome of these complaints.

<sup>17</sup> This section deals with education policies that aim to combat exclusion and marginalisation through an inclusive education devised for all, and to create an inclusive society respectful of diversity in accordance with sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education. It relates to education for all children and young people. Specific measures for the education of migrants and children belonging to minority groups are dealt with under the heading of integration and inclusion.

<sup>18</sup> Ministry of Education, Culture and Science, [Agenda against Racism and Discrimination](#), 2022.

<sup>19</sup> See, *inter alia*, ECRI (2013): §§ 60-64; Agenda for 2022-2026; SER, [Gelijke kansen in het onderwijs](#), 2021; M. Muskens et al., [Eindrapport Monitor onderwijssegregatie](#), 2025; Inspectorate of Education: [State of Education 2024](#), pp. 65, 68 and [Beleid stagediscriminatie mbo-instellingen](#), 2024; CERD, [Concluding observations](#), 2021; KIS, [Discriminatie bij het schooladvies](#), 2024.

<sup>20</sup> See also, *inter alia*, SER (2021); Ministry of Education, Culture and Science, [Study](#) into the legal feasibility of abolishing or limiting the voluntary parental contribution, 2024, which also shows that it is one of the factors contributing to educational segregation.

10. In this regard, ECRI notes that several measures have been taken at national and local levels in recent years. For example, a policy agenda against segregation in primary education was adopted in 2020, developments in educational segregation have been monitored and municipalities have been required to carry out consultations with school boards to prevent school segregation.<sup>21</sup> From the 2023/2024 school year, schools are required to change the school advice if pupils score higher in the final test at the end of primary school or, by way of exception, to justify the decision not to adjust the advice.<sup>22</sup> The MBO Internship Pact for 2023-2027 includes measures to tackle internship discrimination in secondary vocational education and efforts have been made to raise awareness of internship discrimination in higher professional and university education.<sup>23</sup> Furthermore, following a change in the law in 2021, pupils cannot be excluded from additional activities organised by schools if their parents do not pay the voluntary parental financial contribution.<sup>24</sup> ECRI invites the authorities to continue to take resolute action at all levels and to involve a wide range of stakeholders in these efforts.
11. ECRI notes that, in the Netherlands, schools enjoy a high degree of autonomy in the implementation of the national school curriculum (core educational objectives). Therefore, the level of teaching on human rights, including education on diversity, may vary between schools. In 2021, the law on citizenship education was amended to strengthen the position of human rights in citizenship education at both primary and secondary levels.<sup>25</sup> While ECRI welcomes this development, it notes that the necessary changes to the national school curriculum have not yet been made, leading to discrepancies in how schools implement the legislation in practice.<sup>26</sup> In this context, it notes positively that the NIHR, in cooperation with other relevant stakeholders, has developed a knowledge platform with various tools and teaching materials on human rights for teachers in primary and secondary education (including vocational education).<sup>27</sup>
12. ECRI notes that efforts have been made to strengthen Holocaust education in schools. For instance, in 2024, a specific national plan was adopted, and a Support Centre for Holocaust Education was set up in Amsterdam by the National Coordinator for Combating Antisemitism (NCAB) and other relevant stakeholders to support schools.<sup>28</sup> ECRI considers these initiatives as **promising practices**.
13. At the same time, it emerged during ECRI's visit that initiatives on inclusive teaching about the history of people of African descent, Muslims, Jewish people, Roma, Sinti and Travellers and people of Asian descent were often lacking.<sup>29</sup> As a result, society at large often lacked knowledge about the history and contribution of those groups to the country, including about the continued impact of colonialism

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<sup>21</sup> See, *inter alia*, Ministry of Education, Culture and Science, [Policy letter](#), 18 December 2020 and [Progress letter](#), 3 April 2023; Equal Opportunities Alliance, [Coalition against segregation in education](#).

<sup>22</sup> See, *inter alia*, Ministry of Education, Culture and Science, [Kamerbrief bij schooladvisering, doorstroomtoetsen en overgang po-vo 2024](#), 4 March 2024; [Handreiking schooladvisering](#), 17 February 2025.

<sup>23</sup> See, *inter alia*, Government; [MBO Internship Pact 2023-2027](#) and Awareness-raising campaign [#KIESMIJ](#), 2020; ECHO, [Manifest tegen stagediscriminatie hoger onderwijs](#), 2022; ECHO, [Werkprogramma tegen Stagediscriminatie hoger onderwijs](#) (2023-2026).

<sup>24</sup> Government, [Wetswijziging vrijwillige ouderbijdrage 1 augustus 2021](#). See also Inspectorate of Education, [Report](#), March 2023, which shows that not all schools comply with the law.

<sup>25</sup> [Act on Clarification of the citizenship assignment for schools in primary and secondary education](#) of 23 June 2021. Schools are required, *inter alia*, to 'impart knowledge about and respect for differences in religion, belief, political opinion, origin, gender, disability or sexual orientation as well as the value that persons should be treated equally in equal cases.'

<sup>26</sup> See also, *inter alia*, NJCM, [Shadow report to UN Committee on Economic, Social and Cultural Rights](#), 7 August 2023, p. 6. According to the authorities, the final draft of the new core educational objectives is expected to be finalized by the end of 2025.

<sup>27</sup> See [www.RechtVaardig.nl](#) (the platform was [launched](#) on 7 October 2024).

<sup>28</sup> See NCAB, [National Plan to Enhance Holocaust Education](#), 2024 and [Holocaust Education Support Centre](#).

<sup>29</sup> See also, *inter alia*, National Coordinator against Discrimination and Racism (NCDR), [National Programme against Discrimination and Racism](#), 2022, p. 18; [Black Manifesto](#), 2021, p. 8; [Manifesto against Anti-Asian Racism](#), 2023, pp. 14-15; ACFC, [Fourth Opinion on the Netherlands](#), 2023, pp. 25-26.

and slavery on structural inequalities in the Netherlands.<sup>30</sup> This may contribute to perpetuating stereotypes, as well as to the feeling of exclusion from historical narratives by persons belonging to groups of concern to ECRI.

14. Furthermore, as acknowledged by the authorities, stereotypes are still present in school textbooks. For example, slavery is often presented only from the perspective of the coloniser.<sup>31</sup> According to the National Programme against Discrimination and Racism for 2023, a quality framework is to be developed to help publishers of teaching materials make them more inclusive.<sup>32</sup> In ECRI's view, teaching materials should be free of any stereotyping content and reviewed to reflect the diversity of Dutch society.
15. ECRI recommends that the authorities step up their efforts to ensure that school education is used as a tool to effectively address racial and other prejudices and stereotypes and to contribute to better living together in an intercultural world. In particular, they should i) strengthen equality and history teaching in such a way as to encompass the historical dimensions of racism and inequalities, including colonialism, slavery and the history and culture of different ethnic and religious groups living in the Netherlands; ii) consider taking steps towards the country's membership in the Council of Europe Observatory on History Teaching in Europe.
16. ECRI notes that education on respect for sexual diversity is a mandatory part of the national school curriculum in primary and secondary schools (including vocational schools). In this regard, ECRI's attention has been brought to the fact that the level of teaching varies, with some schools reportedly omitting it.<sup>33</sup> ECRI therefore encourages the authorities to ensure that all schools provide education on aspects related to sexual orientation, gender identity and sex characteristics and place particular emphasis on equality, diversity and inclusion.
17. At the same time, it welcomes the authorities' support for additional activities carried out by civil society organisations in schools, such as the Gender and Sexuality Alliances and Purple Friday and considers these initiatives to be **good practices**.
18. The information gathered during ECRI's visit to the Netherlands indicates that bullying, including cyberbullying, on the grounds of ethnicity, skin colour, origin, religion, sexual orientation and gender identity, is a widespread problem in schools.<sup>34</sup> In particular, all interlocutors raised concerns about the increase in antisemitic and LGBTI-phobic incidents in schools.<sup>35</sup> Furthermore, ECRI's attention was drawn to reports of school staff, including teachers, being behind bullying.<sup>36</sup>
19. Schools are legally required to have a safety policy, to appoint a coordinator of anti-bullying policies and a contact person for pupils who are bullied and to carry out annual monitoring in order to gain an insight into the perceived safety of

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<sup>30</sup> During ECRI's visit to the Netherlands, the authorities informed ECRI that the review process of the core educational objectives would also focus on the history of slavery, and that guidelines on this subject were being developed for teachers.

<sup>31</sup> ECRI (2019): § 37; Agenda for 2022-2026, p. 9. See also, *inter alia*, B. Biekman et al., [Essaybundel: Doorwerkingen van slavernijverleden](#), 2023, pp. 50-52; Black Manifesto (2021), p. 11; Manifesto against Anti-Asian Racism (2023), pp. 14-15.

<sup>32</sup> NCDR, [National Programme against Discrimination and Racism](#), 2023, p. 49.

<sup>33</sup> See also EU FRA, [EU LGBTIQ Survey III: The Netherlands](#), 2024 (43% of LGBTI respondents in the Netherlands said that their school education never addressed LGBTI issues); ILGA-Europe: [Annual Review 2023](#), p. 105; [Annual Review 2022](#), p. 102.

<sup>34</sup> See also, *inter alia*, Children's Ombudsperson, [In eenzaamheid gepest](#), 2022; Children Ombudsperson of Amsterdam, [Anders behandeld](#), 2024.

<sup>35</sup> See also, *inter alia*, Anne Frank House, [Research](#) on antisemitism in secondary education, 2023; Movisie, [Ervaringen en aanpak van pestgedrag tegenover lhbtq+ jongeren in het voortgezet onderwijs](#), 2022.

<sup>36</sup> For example, many civil society interlocutors informed ECRI that, in 2021, pupils at the Gomarus school were locked up by school staff and forced to come out to their parents.

pupils.<sup>37</sup> However, ECRI notes that concerns persist about ways in which racist and LGBTI-phobic behaviour is monitored and addressed across the country, as tackling discriminatory bullying is not a mandatory part of school safety policies. Also, there is no mandatory duty for schools to record racist and anti-LGBTI incidents in schools and report them at the national level.<sup>38</sup>

20. ECRI recommends that effective policies and mechanisms be set up across the country to prevent, monitor and respond to racist and anti-LGBTI incidents in schools.

21. ECRI welcomes initiatives addressed to teachers and aimed at combating antisemitic incidents in schools, including the provision of specific guidelines<sup>39</sup> and funding for training on how to deal with challenging topics with pupils in school. Furthermore, during its 2024 visit to the Hugo de Groot School in Rotterdam, the ECRI delegation noted with satisfaction that social media education has been made mandatory in the school and was being taught as part of a module entitled 'Filter the Bubble'. ECRI considers that developing digital literacy among pupils is an important means of countering cyberbullying and therefore considers this initiative to be a **good practice**.

### C. Irregularly present migrants

22. According to Eurostat, in 2019, 3 565 non-EU citizens were found to be irregularly present in the Netherlands, while in 2020, 3 640 cases were recorded; in both 2021 and 2022, 5 010; in 2023, 6 530 and in 2024, 3 995.<sup>40</sup> The authorities informed ECRI that research conducted in 2020 estimated that there were between 23 000 and 58 000 irregularly present migrants in the country in 2018. Civil society interlocutors met during ECRI's 2024 visit to the Netherlands indicated that the actual number may be much higher.

23. ECRI welcomes that access to primary and secondary education and necessary health care is also guaranteed to persons irregularly present in the Netherlands.<sup>41</sup> It is particularly pleased to note that there are legal provisions establishing firewalls that do not require education professionals to report irregularly present migrants to the immigration authorities.<sup>42</sup> However, it emerged from the findings during ECRI's visit to the Netherlands that access to pre-school and higher education is more difficult. In this context, ECRI considers the pilot project carried out by the Municipality of Amsterdam in cooperation with Amsterdam-based universities, which enables students who are irregularly present in the country to continue their studies,<sup>43</sup> to be a **promising practice**.

24. At the same time, the central authorities decided not to extend funding for the National Immigration Facilities programme beyond 2025.<sup>44</sup> ECRI refers to the decisions of the European Committee of Social Rights on this matter<sup>45</sup> and invites the authorities to ensure the right to emergency accommodation for irregularly

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<sup>37</sup> [Safety at School Act](#) of 4 June 2015. See also Government, [Veiligheid op school](#). ECRI was also informed that, on behalf of the authorities, the School and Safety Foundation supports schools in creating and maintaining a safe learning environment.

<sup>38</sup> In this context, ECRI was informed that the authorities intend to extend the annual school safety monitor to include specific experiences of unsafety, such as discrimination, and to require schools to invite all pupils to participate. In addition, the authorities are working on legislation which will include an obligation for schools to register incidents such as discrimination.

<sup>39</sup> Ministry of Education, Culture and Science, [Handreiking omgaan met antisemitische incidenten op scholen](#), May 2024.

<sup>40</sup> Eurostat, [Third country nationals found to be illegally present - annual data](#), last update 14 May 2025.

<sup>41</sup> See, in this connection, Article 10 of the [Aliens Act 2000](#).

<sup>42</sup> Article 182 § 9 of the [Primary Education Act](#).

<sup>43</sup> See [Studeren voor Amsterdamse ongedocumenteerde jongeren](#).

<sup>44</sup> Kamerstuk 2023-2024, 19637 [nr. 3272](#). As of 2019, this pilot programme provided emergency shelters to irregularly present migrants in five municipalities.

<sup>45</sup> European Committee of Social Rights: *Defence for Children International v. the Netherlands*, no. [47/2008](#), 20 October 2009; *Conference of European Churches v. the Netherlands*, no. [90/2013](#), 1 July 2014.

present migrants, as per its § 26 of its GPR no. 16 on safeguarding irregularly present migrants from discrimination.

25. As concerns access to criminal justice actors, ECRI welcomes that the police have a “free in, free out” policy, which enables irregularly present migrants to report a crime without facing any consequences relating to their status. However, it emerged during the ECRI’s visit to the Netherlands that this protection is not always ensured. This apparently resulted in an unwillingness to approach law enforcement officials and contributed to underreporting of offences committed against irregularly present migrants.<sup>46</sup> ECRI therefore encourages the authorities to ensure that the “free in, free out” policy is effectively implemented within the police.

#### **D. LGBTI equality<sup>47</sup>**

26. According to official estimates, 18% of the Dutch population over the age of 15 are LGBTI people, which amounts to approximately 2.7 million people: 17% have a non-heterosexual orientation, 1% are transgender and non-binary people and 0.3% are intersex people.<sup>48</sup>
27. On the 2025 Rainbow Map and Index for Europe, the Netherlands ranked 13<sup>th</sup> out of 49 countries scored, with an overall score of 63.82%.<sup>49</sup> Since ECRI’s previous report on the Netherlands, the most significant advance in the legal framework has been the addition of the ground of sexual orientation to the non-discrimination provision in Article 1 of the Constitution.<sup>50</sup> Furthermore, a provision was added to the General Equal Treatment Act specifying that the ground of sex covers sex characteristics, gender identity and gender expression.<sup>51</sup> ECRI welcomes these developments.
28. The authorities also informed ECRI that draft legislation is pending before Parliament to replace the term “hetero- or homosexual orientation” with “sexual orientation” in the General Equal Treatment Act and to introduce a ban on conducting or promoting any practices aimed at “modifying” sexual orientation or gender identity of a person (so-called conversion practices).<sup>52</sup> Draft legislation is also being considered to remove gender markers from official identification cards.<sup>53</sup> ECRI positively notes these proposals, which are in line with its GPR No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
29. It emerged during the visit that there has been an overall decline in the social acceptance of LGBTI people in recent years.<sup>54</sup> According to a survey conducted among LGBTI persons by the EU Fundamental Rights Agency (EU FRA) in 2023, 58% of respondents considered that the level of prejudice and intolerance against LGBTI persons in the Netherlands had increased in the five preceding years (compared to 36% in 2019). Also, 30% of respondents self-identifying as LGBTI

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<sup>46</sup> See also, in this context, Safe Reporting, [Country report about pioneering strategies on safe reporting of crime](#), 2023.

<sup>47</sup> For terminology, see ECRI’s [Glossary](#).

<sup>48</sup> National Bureau of Statistics, [Hoeveel LHBTQIA personen telt Nederland?](#), October 2024.

<sup>49</sup> ILGA-Europe, [Rainbow Europe Map](#), 2025.

<sup>50</sup> Article 1 of the Constitution states that: “[...] Discrimination on the grounds of religion, belief, political opinion, race, sex, disability, sexual orientation or on any other ground shall be prohibited.” The amendment entered into force on 22 February 2023.

<sup>51</sup> Article 1 § 2 of the General Equal Treatment Act (entered into force on 1 November 2019 following the adoption of the Clarification of the Legal Status of Transgender and Intersex Persons Act).

<sup>52</sup> See also Tweede Kamer 2023-2024, [36 510](#) and Tweede Kamer 2023-2024, [36 178](#).

<sup>53</sup> ILGA-Europe, [Annual Review 2025](#), p. 107.

<sup>54</sup> In this context, the latest [LGBTIQ+ Monitor 2024](#), commissioned by the Ministry of Education, Culture and Science, indicates that social acceptance varies significantly between LGBTIQ+ subgroups, with bi+ and non-binary people receiving the lowest levels of positive support. It also appears that positive attitudes have increased, although the number of negative attitudes towards transgender people has also increased. However, during the ECRI visit, the authorities pointed out that the data cannot be accurately compared with previous years due to developments in the monitoring process and that another research commissioned by the Municipal Health Services in 2024 found a decrease in acceptance of homosexuality among youth (see also, *inter alia*, ILGA-Europe (2025), pp. 105-106; University of Amsterdam, [De opvattingen van jongeren over lhbtq+-personen](#), 2025).

persons felt discriminated against in at least one area of life (compared to 35% in 2019).<sup>55</sup>

30. Against this background, ECRI welcomes that, in 2023, the authorities took specific steps to address discrimination against bi+ people<sup>56</sup> and that from 2024, as a result of a change in policy, gay and bi+ men are treated equally when donating blood.<sup>57</sup> However, it is concerned that the implementation of the Emancipation Note for 2022-2025, which contained various measures to address intolerance and discrimination against LGBTI people in several areas, such as education, employment and healthcare, was discontinued by the authorities in June 2024.<sup>58</sup> At the same time, ECRI positively notes the extension of the Rainbow Cities programme until 2026<sup>59</sup> and considers it to be a **good practice**.
31. ECRI regrets that, despite its previous recommendation in its fifth report (§ 93), the procedure for legal gender recognition is still contingent on an expert statement issued by a medical or mental health expert. In this context, it notes with concern that, in July 2025, the authorities announced their intention to withdraw the 2021 draft legislation aimed at simplifying this procedure, including by removing the requirement for an expert statement.<sup>60</sup> Previously, the Parliament had suspended its debate and voted twice to ask the government to withdraw it.<sup>61</sup> ECRI therefore strongly encourages the authorities to take further steps with a view to ensuring that the procedure for legal gender recognition is in line with its GPR No. 17 and other relevant Council of Europe standards.
32. It emerged during the 2024 visit that, despite some positive developments, including the establishment of a third specialised health care facility in Nijmegen in 2019, access to gender-affirming care still poses challenges for transgender persons. In particular, ECRI's attention was brought to the long waiting times, which can extend to several years (especially for psychological care). According to the authorities, there are approximately 7 000 people on waiting lists for gender-affirming care. Furthermore, research commissioned by the authorities indicates that general health care facilities are unable to support transgender people due to a lack of knowledge and that, at the same time, there is a need for a temporary increase in the capacity of specialised gender-affirming care in order to address the years-long waiting times.<sup>62</sup> In this context, ECRI notes that a National Platform for Transgender Care was launched in 2025 to improve access to quality gender-affirming care.<sup>63</sup>
33. ECRI recommends that the authorities intensify their efforts to ensure, as far as possible, that transgender people have safe, affordable and timely access to necessary gender-affirming treatment.
34. In 2021, the authorities apologised for having required surgery and sterilisation as a precondition for obtaining legal gender recognition between 1 July 1985 and

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<sup>55</sup> EU FRA (2024); EU FRA, [EU LGBTI Survey II: The Netherlands](#), May 2020.

<sup>56</sup> Ministry of Education, Culture and Science, [Kamerbrief](#), 28 June 2023. See also ILGA-Europe, [Annual Review 2024](#), p. 111: among LGBTI people in the Netherlands, bi+ people are estimated to be the largest group.

<sup>57</sup> COC Nederland, [Voortaan gelijke behandeling van homoseksuele en bi+ mannen bij bloeddonatie](#), 2 January 2024.

<sup>58</sup> Ministry of Education, Culture and Science, [Emancipation Note 2022-2025](#). See also [Emancipation Progress Report 2022-2023](#).

<sup>59</sup> Ministry of Education, Culture and Science, [Press release](#), 14 October 2022. Under this programme, 56 cities implement local policies to achieve LGBTI equality.

<sup>60</sup> See Ministry of Justice and Security, [Kamerbrief](#), 2 July 2025 and [Press release](#), 6 May 2021. See also, NCDR (2023), p. 8.

<sup>61</sup> See Tweede Kamer, [35825](#).

<sup>62</sup> See Ministry of Health, Welfare and Sport, [Kamerbrief](#), 9 May 2023.

<sup>63</sup> See Transgender Netwerk, [Landelijk Platform Transgenderzorggestart](#), 11 February 2025. The platform is composed of representatives of health care professionals involved in the provision of gender-affirming care and civil society organisations. The authorities will be involved through a consultation process. The platform will build on the work of the 'Kwartiermarker' who was tasked with reducing waiting lists in gender-affirming care from 2018 to 2022.

1 July 2014 and awarded financial compensations to transgender and intersex people.<sup>64</sup> ECRI considers this to be a **good practice**.

35. As regards more specifically intersex persons, ECRI, like a number of other international and national actors,<sup>65</sup> notes with concern that Dutch law does not prohibit medically unnecessary sex assignment treatment and/or surgical intervention on intersex children (so-called “sex-normalising” surgeries).<sup>66</sup> Research commissioned by the Parliament indicates that genital surgeries continue to take place in the Netherlands, with - depending on the type of surgeries - between 65 and 8 514 genital surgeries performed on children under the age of 12 over a seven-year period (2014-2020), many of which appeared to be medically unnecessary.<sup>67</sup> According to civil society interlocutors met during the visit, the number of non-therapeutic treatments is likely to be higher, as the above-mentioned research only considered genital surgeries.
36. During the 2024 visit, the authorities informed the ECRI delegation that an interdisciplinary quality standard is being developed and is expected to be finalised in 2025. ECRI trusts that the right of intersex persons to bodily integrity and diversity will be central to this work and will be emphasised in appropriate training of healthcare professionals.
37. Furthermore, according to interlocutors met by the ECRI delegation during the visit, there is an overall lack of sufficient counselling and support, especially for parents of intersex children. In this regard, the authorities informed ECRI that the aforementioned interdisciplinary quality standard also aims to provide guidance to parents and guardians of intersex children.
38. ECRI recommends, as a matter of priority, that the authorities prepare and bring to Parliament a comprehensive bill that expressly acknowledges the right of intersex persons to bodily integrity and prohibits the performance of medically unnecessary surgeries (often referred to as “sex-normalising” surgery) and other non-therapeutic treatments until such time as the intersex child is able to participate in decisions, based on the principle of free and informed consent. The preparation of such legislation should include consultations with relevant experts and health care professionals, intersex children and their parents or guardians, and take due account of ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant standards of the Council of Europe.
39. Finally, despite positive changes to the guidance on handling LGBTI asylum requests, it was brought to ECRI’s attention that LGBTI asylum seekers were still being subjected to stereotyped questioning by the authorities in practice.<sup>68</sup> In the light of its GPR No. 17, ECRI encourages the authorities to provide training to ensure that public officials, who process and adjudicate asylum claims, have sufficient knowledge to engage with LGBTI people in a culturally informed and competent manner and without stereotyped assumptions.

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<sup>64</sup> Ministry of Education, Culture and Science, [Press release](#), 27 November 2021. Applications for financial compensation could be submitted until 18 October 2023 and, according to the authorities, 1 259 applications had been granted by the beginning of 2024.

<sup>65</sup> See, *inter alia*, UN Committee against Torture, [Concluding observations](#), 2018, pp. 12-13; UN Committee on the Rights of the Child (2022), p. 7; NCDR (2023), p. 8; Civil society organisations, [Solidarity statement](#), 2023; ILGA-Europe (2025), p. 106. On 26 November 2024, the House of Representatives of the Netherlands adopted a motion explicitly calling for a legal ban on unnecessary medical treatment of intersex children without their explicit and well-informed consent.

<sup>66</sup> The authorities indicated to ECRI that they decided to carry out an in-depth scientific research to inform their future action on the matter at legislative or other level (Kamerstukken II, 2024-25, 30 420, nr. 420).

<sup>67</sup> C. Leemrijse, S. Van Dulmen, [Genitale Operaties Bij Kinderen Met Dsd Jonger Dan 12 Jaar](#), October 2022, p. 21, paragraph 2.

<sup>68</sup> See also COC Nederland, [Trots of schaamte ? Het verlog](#), 2022.

## II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

### A. Hate speech<sup>69</sup>

#### *Data and public discourse*

40. All of ECRI's interlocutors met during the 2024 visit expressed serious concerns about the increase in hate speech in the Netherlands, which appears to be most prevalent in political speech (including during electoral campaigns), in the media, in football and online, particularly on social media platforms. ECRI's attention was also drawn to a growing "trivialisation" of hateful remarks and high levels of polarisation in the political sphere and public debate.
41. According to official statistics, in 2024, the police recorded 9 613 hate/discrimination incidents, compared to 5 487 in 2019. The main grounds recorded were origin (4 421 incidents), sexual orientation (2 745 incidents), antisemitism (880 incidents), religion (386 incidents of which 350 were against Muslims) and gender (121 incidents of which 75 were against transgender people). The most common form of hatred was verbal abuse (65% of recorded incidents), which included hateful/discriminatory remarks and insults, followed by threats (10% of recorded incidents). Furthermore, 1 400 complaints related to the media were recorded by the ADVs, the majority of which were on the ground of origin.<sup>70</sup>
42. In 2024, the National Expertise Centre on Discrimination of the Public Prosecution Service (LECD-OM) recorded 683 hate-/discrimination-related offences, compared to 344 in 2019. Of these, 160 were specific offences and 523 were generic offences committed with a hate/discriminatory motive. "Race" was the most frequently recorded ground for both types of categories (343 recorded incidents, of which 159 concerned anti-Black hatred and 74 concerned hatred against people with a migration background), followed by "hetero- or homosexual orientation" (228 incidents), antisemitism (149 incidents) and religion (65 incidents). A total of 26 offences against transgender people were also recorded. And, an increase in online hate speech was observed.<sup>71</sup> The authorities informed ECRI that, in 2023, 471 investigations into hate speech cases were carried out (compared to 277 in 2019), 116 cases were sanctioned by the Public Prosecution Service (compared to 48 in 2019), while 240 cases were dealt with in court (compared to 117 in 2019).<sup>72</sup>
43. According to the first online safety and crime monitoring that was carried out in 2022, 2% of Dutch citizens aged 15 or over (almost 340 000 people) had experienced online discrimination in the year prior to the survey. Of these, 40% reported discrimination based on "race" or skin colour, 34% based on nationality, and 29% based on religion or belief. Additionally, seven out of ten people who experienced discrimination indicated that it was due to hateful/discriminatory remarks.<sup>73</sup> In 2024, the Hotline for Online Discrimination (MOD) received 718 reports of potentially hateful/discriminatory content on the internet, compared to 692 in 2019. Origin (33%), religion (21%) and antisemitism (19%) were the most

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<sup>69</sup> See definitions of hate speech and hate crime in [ECRI's Glossary](#).

<sup>70</sup> Discriminatiecijfers in 2024. See also, in this context, Discriminatiecijfers in [2023](#), [2022](#), [2021](#), [2020](#) and [2019](#).

<sup>71</sup> Public Prosecution Service, [Strafbare Discriminatie in beeld 2024](#), April 2025. See also, in this context, Strafbare Discriminatie in beeld [2023](#), [2022](#), [2021](#), [2020](#) and [2019](#).

<sup>72</sup> The cases included the following offences under the Criminal Code: group insult (Article 137c), incitement to hatred, discrimination or violence (Article 137d), dissemination of expressions pursuant to 137c and 137d (Article 137e), incitement (Article 131), defamation (Article 261), slander (Article 262), simple insult (Article 266), and threat (Article 285).

<sup>73</sup> Central Bureau of Statistics, [Online Veiligheid en Criminaliteit 2022](#), 11 May 2023. See also, in this context, KIS, [Ervaren online haatspraak en discriminatie door jongeren](#), June 2024. Online hate and discrimination seem to be normalised among young people.

frequently reported grounds. Most of the reports concerned statements on social media (64%).<sup>74</sup> Of the 77 removal requests submitted by MOD, 69 were granted.<sup>75</sup>

44. According to information at ECRI's disposal, hate speech against people of African descent remains widespread. Regrettably, the figure of 'Black Pete' (*Zwarte Piet* in Dutch – a character in Dutch folklore who accompanies Saint Nicholas on Saint Nicholas Day) still serves as a recurring trigger for anti-Black racism, further stigmatising people of African descent in the country.<sup>76</sup>
45. It also appeared from ECRI's findings during the visit that antisemitic rhetoric was recurrent and persistent, and that there was a sharp increase in antisemitic hate speech incidents following the Hamas terror attack of 7 October 2023 and Israel's subsequent war in Gaza. Antisemitic rhetoric seems to be prevalent on social media platforms.<sup>77</sup> This is of serious concern to ECRI.
46. ECRI is also alarmed by reports of prevalence of anti-Muslim prejudice and hate speech in the Netherlands, particularly in the political sphere. Muslims are said to be often portrayed as threats to Dutch society, with anti-Muslim narratives around issues of national security and integration. ECRI was also informed that anti-Muslim hatred is sometimes accompanied by incidents with a Quran being torn up or burned in public.<sup>78</sup>
47. There was consensus among ECRI's interlocutors during the visit that, in recent years, anti-migrant rhetoric, which increasingly focuses on refugees and asylum seekers, has become mainstream in public discourse. ECRI is seriously concerned that political speech, in particular by far-right political parties, relies heavily on divisive and hateful speech against migrants. This includes spreading misinformation about a high influx of asylum seekers or blaming migrants for the housing crisis in the country.<sup>79</sup>
48. ECRI is concerned with information indicating a sharp increase of hate speech targeting LGBTI people, in particular transgender people, which very often incites to violence and discrimination.<sup>80</sup>
49. Regrettably, it was also observed that the Covid-19 pandemic exacerbated stereotyping and racist behaviour against people of Asian descent or those perceived as such.<sup>81</sup> A 2019 survey also revealed that 43% of Sinti and Traveller respondents and 83% of Roma respondents had experienced hate-motivated harassment in the previous year.<sup>82</sup>
50. As regards the media, it emerged during ECRI's visit to the Netherlands that groups of concern to ECRI continue to be portrayed all too often in derogatory stereotypical ways.<sup>83</sup> Furthermore, ECRI is concerned by the continued occurrence of hate

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<sup>74</sup> Discriminatiecijfers in 2024; Discriminatiecijfers in 2019.

<sup>75</sup> MOD, [Jaarcijfers 2024](#), 24 April 2025.

<sup>76</sup> See also, *inter alia*, The Black Archives, [Actieonderzoek naar anti-zwart racisme in Amsterdam](#), 2021; One World, '[Zóveel racistische berichten na mijn lintje had ik niet verwacht](#)', 8 May 2023.

<sup>77</sup> See also, *inter alia*, CIDJ, [Monitor Antisemitism 2024](#); Utrecht Data School, [Onderzoek Online antisemitisme in 2020](#), 2022; EU FRA, [EU Survey of Jewish people – The Netherlands](#), July 2024; Discriminatiecijfers in 2024.

<sup>78</sup> See also, *inter alia*, E. Butter et al, [Monitor Muslim Discriminatie](#), 2021; NOS, [Pegida-voorman krijgt 40 uur taakstraf voor groepsbelediging](#), 23 November 2023.

<sup>79</sup> See also, *inter alia*, NCDR (2023), p. 24; CERD (2021), p. 3; UN Special Rapporteur on adequate housing, [Report](#), 2024, p. 5; Mixed Migration Centre, [The Netherlands' politically manufactured migration crisis](#), 5 November 2024.

<sup>80</sup> See, *inter alia*, ILGA-Europe (2024), pp. 110,112; Groene Amsterdammer, [De toenemende online lhbt+-haat](#), 6 September 2023.

<sup>81</sup> See, *inter alia*, Manifesto against Anti-Asian Racism (2023); NCDR (2023), p. 45; University of Amsterdam and Fontys, [Onderzoek naar ervaren discriminatie en racisme bij mensen met een \(Zuid-\)Oost-Aziatische herkomst in Nederland](#), 2024.

<sup>82</sup> EU FRA, [Roma, Sinti and Travellers in the Netherlands](#), September 2020.

<sup>83</sup> See also, *inter alia*, Discriminatiecijfers in 2024, p. 38; Black Manifesto (2021); Manifesto against Anti-Asian Racism (2023); NTA and NINSA, [De werking van woorden als wapen](#), 2024; Republiek Allochtonië, [Factsheet moslimhaat en moslimdiscriminatie](#), 21

speech incidents in sports. Most of them concern cases of football fans displaying and chanting anti-Black, antisemitic and LGBTI-phobic messages during football matches or around football stadiums.<sup>84</sup>

### *Responses to hate speech*

51. ECRI notes that significant and sustained efforts have been made by civil society organisations to tackle prejudices and stereotypes against people of African descent, which continue to be reinforced through the figure of Black Pete. The awareness-raising campaign “Black Pete is racism” is therefore considered to be **good practice**.
52. ECRI regrets that, efforts have been largely insufficient to counter the instrumentalisation of issues pertaining to racism and intolerance in political discourse, including online. According to many interlocutors met by the ECRI delegation during the visit, political hate speech targeting various groups of concern to ECRI often remains unchallenged.<sup>85</sup>
53. As concerns self-regulation, the authorities informed ECRI of the adoption of a Code of Conduct on Integrity for Ministers in 2022.<sup>86</sup> Regrettably, it does not include provisions prohibiting and sanctioning hate speech. ECRI positively notes that the Rules of Procedure of the House of Representatives prohibit the use of offensive language, which may result in a warning, withdrawal of the right to speak and exclusion from the sitting.<sup>87</sup> Furthermore, ECRI notes that the Senate is developing a Code of Conduct on undesirable behaviour and trusts that it will provide for sanctions in cases of hate speech.<sup>88</sup>
54. ECRI recommends that public figures, including high-level officials and politicians, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter hate speech messages and alternative speech, as well as to promote understanding between communities, including by expressing solidarity with those targeted by hate speech. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec(2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
55. As regards responses at the legislative level, ECRI welcomes several developments that are partly in line with its previous recommendation in the fifth report (§ 7). The maximum penalty for inciting hatred, discrimination or violence (Article 137d of the Criminal Code) was increased from one to two years of imprisonment with effect from 1 January 2020. As of 1 October 2024, condoning, denying and grossly trivialising genocides, crimes against humanity and war crimes constitute an offence punishable as a specific form of group insult under Article 137c of the Criminal Code. Furthermore, legislation transposing the European Union Digital Services Act into Dutch law entered into force on 4 February 2025.<sup>89</sup>

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May 2025; Transgender Network, [Mediamonitor 2024](#); May 2025; Verwey-Jonker Institute, [Dialoggesprekken Sinti en Roma](#), 2024, p. 9; Ombudsman of the National Public Broadcast, [Tweede onderzoek Ongehoord Nieuws](#), 30 November 2022.

<sup>84</sup> See, *inter alia*, Discriminatiecijfers in 2023; CIDI (2024); ILGA-Europe (2024), p. 110; DutchNews, [Press article](#), November 2019.

<sup>85</sup> See also, *inter alia*, NCDR (2023), p. 26.

<sup>86</sup> Government, [Gedragscode bewindspersonen](#), December 2022.

<sup>87</sup> Articles 8.16-8.19 of the [Rules of Procedure](#), November 2023.

<sup>88</sup> Senate, [Voorstel voor een Gedragscode ongewenste omgangsvormen Eerste Kamer](#), February 2025.

<sup>89</sup> Government, [Nederlands toezicht van start op digitale diensten die onder de DSA vallen](#), 3 February 2025.

56. ECRI notes that the term “hetero- or homosexual orientation” was replaced with “sexual orientation” in the Criminal Code.<sup>90</sup> The authorities also informed ECRI that draft legislation is pending before Parliament to improve the protection of transgender and intersex people by banning group insults based on gender identity, gender expression and sex characteristics in Article 137c of the Criminal Code.
57. ECRI takes positive note of the first case sanctioned under the newly established offence in Article 137c of the Criminal Code, which concerned condoning of the Holocaust.<sup>91</sup> It also notes that, in 2021, the Supreme Court upheld the conviction of the Party for Freedom (PVV) leader for his “fewer Moroccans in the country” statement at a 2014 campaign rally under Article 137c of the Criminal Code.<sup>92</sup> No sanction was nevertheless imposed in this case. Against this background, ECRI refers to the Committee of Ministers’ Recommendation CM/Rec(2024)4 on combating hate crime and trusts that Dutch judges dealing with racist and LGBTI-phobic hate crime cases will be encouraged to exchange information on practices with respect to the sentencing of such crimes.
58. It further notes that, in 2022, 24 people were fined and ordered to carry out community service for posting discriminatory and insulting messages about people of African descent on a journalist’s Facebook page, under a livestream of a demonstration against Black Pete.<sup>93</sup> In 2023, the leader of Pegida Netherlands was ordered to carry out community service for group insult, after he compared Muslims to Nazis during a demonstration, tore up a Quran, and stood on its pages.<sup>94</sup>
59. ECRI positively notes the overall commitment of the authorities to intensify their efforts to tackle online hate speech.<sup>95</sup> In this connection, it welcomes the adoption of the Strategy to Combat Antisemitism for 2024-2030, which includes measures to tackle antisemitism in the online sphere.<sup>96</sup> Furthermore, ECRI welcomes the adoption of an Action Plan against Online Discrimination in July 2025, which foresees measures to prevent and combat online hate speech.<sup>97</sup> The action plan is based on a coordinated approach and focuses on raising awareness, improving data collection, ensuring effective law enforcement, providing better support for victims and increasing monitoring and cooperation with internet stakeholders. ECRI encourages the authorities to involve groups of concern to ECRI and civil society organisations in its implementation.
60. ECRI notes that, although hate speech reportedly remained rampant on social media, prompt and appropriate action was not always taken by social media platforms.<sup>98</sup> Furthermore, the mechanism for reporting online hate speech to the MOD appears to be insufficiently known and used. ECRI therefore invites the authorities to raise awareness about this reporting mechanism among the general public and groups of concern to ECRI, and to use all available avenues to ensure

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<sup>90</sup> [Act](#) of 15 April 2025. This change will enter into force on 1 July 2025.

<sup>91</sup> Public Prosecution Service, [Eerste veroordeling wegens vergoelijken Holocaust](#), 15 January 2025.

<sup>92</sup> Supreme Court of the Netherlands, [Judgment](#) of 6 July 2021.

<sup>93</sup> Amsterdam District Court, [Boetes en taakstraffen voor Facebook-reacties richting NRC-columniste](#), 2 November 2020. The Court noted that the Public Prosecution Service had only investigated the 200 messages selected and reported by the victim out of the 7 600 comments posted under the livestream, and that many more messages could have been investigated and sanctioned.

<sup>94</sup> The Hague District Court, [Judgment](#) of 23 November 2023. The Court noted that, although tearing up a Koran and standing on its pages are not in themselves punishable acts, these acts reinforced the suspect’s insulting remarks about Muslims.

<sup>95</sup> See, *inter alia*, NCDR (2023); Government, [Brief](#) of 22 February 2023.

<sup>96</sup> Government, [Strategy to Combat Antisemitism for 2024-2030](#), 22 November 2024. In February 2025, an [Antisemitism Task Force](#) was established for a period of one year for making specific proposals to enhance the safety of Jewish people.

<sup>97</sup> Government, [Plan van aanpak tegen online discriminatie](#), 2 July 2025.

<sup>98</sup> See also, *inter alia*, INACH, Project SafeNet - [Factsheet No. 10 : The Netherlands](#), 2024; NCAB, [Sneller handhaven bij online antisemitisme](#), 25 October 2023.

that social media platforms fully comply with the Dutch legal framework on content moderation and removal of hate speech.

61. As regards the media, ECRI recalls that efforts are necessary to commit to ethical reporting by avoiding stereotypes and combating hate speech. For instance, the Journalism Code of public media organisations does not contain provisions on non-discriminatory reporting.<sup>99</sup> In this regard, ECRI points out to the role of the media in promoting a culture of tolerance and understanding. It therefore invites the authorities to encourage further self-regulation in the media, without encroaching on its independence, in order to prevent and combat hate speech, as well as to support relevant training for media professionals on how to recognise, avoid and react to hate speech. Reference is made to the Recommendation CM/Rec(2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech.
62. As concerns measures to counter hate speech in football, ECRI welcomes the fact that the authorities, together with the Royal Netherlands Football Association (KNVB) and other relevant stakeholders, have taken a more coordinated approach, including through the adoption and implementation of two action plans against racism and discrimination in football for 2020-2022 and 2023-2025.<sup>100</sup> Action carried out within this framework has included the organisation of two awareness-raising campaigns, #One Love and #Don't Give Discrimination a Chance, and of training programmes for professional and amateur football clubs. An application was developed to enable the reporting of hate speech incidents, and the potential deployment of various technologies to detect such incidents and identify the perpetrators has also been explored.<sup>101</sup>
63. Educational initiatives aimed at addressing hate speech among football supporters were also developed, which ECRI welcomes. In this context, it considers the Fancoach Project<sup>102</sup> developed by the Anne Frank House, which aims primarily to raise awareness among supporters of the harmful effects of antisemitic chants, to be a **good practice**.
64. ECRI positively notes that the KNVB's disciplinary sanctioning protocol was reinforced.<sup>103</sup> The ECRI delegation was also pleased to learn that prosecutors in Rotterdam attend football matches to identify any instances of hate speech. At the same time, according to interlocutors met by the ECRI delegation during the visit, hate speech incidents are often trivialised and the existing sanctioning mechanisms, including disciplinary ones, are not systematically used. While acknowledging the steps taken in this area, ECRI notes that considerable challenges remain, and sustained efforts are necessary to prevent and counter hate speech in football.
65. ECRI recommends that the authorities i) continue implementing comprehensive and coordinated action to prevent and combat racist and LGBTI-phobic hate speech in football; ii) scale up the implementation of educational programmes aimed at preventing racist and LGBTI-phobic hate speech among supporters; iii) ensure that racist and LGBTI-phobic incidents in football are effectively investigated and the available sanctioning mechanisms are used.

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<sup>99</sup> [Code Journalistiek Handelen](#), adopted on 25 May 2023.

<sup>100</sup> Government and the KNVB: [Ons voetbal is van iedereen](#), 8 February 2020; [Ons voetbal is van iedereen - Plan van aanpak 2023-2025](#), 28 September 2023.

<sup>101</sup> See, *inter alia*, Mulier Instituut: [Opbrengstenrapportage 2022](#), 2023; [Monitor OVIVI 2024](#), 2025.

<sup>102</sup> Anne Frank House, [Fancoach Project](#). It appears that this project was successfully implemented by the FC Utrecht football club.

<sup>103</sup> See, Mulier Instituut, [Voortgangsrapportage 2020](#), 2021.

## B. Hate-motivated violence

66. In addition to the data presented in § 41, which includes hate speech of a criminal nature, it should be noted that 10% of cases recorded by the police in 2024 involved violence combined with verbal abuse. Destruction occurred in 5% of cases, as did vandalism, while harassment occurred in 2% of cases.<sup>104</sup> Furthermore, of the 523 generic offences committed with a hate/discriminatory motive that were registered by the LECD-OM in 2024, 42 were offences of public violence, another 42 were assault offences, five were offences of aggravated assault and 11 were offences of vandalism.<sup>105</sup> The authorities informed ECRI that, in 2023, the Public Prosecution Service carried out 48 investigations into hate-motivated violence (compared to 54 in 2019).<sup>106</sup> Data on cases of hate-motivated violence dealt with by the courts were not made available to ECRI.
67. ECRI notes that violent attacks against people of African descent, Muslims and LGBTI people continue to be reported, as well as incidents of vandalism of, *inter alia*, Jewish property and mosques.<sup>107</sup> ECRI was informed by civil society interlocutors that an increase in violent incidents against Muslim women wearing headscarves had been observed in recent years.<sup>108</sup> Incidents of vandalism against the premises of civil society organisations working in areas of relevance to ECRI, as well as against rainbow flags or buildings displaying them, were also reported.<sup>109</sup>
68. Underreporting of hate crime cases (including hate speech of a criminal nature) was identified as a key issue in the Netherlands by all interlocutors with whom the ECRI delegation met during its 2024 visit. This is explained, among others, by an alleged lack of trust in the criminal justice system and public institutions, victims' insufficient awareness about their rights and available remedies, the perception that reporting is pointless, or language barriers.<sup>110</sup> Many interlocutors also informed the ECRI delegation that the police do not always record complaints and instead refer victims to the ADVs. Furthermore, the follow-up process after complaints have been recorded with the police is reportedly not always properly explained.
69. In this context, ECRI welcomes initiatives aimed at strengthening cooperation between the police and groups of concern to ECRI. Examples include the Pink in Blue and Jewish Police Network, which form part of the police's Diversity Skills Network.<sup>111</sup> The authorities also informed ECRI of increased cooperation between law enforcement agencies with Muslim and Jewish communities in the aftermath of the Ajax-Maccabi Tel Aviv football match in November 2024. At the same time, according to civil society interlocutors met by the ECRI delegation, there is insufficient capacity within the Pink in Blue network, as well as a lack of a sustained framework for dialogue and cooperation between law enforcement agencies and people of African descent. In ECRI's view, more should be done to address the underreporting of racist and LGBTI-phobic hate crimes.
70. ECRI recommends that the authorities take further action aimed at tackling the underreporting of racist and LGBTI-phobic hate crimes, in consultation with a broad

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<sup>104</sup> Discriminatiecijfers in 2024.

<sup>105</sup> Public Prosecution Service (April 2025).

<sup>106</sup> The cases included the following offences under the Criminal Code: public violence (Article 141), arson (Article 157), manslaughter (Article 287), assault (Article 300), aggravated assault (Article 302), and vandalism (Article 350).

<sup>107</sup> See, *inter alia*, Central Bureau of Statistics, [Safety Monitor 2023](#), March 2024; Amnesty International, [News item](#), 21 November 2022; E. Butter et al. (2021); ILGA-Europe, Annual Review 2025, p. 105; Risbo, [Richten op de regenboog](#), January 2024; CIDI (2024).

<sup>108</sup> See also, *inter alia*, Ministry of Social Affairs and Employment, [Rapportage Inventarisatie](#), 29 October 2021.

<sup>109</sup> See, *inter alia*, NOS, [Press article](#), 8 November 2019; ILGA-Europe, Annual Review 2025, p. 105.

<sup>110</sup> See also, *inter alia*, Discriminatiecijfers in 2023; NCDR (2022), p. 56; EU FRA (May 2024); EU FRA (July 2024); Suzan van der Aa et al., [Speciale behoeften van slachtoffers van hate crime](#), 2020, pp. 24-25.

<sup>111</sup> See also, *inter alia*, NCDR (2022), p. 60; Government (22 November 2024), p. 13.

range of civil society organisations and persons belonging to groups of concern to ECRI. Such action should include awareness-raising activities about victims' rights and available remedies, support to civil society organisations providing support to victims (in particular legal assistance) and improved dialogue and cooperation between law enforcement agencies and groups of concern to ECRI, particularly people of African descent, Muslims, LGBTI people and Jews.

71. Since ECRI's previous report on the Netherlands, the most significant advance in the legal framework has been the introduction of a hate/discriminatory element as a legal basis for aggravating the penalty in the Criminal Code. Therefore, the maximum term of imprisonment imposed may be increased by one-third.<sup>112</sup> ECRI welcomes this development, which is in line with its long-standing recommendations on the matter.<sup>113</sup> In this connection, ECRI also notes with satisfaction that the Public Prosecution Service continued to request higher sentences for offences where evidence of hate/discriminatory motives was found.<sup>114</sup>
72. The authorities informed ECRI that a Police Centre of Expertise for Combating Discrimination (ECAD-P) was established in 2021. This centre comprises specialised police officers and serves as a national hub for information- and knowledge-sharing for the entire police organisation. ECRI welcomes the authorities' intention to provide the centre with structural funding and expand its capacity.<sup>115</sup> Furthermore, ECRI was informed that, as of 1 January 2019, the Public Prosecution Service has focused on prosecuting generic offences committed with a hate/discriminatory motive.
73. In this context, ECRI welcomes the cooperation that has been established between the Police, the Public Prosecution Service and the ADVs. Regional consultation meetings have generally been organised every six weeks since 2021, with the aim of improving operational measures for the handling of discrimination/hate crime cases. ECRI considers this a **promising practice**.
74. In the course of ECRI's visit to the Netherlands, antisemitic and other forms of racist abuse surrounded the Ajax-Maccabi Tel Aviv football match that took place in Amsterdam on 7 November 2024.<sup>116</sup> In this regard, the authorities informed ECRI that, by the end of March 2025, the police had identified 36 out of a total of 122 suspects. Fourteen of these appeared in court and the Public Prosecution Service settled seven cases.<sup>117</sup> ECRI notes that several suspects were convicted, among others, of group insult against Jewish people, as well as of condoning and grossly trivialising the Holocaust (Article 137c of the Criminal Code).<sup>118</sup> ECRI trusts that the authorities will continue to do their utmost to ensure that all the perpetrators of antisemitic, anti-Muslim and other racist criminal offences in relation to the Ajax-Maccabi Tel Aviv football match will be held accountable.
75. With regard to the training of relevant professionals, the authorities informed ECRI that the Police Academy programme includes training on the anti-discrimination provisions of the Constitution and the Criminal Code. The ECAD-P also ensures that knowledge of how to tackle hate/discrimination incidents is embedded in police training. Similarly, the LECD-OM is involved in developing, maintaining and organising expertise on hate crimes, and sharing knowledge within the Public Prosecution Service. Furthermore, in cooperation with the Training and Study

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<sup>112</sup> Senate, [Hate crimes worden zwaarder bestraft](#), 11 March 2025. The provision entered into force on 1 July 2025.

<sup>113</sup> ECRI (2019): § 7; ECRI (2013): § 12; ECRI (2008): § 15; ECRI (2001): § 8.

<sup>114</sup> See also, Public Prosecution Service, [Discrimination Instruction](#) (2018A009), into effect as of 1 January 2019.

<sup>115</sup> Government (22 November 2024), pp. 12-13; *Discriminatiecijfers in 2024*, p. 11.

<sup>116</sup> See, *inter alia*, NIHR, [News item](#), 13 November 2024.

<sup>117</sup> See also, Public Prosecution Service, [News item](#), 19 March 2025.

<sup>118</sup> Amsterdam District Court: [News item](#), 24 December 2024; [News item](#), 19 March 2025.

Centre for the Judiciary, the LECD-OM developed an e-learning course on hate/discrimination under national criminal law, which is mandatory only for specialised prosecutors at district court level. The judicial training programme also includes a mandatory course entitled “Judgments without prejudice”.

76. ECRI takes positive note of the efforts made to increase the knowledge of criminal justice actors on hate-motivated violence. However, it clearly appeared during ECRI’s visit to the Netherlands that there was still a need for law enforcement officials and other criminal justice actors to receive more training on preventing and combating hate crimes. For instance, the information gathered during the visit suggests that hate elements/discriminatory aspects are still not consistently recorded, unmasked and acknowledged by law enforcement officials.<sup>119</sup>
77. ECRI recommends that the authorities ensure that suitable, practical and targeted training on hate crimes is part of the compulsory initial and continued training for law enforcement officials and other criminal justice actors, such as prosecutors. Civil society and groups of concern to ECRI should be involved in the elaboration and, where possible, in the implementation of such training. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.

### III. INTEGRATION AND INCLUSION

#### A. Migrants

78. According to the authorities, as of 1 March 2025, there were around 3 312 000 migrants who were regularly present in the Netherlands.<sup>120</sup> This figure includes refugees (status holders) and asylum seekers. In 2024, 11 880 people were granted access to the Netherlands in the context of family reunification with a refugee.<sup>121</sup> Until 24 April 2025, 122 080 people displaced as a result of Russia’s war of aggression against Ukraine were registered with the municipalities.<sup>122</sup> As of 31 December 2022, 635 100 people born in another EU member state were employed in the country.<sup>123</sup>
79. The Netherlands’s integration policies are mainly based on the new Civic Integration Act 2021, which entered into force on 1 January 2022.<sup>124</sup> At the same time, ECRI notes that around 11 000 refugees are still subject to the requirements of the Civic Integration Act 2013.<sup>125</sup> In this regard, ECRI’s concerns about the approach to integration expressed in its previous report (§§ 62-63) remain valid. Reference is also made to the case law of the Court of Justice of the European Union.<sup>126</sup>
80. In general, according to the Civic Integration Act 2021, refugees and family migrants originating from outside the European Union and the European Economic Area or Switzerland are subject to integration requirements, which are only mandatory for adults. Municipalities are responsible for providing guidance to all persons subject to the integration requirements through an individual integration

<sup>119</sup> See also, *inter alia*, Government (22 November 2024), p. 13; Suzan van der Aa et al. (2020), p. 25.

<sup>120</sup> The authorities define “migrant” as a person born abroad and settled in the Netherlands. See also Central Bureau of Statistics, [Data](#), March 2025.

<sup>121</sup> Immigration and Naturalisation Service, [Annual report 2024](#).

<sup>122</sup> Government, [Cijfers opvang vluchtelingen uit Oekraïne in Nederland](#), April 2025.

<sup>123</sup> Ministry of Justice and Security, [State of Migration 2024](#), p. 63.

<sup>124</sup> See [Civic Integration Act 2021](#) (it aims to ensure that all people subject to the integration obligation can quickly and fully participate in Dutch society, preferably through paid work); See also the [Participation Act](#) (it aims to ensure that all citizens able to work, are supported and stimulated to do so).

<sup>125</sup> Government, [Europese Hof doet uitspraak over Nederlands inburgeringsbeleid](#), 4 February 2025.

<sup>126</sup> Court of Justice of the European Union, [C-158/23](#), 4 February 2025. It follows, *inter alia*, that a fine may be imposed only in exceptional cases, such as those demonstrating a proven and persistent lack of willingness to integrate.

and participation plan based on one of the three learning pathways within the system.<sup>127</sup> Knowledge of the Dutch language and Dutch society is a component of all learning pathways, and an introduction to and preparation for the Dutch labour market is part of two pathways.<sup>128</sup>

81. In this context, ECRI welcomes that refugees no longer have to finance their language and integration courses, which are paid for by the authorities. However, it regrets that family migrants still have to bear the costs of their language and integration courses and that fines can still be imposed on those who do not fulfil various obligations during the process and who do not complete the civic integration examination within three years of the establishment of the individual plan.<sup>129</sup> ECRI recalls that this punitive approach cannot be considered as reflecting a two-way integration process that facilitates, supports and promotes integration.
82. According to the authorities, as of 1 November 2024, 86 754 people were subject to the integration requirements under the Civic Integration Act 2021 and 953 people had fulfilled their integration obligation.<sup>130</sup> Research shows that barriers to the current integration process include a lack of pre-conditions such as childcare places and appropriate lesson times, which particularly affect migrant women. Refugees still living in reception centres experience significant delays in starting the integration process. Challenges in combining language learning and labour market participation have also been identified.<sup>131</sup> In ECRI's view, the number of language and participation hours required to complete the "Z-route", namely 1 600 hours, is exceptionally high.<sup>132</sup> Furthermore, according to ECRI's interlocutors met during the visit, people who are required to perform unpaid work are vulnerable to labour exploitation. The authorities informed ECRI that a mid-term review of the implementation of the Civic Integration Act 2021 will be carried out in 2025.<sup>133</sup>
83. In this context, ECRI regrets the long waiting times and backlog in the processing of family reunification applications, including those involving children, as confirmed by all interlocutors during the visit. It also notes with concern that the authorities announced specific plans to restrict the right to family reunification.<sup>134</sup> In ECRI's view, further restrictions and delays result in unnecessary human suffering and poorer integration outcomes.
84. ECRI recommends that the authorities further review and develop policies based on positive incentives, including through legislative measures where necessary, to improve the integration and inclusion of migrants residing in the Netherlands. In this context, the authorities may draw inspiration from the Recommendation CM/Rec(2022)10 of the Committee of Ministers of the Council of Europe on multilevel policies and governance for intercultural integration and the Model framework for an intercultural integration strategy at the national level.
85. With regard to education, the authorities informed ECRI that migrant children who do not speak Dutch upon arrival in the Netherlands begin their education in transitional classes, which last around one year in primary schools and two years

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<sup>127</sup> The three learning pathways are the following: the B1 route (language learning at B1 level and paid or unpaid work), the Education route (mainly for young people and involving language learning at B1 or higher level) and the Z-route (800 hours of language learning at A1 level and 800 hours of paid or unpaid work).

<sup>128</sup> See also Government, [Wet inburgering 2021](#); AIDA, [Country report – the Netherlands](#), 2023 (updated in July 2024), p. 176.

<sup>129</sup> Articles 11, 22-26 of the Civic Integration Act 2021.

<sup>130</sup> See also Central Bureau of Statistics, [Statistiek Wet Inburgering \(SWI\) 2023](#), 30 September 2024.

<sup>131</sup> KIS, [Monitor 2023](#), September 2023. See also, in this context, Kamerstuk 2023-2024, 32824, [nr. 409](#); Regioplan, Open Embassy and BMC, [Onderzoek perspectief inburgeraars](#), 4 October 2024 (it follows from this survey that the provision of information by the municipalities could generally be improved).

<sup>132</sup> See footnote no. 124.

<sup>133</sup> See also Government, [Kamerbrief over uitkomsten onderzoeken Wet inburgering 2021](#), 26 November 2024.

<sup>134</sup> European Commission, [Netherlands: Government presents new asylum and migration rules](#), 16 September 2024. See also, in this context, NJCM, [Drie uitgangspunten voor een menswaardig gezinsherenigingsbeleid](#), November 2023.

in secondary schools. Their primary objective is to equip pupils with the necessary Dutch language skills to transition to mainstream schools. According to ECRI's interlocutors met during the visit, the quality of education in secondary schools' transitional classes varies significantly, mainly due to a lack of oversight. ECRI therefore encourages the authorities to extend the Education Inspectorate's remit in this area.

86. ECRI notes that the Temporary Act on Temporary Education Facilities for Newcomers aims to address the shortage of capacity in the national education system and enables the authorities to set up temporary education facilities for migrant children.<sup>135</sup> At the time of ECRI's visit in November 2024, four such facilities had been established. ECRI notes that this measure is temporary and that a mid-term evaluation of its implementation will be carried out. It trusts, therefore, that it will not lead to the creation of a parallel education system for migrant children.
87. As acknowledged by the authorities, discrimination against people with non-Dutch-sounding names (particularly those suggesting Polish or Moroccan origins) occurs in the private rental market.<sup>136</sup> Against this background, ECRI positively notes that the authorities have adopted a proactive approach to preventing and combating discrimination in this area. It therefore considers the annual monitoring on discrimination in housing rentals through situation testing, the awareness-raising campaign called "Point the Door to Discrimination" and the adoption of the Good Landlord Act<sup>137</sup> to be **good practices**.
88. ECRI's attention was drawn to the situation of refugees in reception facilities who were awaiting housing in municipalities.<sup>138</sup> As a result of exhausted capacity in regular reception facilities and shortages in the social housing market, refugees were also accommodated in temporary emergency reception facilities, where substandard housing and living conditions were reported.<sup>139</sup> In ECRI's view, this poses an obstacle to the integration and inclusion of refugees in the country. The authorities informed ECRI that housing policies are being developed for various groups, including refugees, within the "Home for Everyone" programme.
89. At the same time, according to ECRI's interlocutors met during the visit, displaced people as a result of Russia's war of aggression against Ukraine were provided with better housing conditions.<sup>140</sup> While commending the efforts of the authorities towards this category of people, ECRI recalls the importance of ensuring that all people in need of international protection have equal access to protection and support irrespective of their citizenship or other personal characteristics or status.<sup>141</sup>
90. ECRI recommends that the authorities take resolute measures to ensure adequate housing conditions for refugees living in temporary emergency reception facilities, while seeking long-term housing solutions for them.

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<sup>135</sup> [Temporary Act on Temporary Education Facilities for Newcomers](#). It entered into force on 11 October 2023 for a period of five years. The law allows for derogations from the curriculum and education may be provided by teachers who are not (fully) qualified. See also, Ministry of Education, Culture and Science, [News item](#), 13 October 2023.

<sup>136</sup> See, *inter alia*, Ministry of the Interior and Kingdom Relations: [Kamerbrief](#), 6 September 2023; [Kamerbrief](#), 23 April 2021.

<sup>137</sup> See Verwey-Jonker Institute, [Monitor discriminatie bij woningverhuur 2023](#); [Point the Door to Discrimination](#) campaign; the [Good Landlord Act](#), entered into force on 1 July 2023.

<sup>138</sup> As of May 2025, 18 592 refugees were accommodated in reception facilities: COA, [Capaciteit en bezetting](#), May 2025. See also the [Distribution Act](#) (which entered into force in February 2024).

<sup>139</sup> See also UNHCR, [Recommendations](#), 2024; National Ombudsman and Children's Ombudsperson, [De crisis voorbij](#), 2023; Hague Court of Appeal, [Judgment](#) of 20 December 2022; UN Special Rapporteur on adequate housing (2024), pp. 5, 13-15.

<sup>140</sup> As of 24 April 2025, 94 880 displaced people were housed in municipal reception facilities: Government (April 2025). See also NIHR, [News item](#), 29 July 2022.

<sup>141</sup> See also [Statement](#) on the consequences of the aggression of the Russian Federation against Ukraine adopted by ECRI, 2022.

91. It emerged from the information gathered during ECRI's visit to the Netherlands that the position of refugees in the labour market remains vulnerable due to various barriers.<sup>142</sup> ECRI therefore welcomes the measures foreseen in the Action Plan on Status Holders at Work, which aim to improve the labour market participation of refugees, such as the subsidy scheme for employers for 2024-2026.<sup>143</sup> It invites the authorities to ensure their full implementation.
92. Furthermore, ECRI welcomes the fact that people displaced as a result of Russia's war of aggression against Ukraine were given full access to the labour market and positively notes their relatively high participation, which stood at around 60% at the time of ECRI's visit in November 2024.<sup>144</sup>
93. At the same time, ECRI is seriously concerned about the situation of migrant workers from the European Union employed in low-skilled jobs, given that employers and employment agencies reportedly continue to abuse their vulnerable position.<sup>145</sup> In this regard, it takes positive note that the authorities started implementing a series of measures recommended by the Task Force on the Protection of Migrant Workers.<sup>146</sup> ECRI strongly encourages the authorities to continue strengthening their action to prevent and combat labour exploitation.
94. ECRI welcomes the various measures taken by the authorities to prevent and combat discrimination in the labour market within the framework of the Action Plans on Labour Market Discrimination for 2018-2021 and 2022-2025.<sup>147</sup> However, it emerged during ECRI's visit to the Netherlands that discrimination against people with a migration background in the labour market, particularly with regard to access to employment, remains a persistent problem.<sup>148</sup> In this context, ECRI regrets that, in March 2024, the Senate rejected the legislative proposal for an Act on the promotion of equal opportunities in recruitment and selection.<sup>149</sup> It also notes that as a result, the Labour Inspectorate stopped carrying out exploratory inspections of employers in this area.<sup>150</sup>
95. ECRI recommends that the authorities ensure that the legal framework requires all employers to prevent discrimination in access to employment and that effective monitoring of this area is carried out. In this respect, ECRI refers to its General Policy Recommendation No. 14 on combating racism and racial discrimination in employment.

## B. Roma, Sinti and Travellers

96. Estimates indicate that Roma, Sinti and Travellers represent around 0.24% of the Dutch population.<sup>151</sup> Despite progress achieved in some areas since the previous

<sup>142</sup> See also, *inter alia*, AIDA (2023), p. 175.

<sup>143</sup> Ministry of Social Affairs and Employment: [Plan van aanpak Statushouders aan het werk](#), March 2023; [Kamerbrief](#), March 2024.

<sup>144</sup> See also Ministry of Social Affairs and Employment, [Kamerbrief](#) over actieplan arbeidsmarktparticipatie Oekraïense ontheemden, 7 November 2024.

<sup>145</sup> See, *inter alia*, Task Force on the Protection of Migrant Workers, [No second-class citizens](#), 30 October 2020; GRETA, [Evaluation Report](#), 9 November 2023, pp. 37-40.

<sup>146</sup> See, *inter alia*, Ministry of Social Affairs and Employment, [Kamerbrief](#), 11 January 2023.

<sup>147</sup> See, *inter alia*, Ministry of Social Affairs and Employment, [Actieplan Arbeidsmarktdiscriminatie 2022-2025](#); [Voortgangsrapportage Actieplan Arbeidsmarktdiscriminatie 2022-2025](#), 12 March 2025.

<sup>148</sup> See also, *inter alia*, ECRI (2019): § 74; L. Thijssen et al., [Etnische discriminatie op de Nederlandse arbeidsmarkt](#), 2019 (it shows that people without a migration background have a 30% greater chance of receiving a positive response after submitting a job application than persons with a migration background); Senate, [Gelijk recht doen - Deelrapport Arbeidsmarkt](#), June 2022; Kamerstuk 2023-2024, 35 673 [nr. N](#).

<sup>149</sup> European network of legal experts in gender equality and non-discrimination, [Flash report](#), 31 May 2024. This proposal aimed to impose positive duties on employers to prevent discrimination.

<sup>150</sup> Ministry of Social Affairs and Employment (12 March 2025), p. 16.

<sup>151</sup> Government, [Policy measures in the Netherlands for equality, inclusion, and participation of Roma and Sinti](#), 2021. Estimates vary between some thousands to forty thousand.

report, the inclusion of Roma, Sinti and Travellers in all areas of life continues to be an issue.<sup>152</sup> Furthermore, these groups reportedly face persistent discrimination in everyday life. According to an EU FRA survey conducted in 2019, 40% of Sinti and Travellers, and 76% of Roma, felt discriminated against in various areas, such as education, employment, housing and health care.<sup>153</sup>

97. ECRI welcomes several legislative developments aimed at eliminating statelessness, which reportedly affects the Roma community in particular.<sup>154</sup> In 2023, a procedure for determining statelessness was introduced and stateless children born in the Netherlands can, under certain conditions, opt for Dutch citizenship after five years of residence, regardless of whether they have a residence permit.<sup>155</sup> According to the authorities, it is unclear how many Roma had recourse to this procedure. ECRI therefore encourages the authorities to raise awareness of the applicable procedure within the Roma community.
98. With regard to education, ECRI notes positively that the authorities implemented several measures aimed at improving the educational attainment of Roma, Sinti and Traveller children. A special scheme for primary education was set up, allowing schools with at least four Roma, Sinti and Traveller pupils to apply for subsidies in order to be able to provide additional support. In addition, the National Education Support to Traveller, Roma and Sinti Children project benefits from the authorities' backing.
99. However, ECRI regrets that the situation of Roma, Sinti and Traveller children remains generally precarious in the area of education. Research indicates low levels of pre-school attendance and high levels of absenteeism in primary and secondary education.<sup>156</sup> ECRI is also concerned that these children are reportedly often referred to special needs schools at primary level, limiting their chances of further education.<sup>157</sup> It therefore invites the authorities to step up their efforts to facilitate Roma inclusion in the area of education.
100. With regard to housing, ECRI is concerned about the overall implementation of the policy framework for municipal caravan and pitch sites adopted in 2018.<sup>158</sup> It emerged during ECRI's visit that there was a significant shortage of pitch sites in the country. A 2023 survey shows that, of the 9 364 pitch sites at the national level at the end of 2022, only 49 were created between 2020 and 2022.<sup>159</sup> The authorities acknowledged that progress has been slow. ECRI learned that a significant number of pitch sites are still needed at the national level (between 4 000, according to the authorities, and 7 000, according to other interlocutors met during the visit).
101. In this context, ECRI also notes that the NIHR found that, in a number of cases, municipal failures to realise prospective caravan pitches within a reasonable

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<sup>152</sup> See, *inter alia*, Risbo and Labyrinth, [Monitor Sociale Inclusie](#), 2024; KIS, [De maatschappelijke positie van Sinti en Roma in Nederland](#), 2023.

<sup>153</sup> EU FRA (September 2020). See also European Commission, Special Eurobarometer, Discrimination in the European Union, [2023](#) and [2019](#); NCDR (2023), p. 53.

<sup>154</sup> ECRI (2019) : §§ 83-84; Verwey-Jonker Institute, [Bijzonder ingewikkeld om aan papieren te komen](#), 2022; NCDR (2023), p. 54.

<sup>155</sup> See [Act on the Procedure for Determining Statelessness](#) (entered into force on 1 October 2023); [Dutch Nationality Act](#).

<sup>156</sup> See, *inter alia*, Risbo and Labyrinth (2024), p. 65-78. The Covid-19 pandemic also had a disproportionately negative impact on Roma, Sinti and Traveller children.

<sup>157</sup> See also, *inter alia*, Verwey-Jonker Institute (2024), p. 8.

<sup>158</sup> ECRI (2019): § 82. See also, NCDR, [Verkennd onderzoek woonwagendplaatsen Roma en Sinti](#), 2024; Verwey-Jonker Institute (2024), pp. 12-13; UN Special Rapporteur on adequate housing (2024), p.13.

<sup>159</sup> Companen, [Woonwagendplaatsen in Nederland - Herhaalmeting 2023](#). It also indicates that 98 municipalities plan to create 1 028 new pitch sites by 2030.

timeframe amounted to discrimination.<sup>160</sup> The authorities informed ECRI that since 2020, municipalities had been able to apply for funding for the realisation of pitch sites through the “Subsidy scheme for focus groups” and that caravan dwellers were among the focus groups of the “Home for Everyone” programme.

102. ECRI recommends that the authorities take further action to improve the housing conditions of Roma, Sinti and Traveller caravan dwellers by i) carrying out a more detailed and nationwide needs assessment of the number of pitch sites needed and ii) taking prompt and resolute action to ensure that the necessary pitch sites are created within a reasonable timeframe. The Roma, Sinti and Traveller communities concerned should be meaningfully consulted throughout this process.

### C. People of African descent

103. People of African descent reportedly continue to face inequalities and structural forms of discrimination in everyday life, which is often attributed to deep-rooted anti-Black racism in the country.<sup>161</sup> This is of serious concern to ECRI. For instance, according to a 2020 report by the Institute for Social Research, among the Surinamese and Antillean Dutch people surveyed in 2018, 60% and 57% respectively reported having experienced discrimination on the basis of their skin colour, and 43% and 48% respectively on the basis of their ethnic background.<sup>162</sup>
104. In this context, ECRI positively notes that the Netherlands participated in the first United Nations Decade for People of African Descent.<sup>163</sup> However, according to the National Coordinator against Discrimination and Racism (NCDR), these efforts have not led to sustainable improvements in the situation of people of African descent.<sup>164</sup> ECRI therefore invites the authorities to take resolute action, in close cooperation with the relevant communities, to address the discrimination and inequalities faced by people of African descent in all areas of life. It also encourages the authorities to participate actively in the second United Nations Decade for People of African Descent (2025-2034).
105. ECRI welcomes that important steps have been taken in the acknowledgement of the role of various Dutch stakeholders in slavery. In 2022 and 2023, the Prime Minister and the King, respectively, apologised for the role of the Netherlands in the history of slavery.<sup>165</sup> Subsequently, steps have been taken, in consultation with descendants of enslaved people and other stakeholders, to give substance to these apologies.<sup>166</sup> For instance, in 2024, descendants of enslaved people were given the possibility to have their surnames changed free of charge.
106. ECRI was informed that, by the end of 2025, the authorities intend to deploy subsidy schemes for social initiatives that focus on strengthening the communities of descendants of enslaved people in the Kingdom of the Netherlands and in Suriname. Support will also be provided for measures aimed at raising awareness and addressing the present-day effects of slavery. In this connection, ECRI notes that a Foundation for the Slavery Past Memorial Committee was established in

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<sup>160</sup> See, *inter alia*, decisions nos. 2023-129, 2023-117, 2023-63, 2021-124. It follows that complainants often had to wait multiple years to receive a pitch site. Several municipalities did not maintain transparent waiting lists, and when they did, the waiting period was significantly longer than that for social housing. See also The Hague District Court, [Judgment](#) of 29 May 2024.

<sup>161</sup> See also, *inter alia*, Black Manifesto (2021); B. Biekman et al. (2023); Meldpunt Discriminatie Regio Amsterdam, [Anti-zwart racisme in de regio Amsterdam](#), 2020; The Black Archives (2021).

<sup>162</sup> Institute for Social Research, [Ervaren discriminatie in Nederland II](#), 2020.

<sup>163</sup> At the time of ECRI's visit in November 2024, an independent evaluation of the activities implemented in this framework was pending.

<sup>164</sup> NCDR, [Tweede UN-Decennium voor Mensen van Afrikaanse Afkomst](#), 27 March 2025.

<sup>165</sup> See [Government apologises for the Netherlands' role in the history of slavery](#), 19 December 2022; Dutch News, [Press article](#), 1 July 2023. Several municipalities, including Amsterdam, Rotterdam and Utrecht, as well as the Dutch Central Bank, also apologised for their role in the slavery past.

<sup>166</sup> See, *inter alia*, Ministry of the Interior and Kingdom Relations: [Letter](#) of 15 February 2024; [Letter](#) of 14 June 2024; [Letter](#) of 11 February 2025.

January 2025 and will play a central role in the national and kingdom-wide commemoration of the slavery past and in increasing knowledge about it.<sup>167</sup> ECRI commends the authorities for these positive developments.

#### D. Muslims

107. Approximately 5% of the Dutch population is Muslim.<sup>168</sup> According to a 2022 survey, 50% of Muslims in the Netherlands experienced discrimination in the year prior to the survey.<sup>169</sup> Discrimination is experienced in areas such as education, employment, housing, health care and in public spaces.<sup>170</sup> Recent research shows that discrimination occurs in relations with the authorities and in the provision of services by banks and other financial institutions. It also indicates an increased normalisation of anti-Muslim prejudice and discrimination in all sections of society.<sup>171</sup>
108. Muslim women, particularly those who wear headscarves, reportedly experience high levels of discrimination in the labour market, in both the recruitment and selection processes and in the workplace.<sup>172</sup> In this regard, ECRI draws attention to the specific vulnerabilities experienced by Muslim women who may suffer intersectional discrimination based on gender, religion, national or ethnic origin and colour.
109. It emerged during ECRI's visit to the Netherlands that certain laws may also have a particularly negative impact on Muslims.<sup>173</sup> For example, the ECRI delegation was told that the Act that partially bans face-covering clothing in several public settings has adversely affected Muslim women, contributing to their increased isolation and sense of insecurity.<sup>174</sup> Similarly, the application of the Anti-Money Laundering and Anti-Terrorist Financing Act has reportedly disproportionately affected Muslims and Muslim organisations in their access to services provided by banks and other financial institutions.<sup>175</sup> ECRI's attention was also drawn to inquiries into mosques carried out by several municipalities in the broader context of counter-terrorism efforts.<sup>176</sup> Regrettably, these measures have further diminished the trust of Muslims in the authorities.
110. ECRI strongly recommends that the authorities give a high priority to preventing and combating anti-Muslim racism and discrimination by i) taking any necessary measures, in consultation with a wide range of actors, to address public manifestations of such forms of racism and discrimination; and ii) reviewing laws, policies and practices to ensure that these do not discriminate directly or indirectly against Muslims. In this respect, ECRI refers to its General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.

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<sup>167</sup> It consists of members from various parts of the Kingdom of the Netherlands, including Bonaire, Curaçao, Sint Maarten, Sint Eustatius and Saba. In February 2025, preparations were underway for the addition of representatives from Aruba and Suriname.

<sup>168</sup> Central Bureau of Statistics, [Welk geloof hangen we aan?](#), 2021.

<sup>169</sup> EU FRA, [Being Muslim in the EU](#), 2024, p. 38.

<sup>170</sup> See, *inter alia*, Institute for Social Research (2020); E. Butter et al (2021); Verian and Mare, [Discriminatie in de zorg, welzijn en sport](#), 2025.

<sup>171</sup> See, *inter alia*, Regioplan and University of Utrecht, [Nationaal onderzoek moslimdiscriminatie](#), 2025; KPMG, [Onderzoek naar ervaren discriminatie van burgers bij de dienstverlening door banken en betaalinstanties](#), April 2024.

<sup>172</sup> See also University of Radboud, [Verkenning arbeidsmarktdiscriminatie moslima's](#), 2024; E. Butter et al (2021).

<sup>173</sup> See also NCDR (2023), p. 9.

<sup>174</sup> [Act Partially Prohibiting Face-covering Clothing](#) (entered into force on 1 August 2019); See also Verwey-Jonker Institute, [Evaluatie rapport Wet gedeeltelijk verbod gezichtsbedekkende kleding](#), May 2024.

<sup>175</sup> See also KPMG (2024); Ministry of Finance, [Kamerbrief](#), 27 May 2024.

<sup>176</sup> See also, *inter alia*, [Manifest tegen Islamofobie](#), November 2024; Ombudsperson of Amsterdam, [Mensenrechten onder druk bij veiligheidsonderzoeken](#), 2025.

#### IV. TOPICS SPECIFIC TO THE NETHERLANDS

##### **Preventing and combating racial and other discriminatory profiling by public officials**

111. As a preliminary remark, ECRI notes that various government agencies in the Netherlands have developed and deployed risk profiles to identify and counter potential fraud or crime. Personal characteristics and status, such as “race”, ethnicity and citizenship, were among the criteria embedded in various risk profiling systems, including algorithmic ones. In recent years, racial and other discriminatory profiling practices have come to light in a number of areas, such as policing and social protection.<sup>177</sup> In this context, in its revised legal framework on risk profiling from 2025, the NIHR stated that the use of “race” in risk profiling is prohibited, as is the use of citizenship for the purpose of profiling “race” or ethnicity.<sup>178</sup>

##### *Preventing and combating racial profiling by law enforcement officials*

112. Despite the efforts made by the authorities in recent years, it emerged during ECRI’s visit to the Netherlands that non-white people with a different national or ethnic background than the majority population continued to run a risk of being subjected to racial profiling by law enforcement officials, in particular during so-called proactive checks (including identity checks/stop-and-searches).<sup>179</sup> According to a 2023 survey, Dutch people with a Moroccan, Turkish or Surinamese background were more likely to be stopped by the police than those with two parents born in the Netherlands in the year preceding the survey. 35% of people with a Moroccan background, and 31% of those with a Turkish or Surinamese background, suspected that their origin or skin colour played a role in police checks.<sup>180</sup>
113. ECRI’s attention was particularly drawn to potential racial profiling practices at borders. People were reportedly stopped by border police officers for checks based on criteria such as “fast-moving, well-dressed with a non-Dutch appearance.” In 2023, a Dutch court found that using personal characteristics derived from “race” or ethnicity (such as skin colour) as criteria in selection decisions for border control was unjustified and therefore discriminatory.<sup>181</sup>
114. During the visit, the authorities informed the ECRI delegation that, in 2024, both the police and the border police updated their policies to include the fact that “race”, ethnicity and origin cannot be factors when deciding on proactive police or border police checks. ECRI welcomes these developments and trusts that these policy changes will be embedded in the mandatory initial and continuous training of law enforcement officials.
115. Furthermore, ECRI notes the efforts made towards the recruitment and retention of a more diverse composition of law enforcement officials within the “Police for Everyone” framework.<sup>182</sup> This is a positive development.
116. At the same time, ECRI considers it vital to enhance the monitoring and supervision of proactive checks carried out by law enforcement officials. In particular, ECRI

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<sup>177</sup> See also, in this connection, Amnesty International: [Etnisch profileren is overheidsbreed probleem](#), 21 March 2024; [Algoritmebeleid kan nieuw Toeslagenschandaal niet voorkomen](#), November 2023.

<sup>178</sup> NIHR, [Toetsingskader risicoprofilering](#), 28 January 2025. See also, in this context, Control Alt Delete, [Overheidsorganisaties tegen gebruik ras in risicoprofilering](#), May 2025.

<sup>179</sup> See also, *inter alia*, Amnesty International (21 March 2024); Senate, [Gelijk recht doen Deelrapport Politie](#), June 2022; National Ombudsman, [Verkleurde beelden](#), March 2021.

<sup>180</sup> Central Bureau of Statistics, [Mensen met herkomst buiten Nederland vaker door politie gecontroleerd](#), March 2024; See also Control Alt Delete, [Etnisch profileren in Amsterdam](#), 2020; EU FRA (October 2024), p. 89.

<sup>181</sup> See, *inter alia*, Amnesty International (21 March 2024), p. 25; The Hague Court of Appeal, [Judgment](#) of 14 February 2023.

<sup>182</sup> Police, [Police for Everyone](#), November 2023.

notes that there is no mandatory system for recording instances of identity checks/stop-and-searches carried out by law enforcement officials. Such recording can contribute to greater transparency in police work and mitigate the risks of racial profiling. It is also essential for ensuring that individuals can exercise their right to an effective remedy if they believe they have been subjected to discriminatory police identity checks/stop-and-searches.<sup>183</sup>

117. ECRI recommends, as a matter of priority, that the authorities introduce an effective system of recording identity checks/stop-and-search instances carried out by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices and at strengthening mutual trust between them and the public, in the light of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

#### *Preventing and combating racial profiling by other public officials*

118. ECRI is seriously concerned by the development and deployment of algorithmic risk profiling systems by various government agencies, which – so it was reported to it – disproportionately affected and had discriminatory effects on people belonging to groups of concern to ECRI, in particular people with a different national or ethnic background to the majority population.<sup>184</sup>

119. One of the most notable examples is the algorithmic decision-making system used by the Dutch Tax Agency to detect fraud relating to childcare benefits.<sup>185</sup> A large group of parents were wrongly accused of fraud and forced to repay benefits without access to effective legal remedies,<sup>186</sup> which resulted in thousands of parents – most of whom have a different national or ethnic background to the majority population – becoming destitute and large numbers of children being placed in foster care.<sup>187</sup> More specifically, research showed that 70% of those affected had a migration background, with Dutch citizens with a Caribbean or Surinamese background being the most affected.<sup>188</sup>

120. Subsequent investigations established that discriminatory risk profiles had been used by the Tax Agency and, in 2022, the authorities acknowledged that this was related to institutional racism within the Agency.<sup>189</sup> For example, an investigation carried out by the NIHR found that several of the Tax Agency's enforcement procedures and processes had disproportionately affected parents with a migration background, thereby establishing a *prima facie* case of indirect discrimination by the Tax Agency on the ground of "race".<sup>190</sup> Against this background, ECRI welcomes the fact that the authorities have taken steps to address the

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<sup>183</sup> See also, in this context, National Ombudsman (March 2021). In such cases, the National Ombudsman shifted the burden of proof to law enforcement agencies.

<sup>184</sup> See, in this context, Data Protection Authority, [Algoritmes en discriminatie hebben hoofdrol in privacytoezicht](#), July 2024; Amnesty International (21 March 2024); Amnesty International, [Algoritmebeleid kan nieuw Toeslagenschandaal](#), November 2023.

<sup>185</sup> See, *inter alia*, Amnesty International, [Xenophobic machines](#), 25 October 2021. This system included a self-learning algorithmic risk profile, with nationality being used as a risk factor.

<sup>186</sup> See Council of State, [Lessen uit de kinderopvangtoeslagzaken](#), November 2021. The Administrative Jurisdiction Division of the Council of State formally apologised to affected parents, admitting it failed to provide proper legal protection.

<sup>187</sup> See, *inter alia*, European network of legal experts in gender equality and non-discrimination (2024); Central Bureau of Statistics, [Uitsplitsing uithuisplaatsingen toeslagenaffaire](#), November 2021; Ministry of Finance, [Feiten en cijfers](#). By May 2025, 69 251 parents registered as victims and between 2015 and 2020, at least 1 115 children from affected families were placed in foster care.

<sup>188</sup> See, *inter alia*, Control Alt Delete: [70 procent gedupeerden heeft migratieachtergrond](#), 2022; [Etnisch en religieus geladen risicoprofielen bij Belastingdienst](#), 2022.

<sup>189</sup> Ministry of Finance, [Kamerbrief](#), 30 May 2022. Studies and evaluations were carried out by several institutions, such as the Data Protection Authority, the judiciary, the Council of State, the Senate and the House of Representatives.

<sup>190</sup> NIHR, [Vooronderzoek](#), 15 September 2022. In 2023, the NIHR found that there had been indirect discrimination against parents with a migration background in three individual cases, on the ground of "race" (cases nos. 2023-101, 2023-102 and 2023-103).

consequences that have emerged to date, including the setting-up of a financial compensation scheme.<sup>191</sup>

121. Another prominent case involved the Education Executive Agency (DUO), which used an algorithmic risk profiling system to identify possible abuse in the allocation of certain student grants. Students with a migration background were more likely to be flagged as “high risk” and selected for investigation. Following the publication of external research in 2024 indicating that the authorities had resorted to a discriminatory risk profiling system, the authorities apologised for having used a system that indirectly discriminated against students with a migration background.<sup>192</sup> ECRI welcomes the authorities’ swift action to redress the harms caused in this context.<sup>193</sup> Furthermore, it positively notes DUO’s participation in a pilot project, which involved testing a self-assessment tool developed by the State Commission Against Discrimination and Racism. The tool is designed to help government organisations proactively identify and address discrimination risks within their services.<sup>194</sup>
122. ECRI acknowledges that algorithmic systems may create opportunities in various areas of life. It nevertheless considers that their design, development and deployment should be supported by strong safeguards against discrimination (including indirect discrimination). ECRI therefore welcomes that the authorities took a series of measures to develop safeguards against discrimination arising from the use of algorithms. In 2023, a framework for the responsible use of algorithms was developed, providing an overview of the most important standards and measures for their development and deployment.<sup>195</sup>
123. Tools such as the Guidelines on non-discrimination by design<sup>196</sup> and the Impact Assessment Fundamental Rights and Algorithms,<sup>197</sup> which were developed in 2021, were included in the algorithm framework. In 2022, all governmental departments agreed to perform a human rights impact assessment for high-risk artificial intelligence systems. An algorithm register was also launched in 2022, although its use was not yet mandatory at the time of the 2024 visit.<sup>198</sup> As of 2023, the Data Protection Authority was appointed to coordinate the oversight of the use of algorithms.<sup>199</sup>
124. ECRI further notes that monitoring carried out by the Court of Audit revealed that government agencies were unaware of whether many of their artificial intelligence systems were functioning as intended. It also found that the agencies concerned had not assessed the opportunities and potential risks of more than half of their artificial intelligence systems, and that there was an incentive to downplay risks.<sup>200</sup> In ECRI’s view, the authorities should step up their efforts to ensure the responsible and non-discriminatory use of algorithmic systems in decision-making.

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<sup>191</sup> See, in this context, Government, [Reflectie op voortgang beloftes na kinderopvangtoeslagschandaal](#), 17 May 2023; House of Representatives, [Afhandeling van compensatie van aanvullende werkelijke schade in de toeslagenaffaire](#), 13 June 2024.

<sup>192</sup> See, *inter alia*, Ministry of Education, Culture and Science, [Kamerbrief](#), 1 March 2024; Data Protection Authority, [News item](#), 11 November 2024; Amnesty International, [Profiled without protection](#), November 2024.

<sup>193</sup> See, *inter alia*, NCDR, [DUO is op de goede weg naar herstel vertrouwen](#), 27 March 2025.

<sup>194</sup> State Commission against Discrimination and Racism, [News item](#), 13 February 2025.

<sup>195</sup> Ministry of the Interior and Kingdom Relations: [Implementatiekader ‘Verantwoorde inzet van algoritmen’](#), 30 June 2023; [Kamerbrief](#), 7 July 2023. See also [Algoritmekader](#).

<sup>196</sup> Government, [Guidelines on non-discrimination by design](#), 2021. The guidelines were further developed in an [e-learning module](#).

<sup>197</sup> Ministry of the Interior and Kingdom Relations, [Impact Assessment Fundamental Rights and Algorithms](#), 2022.

<sup>198</sup> Government, [The Algorithm Register](#). By June 2025, it contained 965 algorithms. See also, in this context, Amnesty International (21 March 2024).

<sup>199</sup> Data Protection Authority, [Department for the Coordination of Algorithmic Oversight](#). See also, in this context, Amnesty International (21 March 2024).

<sup>200</sup> Netherlands Court of Audit, [Focus on AI in the Dutch central government](#), 16 October 2024.

125. ECRI recommends that the authorities take further action with a view to ensuring that i) algorithmic systems are only used or applied in situations where their use is appropriate; ii) adequate transparency and effective oversight, including meaningful human oversight, are in place; iii) clear accountability and responsibility frameworks to prevent and combat discrimination resulting from the use of algorithmic systems have been developed; and iv) effective remedies to address discrimination arising from the use of algorithmic systems are available and accessible.

## INTERIM FOLLOW-UP RECOMMENDATIONS

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The two specific recommendations for which ECRI requests priority implementation from the authorities of the Netherlands are the following:

- (§ 38) ECRI recommends that the authorities prepare and bring to Parliament a comprehensive bill that expressly acknowledges the right of intersex persons to bodily integrity and prohibits the performance of medically unnecessary surgeries (often referred to as “sex-normalising” surgery) and other non-therapeutic treatments until such time as the intersex child is able to participate in decisions, based on the principle of free and informed consent. The preparation of such legislation should include consultations with relevant experts and health care professionals, intersex children and their parents or guardians, and take due account of ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant standards of the Council of Europe.
- (§ 117) ECRI recommends that the authorities introduce an effective system of recording identity checks/stop and search instances carried out by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices and at strengthening mutual trust between them and the public, in the light of ECRI’s General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

## LIST OF RECOMMENDATIONS

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The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 15) ECRI recommends that the authorities step up their efforts to ensure that school education is used as a tool to effectively address racial and other prejudices and stereotypes and to contribute to better living together in an intercultural world. In particular, they should i) strengthen equality and history teaching in such a way as to encompass the historical dimensions of racism and inequalities, including colonialism, slavery and the history and culture of different ethnic and religious groups living in the Netherlands; ii) consider taking steps towards the country's membership in the Council of Europe Observatory on History Teaching in Europe.
2. (§ 20) ECRI recommends that effective policies and mechanisms be set up across the country to prevent, monitor and respond to racist and anti-LGBTI incidents in schools.
3. (§ 33) ECRI recommends that the authorities intensify their efforts to ensure, as far as possible, that transgender people have safe, affordable and timely access to necessary gender-affirming treatment.
4. (§ 38) ECRI recommends, as a matter of priority, that the authorities prepare and bring to Parliament a comprehensive bill that expressly acknowledges the right of intersex persons to bodily integrity and prohibits the performance of medically unnecessary surgeries (often referred to as "sex-normalising" surgery) and other non-therapeutic treatments until such time as the intersex child is able to participate in decisions, based on the principle of free and informed consent. The preparation of such legislation should include consultations with relevant experts and health care professionals, intersex children and their parents or guardians, and take due account of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant standards of the Council of Europe.
5. (§ 54) ECRI recommends that public figures, including high-level officials and politicians, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter hate speech messages and alternative speech, as well as to promote understanding between communities, including by expressing solidarity with those targeted by hate speech. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec(2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
6. (§ 65) ECRI recommends that the authorities i) continue implementing comprehensive and coordinated action to prevent and combat racist and LGBTI-phobic hate speech in football; ii) scale up the implementation of educational programmes aimed at preventing racist and LGBTI-phobic hate speech among supporters; iii) ensure that racist and LGBTI-phobic incidents in football are effectively investigated and the available sanctioning mechanisms are used.
7. (§ 70) ECRI recommends that the authorities take further action aimed at tackling the underreporting of racist and LGBTI-phobic hate crimes, in consultation with a broad range of civil society organisations and persons belonging to groups of concern to ECRI. Such action should include awareness-raising activities about victims' rights and available remedies, support to civil society organisations providing support to victims (in particular legal assistance) and improved dialogue and cooperation between law enforcement agencies and groups of concern to ECRI, particularly people of African descent, Muslims, LGBTI people and Jews.

8. (§ 77) ECRI recommends that the authorities ensure that suitable, practical and targeted training on hate crimes is part of the compulsory initial and continued training for law enforcement officials and other criminal justice actors, such as prosecutors. Civil society and groups of concern to ECRI should be involved in the elaboration and, where possible, in the implementation of such training. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
9. (§ 84) ECRI recommends that the authorities further review and develop policies based on positive incentives, including through legislative measures where necessary, to improve the integration and inclusion of migrants residing in the Netherlands. In this context, the authorities may draw inspiration from the Recommendation CM/Rec(2022)10 of the Committee of Ministers of the Council of Europe on multilevel policies and governance for intercultural integration and the Model framework for an intercultural integration strategy at the national level.
10. (§ 90) ECRI recommends that the authorities take resolute measures to ensure adequate housing conditions for refugees living in temporary emergency reception facilities, while seeking long-term housing solutions for them.
11. (§ 95) ECRI recommends that the authorities ensure that the legal framework requires all employers to prevent discrimination in access to employment and that effective monitoring of this area is carried out. In this respect, ECRI refers to its General Policy Recommendation No. 14 on combating racism and racial discrimination in employment.
12. (§ 102) ECRI recommends that the authorities take further action to improve the housing conditions of Roma, Sinti and Traveller caravan dwellers by i) carrying out a more detailed and nationwide needs assessment of the number of pitch sites needed and ii) taking prompt and resolute action to ensure that the necessary pitch sites are created within a reasonable timeframe. The Roma, Sinti and Traveller communities concerned should be meaningfully consulted throughout this process.
13. (§ 110) ECRI strongly recommends that the authorities give a high priority to preventing and combating anti-Muslim racism and discrimination by i) taking any necessary measures, in consultation with a wide range of actors, to address public manifestations of such forms of racism and discrimination; and ii) reviewing laws, policies and practices to ensure that these do not discriminate directly or indirectly against Muslims. In this respect, ECRI refers to its General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.
14. (§ 117) ECRI recommends, as a matter of priority, that the authorities introduce an effective system of recording identity checks/stop-and-search instances carried out by law enforcement officials, as part of a policy aimed at detecting and addressing any racial profiling practices and at strengthening mutual trust between them and the public, in the light of ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing and General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination on racial profiling by law enforcement officials.
15. (§ 125) ECRI recommends that the authorities take further action with a view to ensuring that i) algorithmic systems are only used or applied in situations where their use is appropriate; ii) adequate transparency and effective oversight, including meaningful human oversight, are in place; iii) clear accountability and responsibility frameworks to prevent and combat discrimination resulting from the use of algorithmic systems have been developed; and iv) effective remedies to address discrimination arising from the use of algorithmic systems are available and accessible.

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## APPENDIX: GOVERNMENT'S VIEWPOINT

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The following appendix does not form part of ECRI's analysis and proposals concerning the situation in the Netherlands.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of the Netherlands on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 3 July 2025, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

The Dutch government welcomes the recommendations in the 6<sup>th</sup> monitoring cycle of the ECRI report, and its invitation to submit viewpoints by means of an Appendix. This Appendix serves to correct minor factual changes that have arisen in between date of adoption and date of publication, and to add clarification and context, where necessary. Furthermore, where relevant, the Dutch government sets out a description of measures currently taken in the area of certain recommendations.

## **I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS**

### **A. Effective equality and access to rights**

#### Paragraph 7:

*However, ECRI regrets that not all ADVs are fully independent, that they do not have competences and powers to engage in prevention and awareness-raising activities<sup>1</sup> and that their funding is dependent on the priority given to anti-discrimination policy in the different municipalities.<sup>2</sup> Against this background, ECRI takes note of the forthcoming reform aiming to regroup the ADVs under a national organisation with regional and local offices in order to enhance their effectiveness.<sup>3</sup> According to the authorities, the new system will be operational as of 1 January 2027. ECRI encourages the authorities to strengthen the current system and to ensure that the envisaged national organisation of ADVs is fully independent and effective and has sufficient human and financial resources for the full performance of its functions, in the light of its GPR No. 2.*

#### Government response

The legislative reform process of the current ADV-system has encountered minor delays, and therefore, the date of entry into force has been postponed. It is intended that the new ADV system will entry into force medio 2027 and will be fully operational as of the 1<sup>st</sup> of January 2028. During this time-span, the Government will ensure the continuation of necessary, legislative measures advancing the current system within this revision process.

### **B. Inclusive education**

#### Paragraph 11:

*ECRI notes that, in the Netherlands, schools enjoy a high degree of autonomy in the implementation of the national school curriculum (core educational objectives). Therefore, the level of teaching on human rights, including education on diversity, may vary between schools. In 2021, the law on citizenship education was amended to strengthen the position of human rights in citizenship education at both primary and secondary levels.<sup>4</sup> While ECRI welcomes this development, it notes that the necessary changes to the national school curriculum have not yet been made, leading to discrepancies in how schools implement the legislation in practice.<sup>5</sup> In this context, it notes positively that the NIHR, in cooperation with other relevant stakeholders, has developed a knowledge platform with various tools and teaching materials on human rights for teachers in primary and secondary education (including vocational education).<sup>6</sup>*

#### Government response

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<sup>1</sup> See Municipal Anti-Discrimination Services Act. See also European network of legal experts in gender equality and non-discrimination (2024), p. 93. It appears that a number of larger ADVs, such as RADAR, are carrying out activities in this area.

<sup>2</sup> See, *inter alia*, Van Beijnhem, R. et al, Inrichting, takenpakket en financiering ADV's, 2023.

<sup>3</sup> Ministry of the Interior and Kingdom Relations, Een nieuwe centrale organisatie voor de aanpak van discriminatie, January 2025.

<sup>4</sup> Act on Clarification of the citizenship assignment for schools in primary and secondary education of 23 June 2021. Schools are required, *inter alia*, to 'impart knowledge about and respect for differences in religion, belief, political opinion, origin, gender, disability or sexual orientation as well as the value that persons should be treated equally in equal cases.'

<sup>5</sup> See also, *inter alia*, NJCM, Shadow report to UN Committee on Economic, Social and Cultural Rights, 7 August 2023, p. 6. According to the authorities, the final draft of the new core educational objectives is expected to be finalized by the end of 2025.

<sup>6</sup> See [www.RechtVaardig.nl](http://www.RechtVaardig.nl) (the platform was launched on 7 October 2024).

The law on citizenship education was amended to clarify the requirements that schools must meet. In addition, citizenship education, alongside digital literacy, will be included in the curriculum as a new learning area, as part of the curriculum reform scheduled for 2027.

The national support structure for citizenship education is the Expertise Centre for Citizenship (Expertisepunt Burgerschap).<sup>7</sup> Among other things, it sets out the legal requirements related to citizenship education and offers teaching materials and professional development opportunities for teachers in primary, secondary, special, and vocational education.

#### **D. LGBTI equality**

##### Paragraph 30:

*Against this background, ECRI welcomes that, in 2023, the authorities took specific steps to address discrimination against bi+ people<sup>8</sup> and that from 2024, as a result of a change in policy, gay and bi+ men are treated equally when donating blood.<sup>57</sup> However, it is concerned that the implementation of the Emancipation Note for 2022-2025, which contained various measures to address intolerance and discrimination against LGBTI people in several areas, such as education, employment and healthcare, was discontinued by the authorities in June 2024.<sup>58</sup> At the same time, ECRI positively notes the extension of the Rainbow Cities programme until 2026<sup>59</sup> and considers it to be a **good practice**.*

##### Government response:

The Emancipation Note 2022-2025 was replaced by the Emancipation Note 'Veilig Meedoen!' on 11 June 2025, by the State secretary for Education, Culture and Science on behalf of the Government. This policy document introduces further measures aimed at promoting equality between men and women, including in fields of education, healthcare and employment. Amongst other things, the policy on equal opportunity encourages a focus on gender and LGBTIQ+ equality in policy and legislation and raises the issue at international level.

##### Paragraph 33 / Recommendation 3:

*ECRI recommends that the authorities intensify their efforts to ensure, as far as possible, that transgender people have safe, affordable and timely access to necessary gender-affirming treatment.*

##### Government response

The National Platform for Transgender Care was launched in 2025. The purpose of this body is to ensure collaboration and coordination between parties within the area of transgender care. In practice, an increase of awareness by general practitioners in respect to this group has been observed. In addition, there an increase of awareness within the area of mental healthcare within the framework of the AZWA<sup>9</sup> (waiting period support, triage).

##### Paragraph 39:

*Finally, despite positive changes to the guidance on handling LGBTI asylum requests, it was brought to ECRI's attention that LGBTI asylum seekers were still being subjected to stereotyped questioning by the authorities in practice.<sup>10</sup> In the light of its GPR No. 17, ECRI encourages the authorities to provide training to ensure that public officials, who*

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<sup>7</sup> [Expertisepunt Burgerschap | Alles over burgerschapsonderwijs](https://www.expertisepuntburgerschap.nl/), <https://www.expertisepuntburgerschap.nl/>.

<sup>8</sup> Ministry of Education, Culture and Science, Kamerbrief, 28 June 2023. See also ILGA-Europe, Annual Review 2024, p. 111: among LGBTI people in the Netherlands, bi+ people are estimated to be the largest group.

<sup>9</sup> [Aanvullend Zorg- en Welzijnsakkoord \(AZWA\) \(Definitief\) | Rapport | Rijksoverheid.nl](https://www.rijksoverheid.nl/documenten/rapporten/2025/08/31/aanvullend-zorg-en-welzijnsakkoord-azwa), <https://www.rijksoverheid.nl/documenten/rapporten/2025/08/31/aanvullend-zorg-en-welzijnsakkoord-azwa>

<sup>10</sup> See also COC Nederland, *Trots of schaamte ?* Het verlog, 2022.

*process and adjudicate asylum claims, have sufficient knowledge to engage with LGBTI people in a culturally informed and competent manner and without stereotyped assumptions.*

#### Government response

The Immigration and Naturalization Service (INS) does not assess whether aliens conform to stereotypes. The guiding principle is the explicit absence of stereotypes and prejudice as a basis for the assessment of the asylum procedure. The INS is obligated to consider the individual situation and personal circumstances of the asylum seeker in question, on a case-by-case basis. Consequentially, if the alien initiates the topic and addresses stereotypes, further questioning is permitted.

The INS requires new case officers to participate in various types of training, including interview techniques. INS case officers are informed on interview approaches, including interviews that contain certain sensitive elements. The EUAA "Interviewing Vulnerable Persons" training course deepens the understanding of vulnerable positions of asylum seekers and managing risks of re-experiencing traumas, when questioned. The INS recognizes the aspects of vulnerability of asylum procedure interviews, and takes these aspects into account, including the circumstances of an LGBTQ+ person.

In addition, specialized training for INS officers working with LGBTQ+ cases is available, a standard component of the general training for the hearing and decision-making staff.

Furthermore, the INS has appointed LGBTQ+ coordinators, who focus on sensitive interactions with LGBTQ+ individuals when training new employees. During training, appropriate approaches regarding the manner of inquiry regarding preference of pronouns are set out, and taken into account during the interview. Besides providing training, coordinators are responsible for consultations with caseworkers. Every LGBTQ+ case must, at a certain stadium, be submitted to a coordinator during the decision-making process. The coordinator and caseworker review and discuss whether the interview has been conducted, and the decision has been issued in accordance with the Working Instruction (WI 2019/17), while simultaneously discussing other relevant themes. Furthermore, coordinators employ their professional knowledge and skills for their individual LGBTQ+ cases (i.e., hearing or issuing decisions in cases that they are responsible for).

The LGBTQ+ coordinators continuously maintain knowledge and skills on the topic of sensitive interactions with LGBTQ+ individuals through regular peer review sessions on LGBTQ+ case studies. In addition to mandatory training courses, in-depth training options are available, including the EUAA SOGIESC training.

In 2026, the Working Instruction for INS case offices (Interviewing and deciding in cases in which LGBTI orientation is cited as an asylum motive") will be revised. The Instruction provides guidance for assessing the credibility of cases in which sexual orientation and/or gender identity are cited as motives. This is a pre-existing distinction, but the Instruction aims to provide a more clear clarification, especially on gender identity, and will fully applicable on all LGBTIQ+-cases.

## **II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE**

### **Hate speech**

#### Paragraph 65 / Recommendation 6:

*ECRI recommends that the authorities i) continue implementing comprehensive and coordinated action to prevent and combat racist and LGBTI-phobic hate speech in football; ii) scale up the implementation of educational programmes aimed at preventing racist and LGBTI-phobic hate speech among supporters; iii) ensure that racist and LGBTI-phobic incidents in football are effectively investigated and the available sanctioning mechanisms are used.*

## Government response

The government is collaborating with the KNVB (Royal Dutch Football Association) on the broad program "Our Football is for Everyone" to address these issues. This program runs until the end of this year, but it is the intention to continue the program and its activities also after 2026.

### **B. Hate-motivated violence**

#### Paragraph 70:

*ECRI recommends that the authorities take further action aimed at tackling the underreporting of racist and LGBTI-phobic hate crimes, in consultation with a broad range of civil society organisations and persons belonging to groups of concern to ECRI. Such action should include awareness-raising activities about victims' rights and available remedies, support to civil society organisations providing support to victims (in particular legal assistance) and improved dialogue and cooperation between law enforcement agencies and groups of concern to ECRI, particularly people of African descent, Muslims, LGBTI people and Jews.*

## Government response

In December 2025, the Government published a new action plan LGBTIQ+ safety 2025-2029, relating, among other things to the issues of underreporting, awareness-raising in co-operation with civil society organisations.

### **III. INTEGRATION AND INCLUSION**

#### **B. Roma, Sinti and Travellers**

#### Paragraph 102 / Recommendation 12:

*ECRI recommends that the authorities take further action to improve the housing conditions of Roma, Sinti and Traveller caravan dwellers by i) carrying out a more detailed and nationwide needs assessment of the number of pitch sites needed and ii) taking prompt and resolute action to ensure that the necessary pitch sites are created within a reasonable timeframe. The Roma, Sinti and Traveller communities concerned should be meaningfully consulted throughout this process.*

## Government response

With the proposed Act on Strengthening Direction in Public Housing (Wetsvoorstel Versterking regie volkshuisvesting), municipalities are required to make agreements on housing for specific groups, including Roma, Sinti and Travellers. Municipalities are expected to describe the housing needs per group in their municipal public housing programme, including those of Roma, Sinti and Travellers. Subsequently, municipalities must describe how they intend to meet these needs. Provinces and the national government supervise this and may intervene if necessary. As a result of the Act, all municipalities will map the housing needs of Roma, Sinti and Travellers, which will also lead to a better nationwide overview of the demand for pitch sites. The implementation of the Act by municipalities is expected to lead to an increase in the number of pitch sites, partly due to its obligatory nature. At both the national as the local level are regular consultations about housing with the Roma, Sinti and Traveller communities.

#### **D. Muslims**

#### Paragraph 109:

*It emerged during ECRI's visit to the Netherlands that certain laws may also have a particularly negative impact on Muslims.<sup>11</sup> For example, the ECRI delegation was told that the Act that partially bans face-covering clothing in several public settings has adversely affected Muslim women, contributing to their increased isolation and sense of*

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<sup>11</sup> See also NCDR (2023), p. 9.

*insecurity.<sup>12</sup> Similarly, the application of the Anti-Money Laundering and Anti-Terrorist Financing Act has reportedly disproportionately affected Muslims and Muslim organisations in their access to services provided by banks and other financial institutions.<sup>13</sup> ECRI's attention was also drawn to inquiries into mosques carried out by several municipalities in the broader context of counter-terrorism efforts.<sup>14</sup> Regrettably, these measures have further diminished the trust of Muslims in the authorities.*

#### Government response

The Minister of the Interior and Kingdom Relations and the State Secretary for Participation and Integration have sent the government's response to the evaluation of the Face Coverings Partial Ban Act<sup>15</sup> to the House of Representatives and the Senate. In this letter, the government announces the extension of the partial ban on face coverings.

#### Paragraph 110 / Recommendation 13:

*ECRI strongly recommends that the authorities give a high priority to preventing and combating anti-Muslim racism and discrimination by i) taking any necessary measures, in consultation with a wide range of actors, to address public manifestations of such forms of racism and discrimination; and ii) reviewing laws, policies and practices to ensure that these do not discriminate directly or indirectly against Muslims. In this respect, ECRI refers to its General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.*

#### Government response

The State Secretary of Participation and Integration has, also on behalf of the Minister of the Interior and Kingdom Relations, the Minister of Education, Culture and Science, Kingdom Relations and the Minister of Education, Culture and Science, sent the government's response on the National Survey on Muslim Discrimination and the strengthening strategy on Muslim discrimination.<sup>16</sup> This government response combines the requested responses on the National Survey on Muslim Discrimination and the survey "Future Expectations of Muslim Youth in the Netherlands.", as requested by the Standing Committee on Social Affairs and Employment. This letter also addresses the requested response, to the article in the newspaper Trouw "More than ten years of reports on Muslim discrimination, yet politicians continue to ignore them.", as submitted by member of parliament Tsegai (GroenLinks-PvdA). It also provides information about the Catshuissession convened in response to the motion by member of parliament Van Baarle (DENK). Ultimately, this letter addresses several other motions and requests.

The letter of response acknowledges Muslim discrimination in the Netherlands, and introduces generic and specific measures in order to combat Muslim discrimination.  
Pillar 1: Preventive measures of discrimination and measures aimed at supporting victims of discrimination

Pillar 2: Measures focused on expansion of knowledge on discrimination and measures aimed at strengthening the strategy of combatting discrimination (municipal and national government)

Pillar 3: Sectoral approach to discrimination.

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<sup>12</sup> Act Partially Prohibiting Face-covering Clothing (entered into force on 1 August 2019); See also Verwey-Jonker Institute, Evaluatierapport Wet gedeeltelijk verbod gezichtsbedekkende kleding, May 2024.

<sup>13</sup> See also KPMG (2024); Ministry of Finance, Kamerbrief, 27 May 2024.

<sup>14</sup> See also, *inter alia*, Manifest tegen Islamofobie, November 2024; Ombudsperson of Amsterdam, Mensenrechten onder druk bij veiligheidsonderzoeken, 2025.

<sup>15</sup> [Kabinetsreactie op het evaluatierapport van de Wet gedeeltelijk verbod gezichtsbedekkende kleding van 17 oktober 2025](#)

<sup>16</sup> [Kabinetsreactie Nationaal onderzoek moslimdiscriminatie en versterking aanpak moslimdiscriminatie, 12 december 2025.](#)

## Paragraph 125 / Recommendation 15:

*ECRI recommends that the authorities take further action with a view to ensuring that i) algorithmic systems are only used or applied in situations where their use is appropriate; ii) adequate transparency and effective oversight, including meaningful human oversight, are in place; iii) clear accountability and responsibility frameworks to prevent and combat discrimination resulting from the use of algorithmic systems have been developed; and iv) effective remedies to address discrimination arising from the use of algorithmic systems are available and accessible.*

### Government response

The ministry of Interior Affairs coordinates policies and tools for responsible use of AI and algorithmic systems by governments, specifically where these systems are used in decision making. In addition to the series of measures mentioned in the ECRI report, the following measures are being developed or planned. In 2025, the Netherlands Digitalization<sup>7</sup> Strategy was launched, which focuses on seeking collaboration, simplifying where possible, and accelerating development, while safeguarding public values. As part of the strategy the Algorithm Framework will be further developed into an auditable framework that ensures compliance to legal norms, including anti-discrimination legislation.<sup>17</sup> This framework can then be used by independent auditors to assess the extent to which governmental organisations are compliant. Furthermore, the ministry currently investigates the possibility to make a fundamental rights impact assessment mandatory for certain types of algorithmic systems that are not regulated by the EU AI Act but may have an increased risk of impacting human rights, among which, for example, risk profiling systems.<sup>18</sup> Governmental departments have made significant progress in transparency by publishing all high-risk AI-systems in the Algorithm Register in 2025 and planning for registering other impactful algorithms, including algorithmic risk profiling systems, by the end of 2026.<sup>19</sup> Governments are instructed to provide information about risk management, impact assessments and how human intervention is organized.

In 2025, a discrimination protocol has been developed that guides governments in taking swift and appropriate action in case of (signals of) bias or discrimination in algorithmic systems and decision making based on algorithmic systems.<sup>20</sup> The protocol focuses on limiting damage, informing those affected, handling the claim and taking remedial measures. The protocol applies to the entire government and has been incorporated into the Algorithm Framework as a recommended measure. Extending the scope of the General Equal Treatment Act to all unilateral government acts, as noted in the ECRI report, will further strengthen the legal protection of citizens against discriminatory outcomes of algorithmic systems. As of 2025, the Data Protection Authority receives more budget for their task to coordinate oversight on the use of algorithms.<sup>21</sup>

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<sup>17</sup> Kamerstuk 2024-2025, 26 643, nr. 1394.

<sup>18</sup> Tweede Kamer, vergaderjaar 2024–2025, 30 950, nr. 434, p. 9.

<sup>19</sup> Tweede Kamer, vergaderjaar 2025–2026, 26 643, nr. 1423; Tweede Kamer, vergaderjaar 2025–2026, 26 643, nr. 1450.

<sup>20</sup> Tweede Kamer, vergaderjaar 2024–2025, 26 643, nr. 1232; <https://minbzk.github.io/discriminatieprotocol/>.

<sup>21</sup> Tweede Kamer, vergaderjaar 2025–2026, 36 800 VI, nr. 15.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.