



Country report 2024 on anti-discrimination: highlights



Netherlands



Political Landscape:

The Netherlands is a decentralised, unitary state with a parliamentary system of government. The political landscape is highly fragmented, with 15 parties represented in the Second Chamber after the 2023 elections. The radical right, represented by parties like the Freedom Party (PVV) and Forum for Democracy (FvD), has gained significant influence.



Migration and Demographics:

As of 2020, 24% of the Dutch population had a migration background, with significant groups from Turkey, Morocco, Suriname, and Poland. The population is religiously diverse, though 51% identify as non-religious.



International Commitments:

The Netherlands adheres to a monist theory of international law, meaning international norms, including those related to equal treatment and non-discrimination, can be directly applied by Dutch courts.



Anti-Discrimination Legislation

Key legislation includes the General Equal Treatment Act (GETA), Disability Discrimination Act (DDA), and Age Discrimination Act (ADA). These laws often go beyond EU directives.



Concept of Discrimination:

Dutch law uses the term "distinction" instead of "discrimination," which might imply possible justification. However, in practice, the laws align with EU directives and prohibit unjustified distinctions.



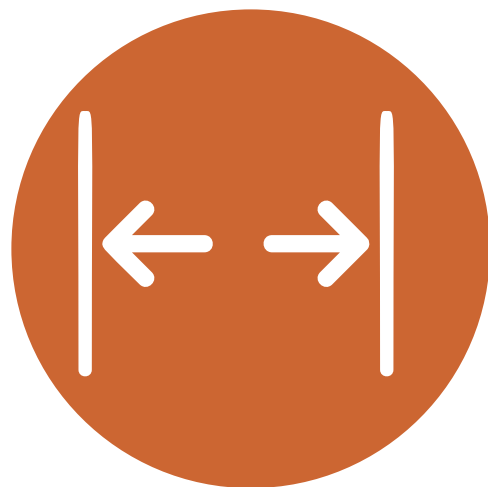
Enforcement Mechanisms:

The Netherlands Institute for Human Rights (NIHR) is the primary equality body, offering non-binding but authoritative opinions on discrimination cases. The local Anti-Discrimination Services (ADV's) assist victims and register complaints.



Challenges and Concerns:

Despite robust legislation, structural discrimination persists in Dutch society, particularly against ethnic minorities, women, LGBTIQ individuals, and persons with disabilities. Political discourse has increasingly normalised xenophobic and racist attitudes.



Gaps in Legislation:

Certain aspects of Dutch law, such as the definitions of harassment and instructions to discriminate, may not fully comply with EU directives. Additionally, the use of ethnic criteria in risk profiling raises concerns about indirect discrimination.



Positive Developments:

Recent initiatives include expanding the scope of the GETA to cover unilateral government acts, improving anti-discrimination measures in housing, and addressing discrimination risks in the use of algorithms.



Equality Data:

The lack of disaggregated equality data hampers the monitoring of discrimination prevalence and the formulation of effective anti-discrimination policies.