

Netherlands

Country:

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Year:

2016

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

99

Freedom Rating:

1.0

Overview:

Migration and asylum policy continued to dominate the political discourse in the Netherlands in 2015. In April, the Council of Europe (CoE) reaffirmed its 2014 decision that the country was in violation of the European Social Charter for its failure to meet humanitarian obligations toward asylum applicants. The two-party coalition government has struggled to find common ground on this issue, but managed to agree in April to put in place tougher policies against rejected applicants who do not agree to return to their home countries. Hate speech against immigrants has been on the rise. Prominent far-right politician Geert Wilders was put under investigation in July for statements he made against Islam in 2014.

In provincial elections in March, the center-left Labor Party (PvdA) suffered the greatest losses while the other half of the governing coalition, the center-right People's Party for Freedom and Democracy (VVD), remained the largest party. The provincial councils voted for members of the Senate in May.

Political Rights and Civil Liberties:

Political Rights: 40 / 40 [Key]

A. Electoral Process: 12 / 12

The Netherlands has a parliamentary system, with a monarchy whose function is largely ceremonial. The monarch appoints the prime minister, usually the leader of the majority party or coalition, as well as the Council of Ministers (cabinet) and the governor of each province on the recommendation of a majority in parliament. The lower house of parliament, or House of Representatives, counts 150 representatives who are elected for four-year terms by proportional

representation. The 75 members of the upper house, or Senate, are elected for four-year terms by the country's provincial councils, which in turn are directly elected every four years.

In 2012 general elections, the VVD won 41 seats and formed a coalition government with the PvdA, which took 38 seats. Mark Rutte of the VVD remained prime minister. Wilders's far-right, anti-immigration Party for Freedom (PVV) dropped from 24 seats to 15. In total, 11 parties are represented in the House of Representatives.

Provincial elections were held in March 2015. The VVD won the largest share of the vote, but the center-right Christian Democratic Appeal (CDA) and left-liberal Democrats 66 (D66) had strong showings. Provincial councilors voted for members of the Senate in May. The VVD remained the largest party with 13 seats, while the PvdA dropped from 14 seats to 8; the CDA increased its share to 12 seats, and the D66 to 10.

Mayors are appointed from a list of candidates submitted by the municipal councils, which are directly elected every four years. Foreigners who have resided in the country for at least five years are eligible to vote in local elections.

B. Political Pluralism and Participation: 16 / 16

Political parties operate freely and regularly rotate in and out of power. The PVV has won parliamentary representation since 2006 on the basis of an anti-immigration and Euroskeptic platform. After the 2010 elections it became the third-largest party and provided external support to a minority coalition government of the VVD and CDA. When Wilders withdrew his support in 2012, protesting budget cuts aimed at meeting EU deficit limits, the government collapsed and new elections were called. In June 2015, Wilders formed a far-right bloc in the European Parliament with France's National Front and representatives of parties in five other member states. Minority groups participate freely in the political process, and political parties represent their interests.

C. Functioning of Government: 12 / 12

The Netherlands is generally free from corruption. The country ranked 5 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. However, the Organisation for Economic Co-operation and Development (OECD) criticized the Netherlands in 2013 for its failure to adequately enforce laws against bribery by Dutch individuals and companies doing business abroad. A May 2015 report from the OECD notes that the Netherlands has made significant progress on this front, although several recommendations have not yet been implemented.

Laws are in place recognizing the right to access information. These laws do not extend to legislative and judicial bodies.

Civil Liberties: 59 / 60

D. Freedom of Expression and Belief: 16 / 16

The news media are free and independent. The Netherlands has had lèse majesté laws in place since 1881. Although these laws are rarely enforced, in May, prosecutors initiated proceedings against antiracism activist Abulkasim al-Jaberi. Jaberi had used profane language against King

Willem-Alexander during a 2014 tirade against the popular folkloric character Black Pete, who often appears as an accomplice to St. Nicholas. There has been widespread disagreement on the racist nature of the character, with many analysts contending that the use of blackface represents chimney soot. In an August 2015 news conference, Prime Minister Rutte stated that the issue is a societal one and outside of the government's sphere.

The constitution guarantees freedom of religion, and the Netherlands has a reputation as a tolerant society. However, rising anti-immigrant sentiment in recent years has been accompanied by more open expression of anti-Islamic views. The PVV is vocal in its criticism of Islam. In July 2015, Austrian prosecutors announced that they are investigating Wilders for alleged incitement of hatred. At a political event in Vienna in March, Wilders reportedly compared the Koran to Hitler's *Mein Kampf* and demanded its banning. In December 2014, Dutch prosecutors said that Wilders would be charged with "insulting a specific group based on race and inciting discrimination and hatred" as a result of his anti-Moroccan remarks during a campaign rally the previous March. Wilders will go on trial in 2016. In June 2015, Minister of Social Affairs and Employment Lodewijk Asscher said that he is considering a proposal that would give foreign imams the opportunity to take a course on Dutch language and culture before they move to the Netherlands. Under existing regulations, imams and other spiritual leaders recruited from Muslim countries must take a one-year integration course, like other immigrants, before practicing in the Netherlands.

In May 2015, the cabinet approved a ban on clothing that covers the face in public settings, including schools, hospitals, public transportation, and government buildings, which had been called for in the 2012 VVD-PvdA coalition agreement. Violators can be fined up to €405 (\$448). Both legislative chambers must approve the law before it will enter into force.

Academic freedom is well protected. Private discussion is not restricted, and the government does not limit internet access or censor online content. In March 2015, a judge ruled that Dutch laws on data retention by telephone companies and internet providers violated users' right to privacy.

E. Associational and Organizational Rights: 12 / 12

Freedoms of assembly and association are respected in law and in practice. National and international human rights organizations operate freely without government intervention. Workers' rights to organize, bargain collectively, and strike are protected.

F. Rule of Law: 15 / 16

The judiciary is independent, and the rule of law prevails in civil and criminal matters. The right to a fair trial is in place and is enforced effectively. The police are under civilian control, and prison conditions meet international standards.

The constitution expressly prohibits discrimination on the grounds of religion, political opinion, race, and sex, and the population is generally treated equally under the law. The law also prohibits discrimination on the basis of sexual orientation, although the constitution does not enshrine this protection. Foreigners from outside the European Economic Area, Switzerland, and Turkey are required to pass a basic integration exam before relocating to the Netherlands.

The country's asylum policies have attracted considerable criticism for being unduly harsh and violating international standards. Under Dutch guidelines, authorities are not allowed to detain asylum seekers for longer than three months. However, the national ombudsman and nongovernmental organizations such as Amnesty International have claimed that these guidelines

have been violated. In 2013, the Conference of European Churches submitted a complaint against the Netherlands for violating the country's obligations under the European Social Charter to provide everyone living in the country with shelter, health care, food, and clothing. In 2014, the CoE found the Netherlands in violation of the charter and, in April 2015, reaffirmed that decision.

An August decision to deport all four members of an Angolan-Dutch family, who had been in the Netherlands for 15 years despite a rejected asylum application, caused considerable controversy. As a former soldier in the Angolan army, the father is a potential war criminal and thus not eligible for refugee status; his children are also not covered by the amnesty law. However, after facing widespread criticism from child rights advocates and lawmakers, the Justice Ministry allowed all family members except the father to stay.

Asylum policy has proven a point of contention within the coalition government. The VVD has argued that municipalities should refrain from providing services to asylum seekers whose applications have been rejected. The PvdA contends that the country has a humanitarian obligation to all within its borders, and that failure to uphold this duty violates the CoE's April 2015 decision. In a compromise leaving both sides dissatisfied, the parties announced in April that fewer shelters will be made available to rejected asylum seekers, and only to those who can demonstrate that they are trying to leave the country.

G. Personal Autonomy and Individual Rights: 16 / 16

Residents generally enjoy freedom of movement and choice of residence, employment, and institution of higher education. Property rights are upheld.

The government vigorously enforces legal protections for women, including in employment and family law. Women hold 58 of 150 seats in the House of Representatives and 26 of 75 seats in the Senate. The Netherlands was the first country in the world to legalize same-sex marriage, in 2001.

While the Netherlands is a source country, destination, and transit point for human trafficking, the government makes strong efforts to combat it through prosecutions, trainings, and other measures.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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