

# **Coronavirus pandemic in the EU – Fundamental Rights Implications**

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**Date:** 2 July 2020

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# 1 Measures taken by government/public authorities

## 1.1 Emergency laws/states of emergency

In **the Netherlands**, regional emergency ordinances (*noodverordeningen*) have been implemented in the 25 Safety Regions (*veiligheidsregio's*) on basis of article 39 of the Safety Regions Act (*Wet veiligheidsregio's*)<sup>1</sup> and article 176 of the Municipality Act (*Gemeentewet*)<sup>2</sup>. These emergency ordinances are adopted by the mayor of the central municipality in his or her capacity as chair of the Safety Region without any review by the Municipal Councils (*Gemeenteraden*). These regional emergency ordinances are separate (each safety region has its own ordinance) but almost identical. The model of these emergency ordinances is drafted by the Ministry of Justice and Security and published by the Safety Council (*Veiligheidsberaad*) which represents all the Safety Regions. The first model was published on 16 March 2020.<sup>3</sup> Subsequently regional emergency ordinances were implemented in all Safety Regions based on this first model. The latest model was published on 12 June 2020.<sup>4</sup> Subsequently, on 15 June 2020 in all Safety Regions emergency ordinances based on this latest model took force and are still in force at the end of June. These new emergency ordinances replaced the previous ordinances. The emergency ordinances of 15 June 2020 impose wide reaching restrictions on public life and private life. For example: authorities will take action against groups of 3 or more people in public spaces, who do not keep the required 1.5 metres distance from each other (with the exception of children under the age of 12 or people who share a household ; persons who accompany people with a disability; persons with contact-based professions; teenagers aged 13 to 18 while participating in organised outdoor sports activities ). The latest emergency ordinances of 15 June 2020 are amended in line with the lifting of several restrictions on public life while maintaining the 1.5 meter distance rule, including : restaurants, cafés and bars may have up to 30 guests inside but guests who are not members of the same household must stay 1.5 metres apart; the opening of museums and heritage sites ; the opening of libraries ; the opening of cinemas, theatres and concert halls to 30 guests per auditorium; the opening of music schools and arts centres up to 30 people; the opening of zoos and amusement parks.

The **Dutch Government** announces in a news release that from 1 July the 1.5 metre distance rules remain in effect (both outdoors and indoors) but restaurants, cafés, bars, cinemas, theatres and concert halls may have a maximum number of 100 guests. No maximum number of guests applies if they have their own seat under the 1.5-meter distance rule.<sup>5</sup>

In **the Netherlands**, the national government intends to replace the regional emergency ordinances (*noodverordeningen*) by a special national act 'Emergency Act on measures against COVID-19'

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<sup>1</sup> The Netherlands, Safety Regions Act (*Wet Veiligheidsregio's*), Article 39, available at: [https://wetten.overheid.nl/BWBR0027466/2020-01-01/#Paragraaf9\\_Artikel39](https://wetten.overheid.nl/BWBR0027466/2020-01-01/#Paragraaf9_Artikel39)

<sup>2</sup> The Netherlands, Municipality Act (*Gemeentewet*), Article 176, available at: [https://wetten.overheid.nl/BWBR0005416/2020-01-01/#TiteldeelIII\\_HoofdstukXI\\_Artikel176](https://wetten.overheid.nl/BWBR0005416/2020-01-01/#TiteldeelIII_HoofdstukXI_Artikel176)

<sup>3</sup> The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), 'Landelijke model-noodverordening voor de veiligheidsregio's', News release, 17 March 20, available at: <https://www.veiligheidsberaad.nl/2020/03/17/landelijke-model-noodverordening-voor-de-veiligheidsregios/>

<sup>4</sup> The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Modelnoodverordening COVID-19 bij aanwijzing van 12 juni 2020, available at: [https://www.veiligheidsberaad.nl/?jet\\_download=4089](https://www.veiligheidsberaad.nl/?jet_download=4089)

<sup>5</sup> The Netherlands, Dutch Government (2020), 'From 1 July: staying 1.5 metres apart remains the norm', News release, 24 June 2020, available at: <https://www.government.nl/latest/news/2020/06/24/from-1-july-staying-1.5-metres-apart-remains-the-norm>

(*Tijdelijke wet maatregelen covid-19*) . On 28 May 2020 the government sent the draft bill for this act<sup>6</sup> to several stakeholders for consultation. Media reported that the Advisory Division of the Council of State (*Raad van State*) had fundamental criticism on the draft bill.<sup>7</sup> The Council of State comments on all draft bills before the definitive bill is sent to Parliament. This advice of the Council of State is not published yet. The comments of the Council often lead to changes in the bill. Government intended this act to take effect on by 1 July 2020, but on 19 June 2020 the government informed parliament that the implementation of the Act will be postponed at least until September. <sup>8</sup>

In the meantime, several stakeholders voice fundamental criticism on the draft bill. The **Netherlands Institute for Human Rights** (*College voor de Rechten van de Mens*) states in its advice that the implementation of this act is a necessary and important step in the fight against COVID-19 because the legal basis of the present regional emergency ordinances is too shaky.<sup>9</sup> At the same time the Netherlands Institute for Human Rights specifies several deficiencies in the present draft bill. The draft bill contains several measures which the government can use in the fight against the spread of COVID-19 and which have major implications for many human rights including freedom of movement, the right to private life, the freedom of assembly and demonstration and the freedom of religion. The government may restrict these freedom rights to protect public health, but this should not go beyond what is really necessary to prevent the spread of COVID-19. If less drastic measures are possible with which the government adequately protects public health, then the government should opt for this. Although the legislator mentions this in the explanatory memorandum to the bill, the Institute recommends that this consideration be made more concrete and precise, by substantiating more fully why the proposed measures are necessary. The draft bill leaves room for the chairs of the Safety regions to continue to legislate through emergency ordinances in addition to the powers that the draft bill wants to create. In addition, the law gives a kind of "safety net authority" to the Minister of Health, Welfare and Sport to take measures that are not provided for by the law. According to the Institute, both options involve human rights risks. The Institute believes that the text of the bill and the explanatory memorandum to the bill should provide more clarity so that the government will only use these options in very exceptional circumstances. <sup>10</sup>

The **National Ombudsman** expresses in a letter to the Minister of Interior its concerns about the draft bill.<sup>11</sup> The bill and its explanatory memorandum deals too narrowly with the restrictions on fundamental rights imposed by the measures in the bill. Furthermore, it is not clear which authority decides on which measures, what considerations are being made in decisions to impose a measure,

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<sup>6</sup> The Netherlands, Minister of Health, Welfare and Sport / Minister of Justice and Security / Minister of Interior and Kingdom Relations (*Minister van Volksgezondheid, Welzijn en Sport / Minister van Justitie en Veiligheid / Binnenlandse Zaken en Koninkrijksrelaties*) (2020), *Tijdelijke wet maatregelen covid-19*. Concept wetsvoorstel, available at: [https://www.gemeente.nu/content/uploads/sites/5/2020/06/twm\\_covid-19\\_consultatieversie.pdf](https://www.gemeente.nu/content/uploads/sites/5/2020/06/twm_covid-19_consultatieversie.pdf)

<sup>7</sup> RTL (2020), 'Veelbesproken coronawet aangepast en uitgesteld: '1 juli is niet haalbaar', News release, 19 June 2020, available at: <https://www.rtlnieuws.nl/nieuws/politiek/artikel/5160096/tijdelijke-wet-voor-coronamaatregelen-1-september-streven-voor>

<sup>8</sup> The Netherlands, Minister of Health, Welfare and Sport (*Minister van Gezondheid, Welzijn en Sport*) (2020), 'Planning Tijdelijke wet maatregelen', Letter to House of Representatives, 19 June 2020, available at:

<sup>9</sup> The Netherlands, Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*) (2020), Aandachtspunten bij het voorstel voor een Tijdelijke wet maatregelen covid-19. Spoedadvies, available at: <https://mensenrechten.nl/nl/publicatie/5ed908751efec037359c284>

<sup>10</sup> The Netherlands, Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*) (2020), Aandachtspunten bij het voorstel voor een Tijdelijke wet maatregelen covid-19. Spoedadvies, available at: <https://mensenrechten.nl/nl/publicatie/5ed908751efec037359c284>

<sup>11</sup> The Netherlands, National Ombudsman (*Nationale Ombudsman*) (2020), 'Reactie wetsvoorstel Tijdelijke wet maatregelen covid-19', Letter tot he Minister of Interior and Kingdom Relations, 4 June 2020, available at: [https://www.nationaleombudsman.nl/system/files/bijlage/Brief%20aan%20minister%20BZK%20inzake%20Wetsvoorstel%20Tijdelijke%20wet%20maatregelen%20covid-19%20284%20juni%202020%29\\_0.pdf](https://www.nationaleombudsman.nl/system/files/bijlage/Brief%20aan%20minister%20BZK%20inzake%20Wetsvoorstel%20Tijdelijke%20wet%20maatregelen%20covid-19%20284%20juni%202020%29_0.pdf)

and which remedies are available when citizens face decisions that concern their interests and needs. The Council for the Judiciary (*Raad voor de Rechtspraak*) criticized in a letter to the Minister of Justice and Security the lack of clarity in the draft bill.<sup>12</sup> It stresses that the draft bill was made under great time pressure. But because this draft bill and the (as yet unknown) regulations based on it may result in major restrictions of fundamental rights such as the right to privacy, family life, freedom of association, assembly and demonstration and freedom of religion, care must be taken. The Council deplores the lack of an extensive test against the Constitution and international (human rights) treaties in the explanatory memorandum to the bill. The Council is also of the opinion that the draft bill should pay more attention to the special position of vulnerable groups such as the visually impaired and people with a mild intellectual disability.

In **the Netherlands** the regional emergency ordinances do not ban public demonstrations outright, but demonstration may be limited or banned by the chair of the Safety Region under the regional emergency ordinance. On 1 June 2020 a Black Lives Matter demonstration was held in Amsterdam on the Dam Square to protest against racism in the wake of the worldwide protests against the death of George Floyd. Organisers urged all participants to wear a mask or face protection and maintain 1.5 meter distance at all times. The mayor of Amsterdam (as chair of the safety region) gave permission the demonstration. Authorities told news outlet NL Times they had initially been expecting some 500 people to show up.<sup>13</sup> The actual number, which the municipality said was closer to ten times the original estimate, came as a surprise. It became so crowded that social distancing was impossible. The Mayor of Amsterdam was criticized in Parliament and the Amsterdam Municipal Council because of her decision not to disband the demonstration. The mayor apologized in the Municipal that the city authorities had not communicated to warn people about the crowd on Dam Square, and had not called on demonstrators to leave. Following the demonstration in Amsterdam, demonstrations against racism were held in several places in the Netherlands. For example : on 2 June 2020 in The Hague, on 3 June 2020 in Rotterdam, on 5 June 2020 in Utrecht and on 10 June in Amsterdam. During the demonstrations social distancing was maintained except for the demonstration in Rotterdam which was at the end disbanded.

In **the Netherlands**, the antilock down action group virus madness (*viruswaanzin*) wanted to demonstrate in The Hague against all freedom-restricting lock-down measures on 21 June 2020 and 28 June 2020. Both demonstrations were banned by the mayor of The Hague (as chair of the safety region). The demonstration on 21 June was banned because the demonstration could be larger than the organizers had announced.<sup>14</sup> As a result, the 1.5 meter rule could not be observed. In both cases the antilock down group challenged the Mayor's decision in the court. In both cases, on 19 June 2020<sup>15</sup> and on 27 June 2020<sup>16</sup>, the preliminary relief judge (*voorzieningenrechter*) of the District Court the Hague decided in favour of the Mayor of The Hague. On 21 June, despite the ban, some 2,000 protesters came to The Hague. The Mayor decided therefore to give permission for a smaller, shorter

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<sup>12</sup> The Netherlands, Council for the Judiciary (*Raad voor de Rechtspraak*) (2020), 'Advies Tijdelijke wet maatregelen covid-19', 'Letter to the Minister of Justice and Security, 10 June 2020, available at:

<https://www.rechtspraak.nl/SiteCollectionDocuments/2020-19-advies-tijdelijke-wet-maatregelen-covid-19.pdf>

<sup>13</sup> Mühlberg, B. 'Roughly 5,000 join Black Lives Matter protest on Dam Square', *NL Times*, 1 June 2020, available at:

<https://nltimes.nl/2020/06/01/roughly-5000-join-black-lives-matter-protest-dam-square-work>

<sup>14</sup> NOS (2020), 'Coronaprotest in Den Haag verboden, organisatoren stappen naar rechter', 19 June 2020, available at:

<https://nos.nl/artikel/2337788-coronaprotest-in-den-haag-verboden-organisatoren-stappen-naar-rechter.html>

<sup>15</sup> The Netherlands, District Court The Hague (*Rechtbank Den Haag*) (2020), Case nr. SGR 20 / 4222, 19 June 2020, ECLI:NL:RBDHA:2020:5577, available at: ECLI:NL:RBDHA:2020:5577

<sup>16</sup> The Netherlands, District Court The Hague (*Rechtbank Den Haag*) (2020), Case nr AWB - 20 \_ 4354 , 27 June 2020, ECLI:NL:RBDHA:2020:5865, available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2020:5865>

version of demonstration when people started gathering anyway, under the condition that everyone stays 1.5 meters apart. The police intervened when a group of demonstrators, according to the police football supporters, sought confrontation with the police at The Hague Central Station.<sup>17</sup> The police arrested about 400 protesters. On 28 June around 200 people showed up for the banned demonstration in The Hague. The police kept them away from the Malieveld, where the organizers wanted to hold the demonstration. 37 people were arrested for refusing to leave, news programme 'RTL Nieuws' reported.<sup>18</sup>

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

In **the Netherlands**, physical distancing in public places is imposed by article 2.2 of the regional emergency ordinances. The regional emergency ordinances are based on a model provided by the national government.<sup>19</sup> These regional ordinances are amended regularly. On 12 June 2020, the latest version of these emergency ordinances took effect based again on a model provided by the national government.<sup>20</sup> Subsequently, on 15 June 2020 in all Safety Regions emergency ordinances based on this latest model took force and are still in force at the end of June. Article 2.2 of the latest regional emergency ordinances prohibits any gathering of 3 or more people in public spaces, who do not keep the required 1.5 metres distance from each other with the exception of children under the age of 12 or people who share a household; persons who accompany people with a disability; persons with contact-based professions; teenagers aged 13 to 18 while participating in organised outdoor sports activities. Enforcement is maintained by police officers and special enforcement officers (*buitengewone opsporingsambtenaren*) by issuing a fine of €390. People who are fined get a criminal record.

In **the Netherlands**, the Government announced in a news release that from 1 July the 1.5 metre distance rules remain in effect in public spaces (both outdoors and indoors) but restaurants, cafés, bars, cinemas, theatres and concert halls may have a maximum number of 100 guests. No maximum number of guests applies if they have their own seat under the 1.5 meter distance rule.<sup>21</sup>

In **the Netherlands**, there are no official figures about the number of fines imposed by the police and special enforcement officers while enforcing physical distancing, but several news outlets have reported about the number of fines imposed. On 29 June 2020 Dutch daily newspaper 'NRC' reported that approximately 1,000 fines were imposed for failing to comply with the 1.5 metre rule or with

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<sup>17</sup> NRC (2020), 'Politie Den Haag: vierhonderd arrestaties verricht', NRC, 21 June 2020, available at: <https://www.nrc.nl/nieuws/2020/06/20/coronablog-21-juni-a4003497>

<sup>18</sup> RTL Nieuws (2020), '37 arrestaties bij verboden demonstratie op Malieveld', News item, 28 June 2020, available at: <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5168198/malieveld-viruswaanzin-demonstratie>

<sup>19</sup> The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Modelnoodverordening COVID-19 bij aanwijzing van 8 mei 2020, available at: [https://www.veiligheidsberaad.nl/?jet\\_download=4045](https://www.veiligheidsberaad.nl/?jet_download=4045)

<sup>20</sup> The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Modelnoodverordening COVID-19 bij aanwijzing van 12 juni 2020, available at: [https://www.veiligheidsberaad.nl/?jet\\_download=4089](https://www.veiligheidsberaad.nl/?jet_download=4089)

<sup>21</sup> The Netherlands, Dutch Government (2020), 'From 1 July: staying 1.5 metres apart remains the norm', News release, 24 June 2020, available at: <https://www.government.nl/latest/news/2020/06/24/from-1-july-staying-1.5-metres-apart-remains-the-norm>

the ban on public gatherings.<sup>22</sup> That is the same number as reported by public broadcaster NOS on 22 May 2020.<sup>23</sup> It is not clear whether in the month June no fines were imposed or that they no new figures on fines were disclosed to press outlets since 22 May.

## 1.2.2 Education

In **the Netherlands** the primary schools reopened their doors for pupils on a part time basis and child care facilities reopened their doors fully on 11 May 2020<sup>24</sup> On 8 June 2020 the primary schools reopened fully. On schools a protocol applies for hygiene and how to deal with children with a fever or a cold.<sup>25</sup> There was a lot of confusion about the latter, since many children in their early ages have a chronic nose cold and therefore were not allowed to go to school or day-care. On 16 June 2020 the National Institute for Public Health and the Environment (RIVM) changed the guideline for children with a nose cold. Since then children up to the age of six with a snot nose no longer have to stay at home from school or day-care.<sup>26</sup>

In **the Netherlands**, the Education Council (*Onderwijsraad*) - the government's main advisory body in the field of education – advice targeted investments to prevent Dutch education from derailing due to the COVID-19 crisis.<sup>27</sup> One advice concerns the growing inequality between pupils. According to the Education Council, inequalities in education that existed before the pandemic are now even worse. Children from vulnerable families were more affected by the crisis, because their parents couldn't help them with their school work or they didn't have access to the technology needed for distance learning, for example. On 16 June 2020 the Minister of Education announced to spend €244 million on pupils and students in vulnerable positions that were affected by the COVID-19 crisis.<sup>28</sup> The Municipality of Rotterdam announced free summer schools for 6,000 pupils and students (primary and secondary schools) who have fallen behind due to the corona lockdown to catch up.<sup>29</sup>

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<sup>22</sup> Driessen, C. (2020), 'Wat kan ik doen tegen een coronaboete?', NRC, 29 June 2020, available at: <https://www.nrc.nl/nieuws/2020/06/29/wat-kan-ik-doen-tegen-een-coronaboete-a4004329>

<sup>23</sup> Nos (2020), 'Bijna helft coronaboetes niet in orde, bijna niemand maakt bezwaar', 22 May 2020, nos.nl, available at: <https://nos.nl/collectie/13824/artikel/2334719-bijna-helft-coronaboetes-niet-in-orde-bijna-niemand-maakt-bezwaar>

<sup>24</sup> The Netherlands, Ministry of Justice and Security / Ministry of Health, Welfare and Sport (*Ministerie van Justitie en Veiligheid / Ministerie van Gezondheid, Welzijn en Sport*) (2020), 'Changes to the coronavirus control measures from 11 May 2020', available at: <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands/changes-to-measures-from-11-may>

<sup>25</sup> The Netherlands, National Government (*Rijksoverheid*) (2020), 'Het coronavirus en basisonderwijs en speciaal onderwijs', Web page, available at: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/ouders-scholieren-en-studenten-kinderopvang-en-onderwijs/basisonderwijs-en-speciaal-onderwijs>

<sup>26</sup> Nu.nl (2020), 'RIVM herzielt richtlijn: kind met snotneus mag toch naar school en opvang', News item, 16 June 2020, available at: <https://www.nu.nl/binnenland/6058481/rivm-herzielt-richtlijn-kind-met-snotneus-mag-toch-naar-school-en-opvang.html>

<sup>27</sup> The Netherlands, Education Council (*Onderwijsraad*) (2020), *Vooruitzien voor jonge generaties. Tweede advies over de gevolgen van de coronacrisis voor het onderwijs*, available at: <https://www.onderwijsraad.nl/binaries/onderwijsraad/documenten/adviezen/2020/06/09/advies-vooruitzien-voor-jonge-generaties/Advies+Vooruitzien+voor+jonge+generaties.pdf>

<sup>28</sup> The Netherlands, Minister of Education, Culture and Science (*Minister van Onderwijs, Cultuur en Wetenschap*) (2020), 'Advies Onderwijsraad 'Vooruitzien voor jonge generaties'', Letter to House of Representatives Ministry of Education, Culture and Science, 16 June 2020, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/06/16/advies-onderwijsraad-vooruitzien-voor-jonge-generaties/advies-onderwijsraad-vooruitzien-voor-jonge-generaties.pdf>

<sup>29</sup> De Telegraaf (2020), '6000 Rotterdamse leerlingen met achterstand door corona naar zomerschool', De Telegraaf, 12 June 2020, available at: <https://www.telegraaf.nl/nieuws/1760569112/live-6000-rotterdamse-leerlingen-met-achterstand-door-corona-naar-zomerschool>

In **the Netherlands**, secondary education schools reopened on 2 June 2020.<sup>30</sup> Between students, between students and staff, and between staff members, 1.5 meters should always be kept. This means only one third or one fourth of all pupils can be in school at the same time and classes are spread out. Also to limit the pressure on public transport and to avoid crowds in the public space, students do not go to school at the same time.<sup>31</sup> The central exams of this year were cancelled, and students passed school based on the results of their school exams. For secondary schools with students who have special needs, more customization is required to keep distance between children en between students and staff. Therefore the 1.5 meter distance rule applies as much as possible in these schools. On 10 June 2020 the VO-raad (representing schools in secondary education) wrote that 56% of all school leaders that filled in a survey, indicated that it is a great challenge to monitor the 1.5 meters always and everywhere, especially in the corridors and schoolyards.<sup>32</sup>

In **the Netherlands** criticism is growing among parents of students in secondary schools. Their main criticism is the lack of perspective for the students. The parents see their children becoming numb, lifeless and no longer seeing the use of learning words or making math assignments, newspaper 'Trouw' writes.<sup>33</sup> Also many parents worry about the great differences between schools and fear for study delays.<sup>34</sup> Due to this pressure, the Minister of Education announced on 24 June 2020 that secondary schools can be fully opened again after the summer holidays, on the condition that schools take hygiene measures and that the coronavirus has not flared up before then. Students do not have to keep distance from each other, except from the teachers.<sup>35</sup>

In **the Netherlands**, on 17 June 2020 the Minister of Education reported that there were still 580 pupils missing in schools. 430 pupils in primary school; 50 students in secondary schools and 100 students in secondary school for children with special needs. In April 2020 there were 5200 students missing.<sup>36</sup>

In **the Netherlands**, MBO schools (secondary vocational schools) have been closed since 15 March 2020. Only exams were and the supervision of vulnerable students continued to take place physically. All other education was offered digitally if that was possible. During the corona crisis, many MBO-students were confronted with withdrawn internships and discontinued practical education. This puts them at risk on study delay and not being able to move on to higher education forms. The Ministry of Education developed an aid scheme, costing €68 million, for these students and schools. In this way, the schools can offer summer schools or in other ways enable students to catch up to support students

<sup>30</sup> The Netherlands, National Government (Rijksoverheid), 2020, Het coronavirus en basisonderwijs en speciaal onderwijs, web page, available at: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/ouders-scholieren-en-studenten-kinderopvang-en-onderwijs/basisonderwijs-en-speciaal-onderwijs>

<sup>31</sup> CNV Onderwijs, AOb, FvOv and VO-raad (2020), 'Protocol van de sociale partners: Opstart voortgezet onderwijs', available at: [https://www.vo-raad.nl/system/downloads/attachments/000/000/949/original/Protocol\\_Opstart\\_VO.pdf?1590000696](https://www.vo-raad.nl/system/downloads/attachments/000/000/949/original/Protocol_Opstart_VO.pdf?1590000696)

<sup>32</sup> VO-raad (2020), 'Schoolleiders: 1,5 meter afstand houden grote uitdaging', News item, 10 June 2020, available at: <https://www.vo-raad.nl/nieuws/schoolleiders-1-5-meter-afstand-houden-grote-uitdaging>

<sup>33</sup> Van Baars, L. (2020), 'Ouders in opstand tegen gebrek aan perspectief op middelbare school: Onze kinderen vervlakken', Trouw, 16 June 2020, available at: <https://www.trouw.nl/binnenland/ouders-in-opstand-tegen-gebrek-aan-perspectief-op-middelbare-school-onze-kinderen-vervlakken~b382c298/>

<sup>34</sup> NOS (2020), 'Verschillen middelbare scholen groeien in coronatijd, ouders vrezen achterstand', NOS, 17 June 2020, available at: <https://nos.nl/nieuwsuur/artikel/2337587-verschillen-middelbare-scholen-groeien-in-coronatijd-ouders-vrezen-achterstand.html>

<sup>35</sup> NOS (2020), 'Middelbare scholen na de zomer weer helemaal open', NOS, 22 June 2020, available at: <https://nos.nl/artikel/2338142-middelbare-scholen-na-de-zomer-weer-helemaal-open.html#:~:text=Middelbare%20scholen%20kunnen%20na%20de%20zomervakantie%20weer%20helemaal%20open.&text=Leerlingen%20gaan%20in%20groepen%20naar,dat%20dus%20de%20hele%20week.>

<sup>36</sup> NOS (2020), 'Nog 580 leerlingen zoek, Slob blij met 'forse afname'', live blog NOS, 17 June 2020, available at: <https://nos.nl/liveblog/2337517-coronascherm-voor-in-de-auto-mag-niet-geen-nederlandse-kermispretparken.html>

in achieving their diploma.<sup>37</sup> On 15 June 2020, also practical lessons in limited forms, are allowed at MBO schools, with observance of the hygiene measures and the 1.5 meter distance rule. Also schools are only allowed to offer education outside rush hours, to avoid crowds in public transport.<sup>38</sup> MBO schools therefore consider offering classes in weekends and throughout summer.<sup>39</sup> Moreover, MBO schools, students organisations and unions are advocating to fully reopen MBO-schools for first-years students after the summer break, since most of the students are under the age of 18 and will be disadvantaged by their peers who are in secondary school.<sup>40</sup>

In **the Netherlands**, since 15 March 2020 schools for higher vocational education or HBO-schools and universities have been providing distance education to students. Since 15 June 2020, limited educational and research activities are again allowed to take place, with the compliance of 1.5-meter distance. However, this education is only allowed outside rush hours, to avoid crowds in public transport.<sup>41</sup> HBO-schools and universities have indicated that the limited time is not enough to catch up all missed practical lessons. Due to the missing of practical training, cancelled internships and classes, many students are facing a delay in their studies. The Netherlands now has 54,000 more students with a study delay than in 2018, the last known year. A month's study delay will cost students about 1,000 euros. Final-year students who must re-enrol after the summer holiday due to the corona crisis can receive three months tuition fees back. However other students are not compensated.<sup>42</sup> The Education Council (*Onderwijsraad*), the government's main body when it comes to education, warns the government that the economic consequences of the coronavirus mean that the labour market is looking a lot less rosy for graduates, which can cause uncertainty, stress and demotivation.<sup>43</sup> The government should therefore push extra money into guaranteeing internships and apprenticeships, the Council said.

### 1.2.3 Work

In **the Netherlands**, figures published by Divosa, the Dutch association for municipal social domain management, in news release show that an increasing amount of people are dependent on welfare since the start of the corona crisis.<sup>44</sup> The influx is growing in all age groups, but is strongest among people under the age of 35. Since March, the inflow into social assistance for people under the age of

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<sup>37</sup> Mbo-raad (2020), UPDATE CORONACRISIS – Kabinet zegt steunregeling toe voor inlopen achterstanden, Mbo-raad 15 May 2020, available at: <https://www.mbo-raad.nl/nieuws/update-coronacrisis-%E2%80%93-kabinet-zegt-steunregeling-toe-voor-inlopen-achterstanden>

<sup>38</sup> The Netherlands, National Government (*Rijksoverheid*) (2020), 'Veelgestelde vragen over het coronavirus en mbo', web page, available at: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/ouders-scholieren-en-studenten-kinderopvang-en-onderwijs/middelbaar-beroepsonderwijs-mbo>

<sup>39</sup> Van Gaalen, E. (2020), 'Mbo-scholen overwegen ook op zaterdag les te geven', *Algemeen Dagblad*, 26 May 2020, available at: <https://www.ad.nl/binnenland/mbo-scholen-overwegen-ook-op-zaterdag-les-te-geven~a436e572/>

<sup>40</sup> Van Baars, L. (2020), 'Voor een 17-jarige mbo'er geldt de 1,5 meter wél, voor een 17-jarige vwo'er niet', *Trouw*, 25 June 2020, available at: <https://www.trouw.nl/binnenland/voor-een-17-jarige-mbo-er-geldt-de-1-5-meter-wel-voor-een-17-jarige-vwo-er-niet~bf58b4f3/>

<sup>41</sup> The Netherlands, National Government (*Rijksoverheid*) (2020), 'Veelgestelde vragen over het coronavirus en het hoger onderwijs', web page, available at: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/ouders-scholieren-en-studenten-kinderopvang-en-onderwijs/hogescholen-en-universiteiten-hoger-onderwijs>

<sup>42</sup> NOS (2020), 'Tienduizenden studenten lopen door coronacrisis studievertraging op', news item, 16 June 2020, available at: <https://nos.nl/artikel/2337407-tienduizenden-studenten-lopen-door-coronacrisis-studievertraging-op.html>

<sup>43</sup> The Netherlands, Education Council (*Onderwijsraad*) (2020), *Vooruitzien voor jonge generaties. Tweede advies over de gevolgen van de coronacrisis voor het onderwijs*, available at: <https://www.onderwijsraad.nl/binaries/onderwijsraad/documenten/adviezen/2020/06/09/advies-vooruitzien-voor-jonge-generaties/Advies+Vooruitzien+voor+jonge+generaties.pdf>

<sup>44</sup> Divosa (2020), 'Vooral hogere instroom bijstand bij mensen jonger dan 35 jaar donderdag', News release, 4 June 2020, available at: <https://www.divosa.nl/nieuws/vooral-hogere-instroom-bijstand-bij-mensen-jonger-dan-35-jaar>



27 has grown by 55% and for 27-35 year olds by 58%. For the older age groups, the growth rate is between 19 and 32%. Normally there is an influx of people who temporarily appeal for social assistance, and then find work and leave again, but because of corona, the influx is much greater. The influx of young people into social assistance is always higher than that of the elderly, but the pattern is reinforced by the economic headwind. People under the age of 35 are more likely to have flexible contracts and have built up few or no unemployment benefits rights.

In **the Netherlands**, a study conducted by current affairs television programme 'EenVandaag' shows that over half of all young people in the Netherlands, aged between 16 and 34 years, believe that their generation has not been taken adequately into consideration during the country's COVID-19 response. Their main concerns include labour market uncertainty and troubles with flex contracts and study difficulties. Study was conducted among a sample of 2,337 respondents aged between 16 and 34 years.<sup>45</sup>

In **the Netherlands**, 12 financial schemes are implemented to support employers and employment during the Corona crisis.<sup>46</sup> The most important are Temporary Emergency Bridging Measure for Sustained Employment (*Tijdelijke Noodmaatregel Overbrugging voor Werkbehoud*) and Temporary bridging measure for self-employed professionals (*Tijdelijke overbruggingsregeling zelfstandig ondernemers* or Tozo). According to the latest figures, more than 2.5 million people receive money through these support measures, that is more than a quarter of the working population.<sup>47</sup>

In **the Netherlands** a financial scheme is opened for people with a flexible contract, who have (almost) no income and cannot receive a benefit due to the corona crisis: The Temporary Bridging Scheme for Flexible Workers (*Tijdelijke Overbruggingsregeling voor Flexibele Arbeidskrachten* or Tofa). From 22 June 2020 this scheme allows flex time workers who have had at least €400 in income in February 2020 to apply for income support of max. €550 gross per month for March, April, and May when the Coronavirus crisis has prevented them from making any money during this period. This scheme is therefore also available to students with a side job. The Tofa subsidy is not tax-free.

In **the Netherlands**, the trade union CNV published the results of a poll among its members, showing that 4% of the 1600 respondents indicated that they were asked for a wage sacrifice by their employers. For a large part (41%), the employer announced this without consultation. CNV also finds it worrying that nearly 1 in 10 expects to be asked for a wage sacrifice.<sup>48</sup>

In **the Netherlands**, the situation of labour migrants has been under scrutiny since May 2020. For many labour migrants it is impossible to keep their distance in their cramped homes, which increases the risk of a COVID-19 outbreak among labour migrants. Labour migrants are also very dependent on their employers, for instance for their work-home commute, which make them vulnerable, says the Employment Team for the Protection of Migrant Workers.<sup>49</sup> There have been COVID-19 outbreaks in

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<sup>45</sup> Kamphuis, L. (2020), *Jongeren en de coronacrisis*, 1VandaagOpiniepanel, 6 June 2020, available at: [https://eenvandaag.assets.avrotros.nl/user\\_upload/PDF/2020\\_06\\_06\\_jongeren\\_aanpak\\_toekomst\\_corona.pdf](https://eenvandaag.assets.avrotros.nl/user_upload/PDF/2020_06_06_jongeren_aanpak_toekomst_corona.pdf)

<sup>46</sup> The Netherlands, National Government (*Rijksoverheid*), 'Overzicht financiële regelingen', Web page, <https://www.rijksoverheid.nl/onderwerpen/coronavirus-financiële-regelingen/overzicht-financiële-regelingen>

<sup>47</sup> NOS (2020), 'Ruim kwart beroepsbevolking krijgt noodsteun', news item, 5 June 2020, available at: <https://nos.nl/artikel/2336326-ruim-kwart-beroepsbevolking-krijgt-noodsteun.html>

<sup>48</sup> CNV (2020), 'CNV-onderzoek: veel werkenden wordt gevraagd om loonoffer', news release, 21 June 2020, available at: <https://www.cnv.nl/actueel/nieuws/nieuwsdetail/cnv-onderzoek-veel-werkenden-wordt-gevraagd-om-loonoffer/>

<sup>49</sup> NOS (2020), 'Kans op besmetting met corona bij arbeidsmigranten is 'levensgroot'', News release, 11 June 2020, available at: <https://nos.nl/nieuwsuur/artikel/2336948-kans-op-besmetting-met-corona-bij-arbeidsmigranten-is-levensgroot.html>

a meat factory<sup>50</sup> and in two fruit companies where many labour-migrants from Poland and Romania work<sup>51</sup>.

#### 1.2.4 Access to justice

A news release **Netherlands Council of Judiciary** states that the Judiciary and the Public Prosecution Office have made plans to tackle the backlog of criminal cases arising from the corona crisis.<sup>52</sup> District courts and courts of appeal will work with extended opening hours, making evening hearings possible. In addition, more criminal cases are dealt with by a single chamber (1 judge) and the Public Prosecution Service will make more frequent use of the possibility of imposing its own criminal decision. The backlogs will also be made up by deploying former judges who have recently retired. New legislation is being drafted for this purpose.

In **the Netherlands**, court buildings were reopened in a limited way on 11 May 2020.<sup>53</sup> In a news release the Netherlands Council of Judiciary states that despite the limited accessibility of the courthouses the Judiciary managed to handle 75 percent of the criminal cases since the end of May.<sup>54</sup> This was mostly done online, in writing or by videoconferencing. So in June 2020 despite the reopening of the court houses most proceedings in criminal case were handled in writing or by videoconferencing.

In **the Netherlands**, the Minister for Legal Protection informed parliament by letter that the Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*) extends the options for visits and leave, from 16 June on. Visits will be possible at all prisons, using plexiglass barriers.<sup>55</sup> Visitors may also bring along a child aged four or younger. Those detained under a hospital order and young offenders will see their leave extended from one hour to two hours every week. In addition to being able to welcome parents and legal representatives, young offenders may also receive other visitors. Other measures will continue to apply, such as controlling the inflow and outflow of detainees

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<sup>50</sup> Smouter, K. (2020), 'De corona-uitbraak bij het vleesbedrijf Vion raakt arbeidsmigranten én toerisme', *NRC*, 2 June 2020, available at: <https://www.nrc.nl/nieuws/2020/06/02/de-worsteling-van-groenlo-vakantieoord-en-vleesstad-a4001539>

<sup>51</sup> Mühlberg, B. (2020), 'Coronavirus outbreak Gelderland Fruit Firms; 11% employees infected', *NL Times*, 6 June 2020, available at: <https://nltimes.nl/2020/06/06/coronavirus-outbreak-gelderland-fruit-firms-11-employees-infected>

<sup>52</sup> The Netherlands, Council for the Judiciary (Raad voor de Rechtspraak) (2020), 'Rechtspraak en OM werken corona-achterstanden weg', News release, 25 June 2020, available at: <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Rechtspraak-en-OM-werken-corona-achterstanden-weg.aspx>

<sup>53</sup> The Netherlands, Council for the Judiciary (*Raad voor de Rechtspraak*) (2020), 'Gerechtsgebouwen aangepast aan anderhalvemetersamenleving', News release, 11 May 2020, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Corona-Gerechtsgebouwen-aangepast-aan-anderhalvemetersamenleving.aspx>

<sup>54</sup> The Netherlands, Council for the Judiciary (*Raad voor de Rechtspraak*) (2020), 'Rechtspraak en OM werken corona-achterstanden weg', News release, 25 June 2020, available at: <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Rechtspraak-en-OM-werken-corona-achterstanden-weg.aspx>

<sup>55</sup> The Netherlands, Minister for Legal Protection (*Minister voor Rechtsbescherming*) (2020), 'Verdere versoepeling bezoek aan inrichtingen DJI', Letter to House of Representatives, 15 May 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/06/15/tk-verdere-versoepeling-bezoek-aan-inrichtingen-dji/TK+Verdere+versoepeling+bezoek+aan+inrichtingen+DJI.pdf>

### 1.2.5 Freedom of movement

In **the Netherlands**, the Government adopted the decision of the EU to tighten the entry conditions of persons wishing to travel to the Netherlands from third countries, until 1 July 2020.<sup>56</sup> This is a restriction on all non-essential travel of persons from third countries to Europe (all EU Member States, all Schengen members and the UK) in order to prevent the spread of COVID-19 virus. This means that persons not covered by the following exceptions cannot enter the Netherlands. The travel restriction does not apply to the following categories of persons: EU citizens (including UK nationals) and members of their families who travel to their home countries; Nationals of Norway, Iceland, Switzerland, Liechtenstein and their family members; third-country nationals holding a residence card or a residence permit in accordance with Directive 2003/109/EC (LTR Directive); third-country nationals who derive their right of residence from other European Directives or from the national law of a Member State; holders of a long-stay visa, including persons with a temporary residence permit (MVV); persons with an essential function.

In **the Netherlands**, the Government informed on its website that during the coming summer months foreign tourists from countries where the health risks are similar to or lower than in the Netherlands are welcome to spend their holidays in the Netherlands.<sup>57</sup> Tourists must comply with all the measures and rules that apply in the Netherlands to combat the spread of coronavirus. Tourists must also reserve their holiday accommodation before they travel to the Netherlands. Tourists from Sweden and the United Kingdom arriving in the Netherlands are strongly advised to go into self-quarantine for 14 days.

Since 15 June 2020 the travel ban imposed by Belgium on all non-essential travel to and from other countries, including **the Netherlands** is completely lifted.<sup>58</sup>

The borders between Germany and **the Netherlands** are open.<sup>59</sup> Both the Dutch government and the German government recommend only to cross the border when it is really necessary.

In **the Netherlands** the asylum procedure which had been suspended on 16 March 2020 restarted on 28 April 2020.<sup>60</sup> In **the Netherlands**, the April 2020 issue of 'The Asylum Trends. Monthly Report on Asylum Applications in The Netherlands and Europe' showed that the monthly number of all asylum applications in the period February 2020-April 2020 declined dramatically. In February 2020 the

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<sup>56</sup> The Netherlands, National Government (*Rijksoverheid*) (2020) 'Q and A for entry into the Netherlands (travel ban)', News Item, 18 March, 23h, available at: <https://www.netherlandsandyou.nl/travel-and-residence/visas-for-the-netherlands/qas-travel-restrictions-for-the-netherlands>

<sup>57</sup> The Netherlands, National Government (*Rijksoverheid*) (2020) 'FAQ's holidays to the Netherlands and coronavirus measures', Web page, available at: <https://www.government.nl/topics/coronavirus-covid-19/tourism-in-the-netherlands/faq-holidays-to-the-netherlands-and-coronavirus-measures>

<sup>58</sup> Vliegenberg, A. (2020), 'Belgische grens gaat 15 juni open: dit zijn tot die tijd de regels', AD, 3 June 2020, available at: <https://www.bndestem.nl/brabant/belgische-grens-gaat-15-juni-open-dit-zijn-tot-die-tijd-de-regels~a6a22de7/>

<sup>59</sup> The Netherlands, National Government (*Rijksoverheid*) (2020), 'Veelgestelde vragen over de grens met Duitsland', Web page, <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/verkeer-vervoer-en-reizen/grens-duitsland>

<sup>60</sup> The Netherlands, Minister of Justice and Security / Minister for Legal Protection / State Secretary for Justice and Security (*Minister van Justitie en Veiligheid / Minister voor Rechtsbescherming / Staatssecretaris van Justitie en Veiligheid*) (2020), 'Stand van zaken coronamaatregelen in de justitie-, veiligheids- en Migratieketen', Letter to House of Representatives, 15 April 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/04/23/tk-stand-van-zaken-coronamaatregelen-in-de-justitie-veiligheids-en-migratieketen/tk-stand-van-zaken-coronamaatregelen-in-de-justitie-veiligheids-en-migratieketen.pdf>

number asylum applications was 2,148, in March 2020 this number was 1,242 and in April 2020 this number was 445.<sup>61</sup>

### 1.3 Impact of measures on particular groups

#### *Persons with disabilities*

In **the Netherlands**, the Government lifted the restrictions on visiting people with a severe mental disability in a healthcare facility on 15 June 2020.<sup>62</sup> Relaxation of the rules already started in May. There are about 75,000 people with a severe mental disability. Many of them live in a healthcare facility and have not been allowed to receive visit due to the measures against COVID-19. Since 15 June 2020 Pall people with a severe mental disability living in a healthcare facility are allowed to receive visitors on the condition that they adhere to the 1.5 meter distance rule and that it takes place in their own space or outside. However, since there are many care and housing forms for diverse types of clients, there is also a variety of agreements and interpretation of the visiting arrangements. Sometimes the distance of 1.5 meter cannot be guaranteed. These clients can receive visitors, with a maximum of two permanent persons. From 1 July 2020 a person living in a facility is allowed to stay over outside the facility.<sup>63</sup>

In **the Netherlands**, the National Ombudsman received reports about persons with a mobility scooter that were not allowed in special transport for people with disabilities. Many people with a disability rely on this type of transport to go to daytime activities or to visit their friends and family. The measures for public transport and taxis are preventing contact moments between the driver and the traveler and between the driver and the mobility scooter. The National Ombudsman requested amendment to the protocol which leads to exclusion of people with a disability.<sup>64</sup>

In **the Netherlands**, 'Iederin' - a civil society organisation representing the interests of persons with disabilities – states that more than two million people with a disability or chronic illness form a 'forgotten group' when it comes to the lifting of the measures.<sup>65</sup> Many chronically ill people in risk groups lock themselves up in the house and blind and partially sighted people and people in a wheelchair cannot keep to 1.5 meters. A survey of 2,100 people with disabilities showed that 45 percent of them suffered from loneliness and 40 percent from stress or psychological complaints. The postponement of medical treatments and appointments causes unrest and the partly opened day care

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<sup>61</sup> The Netherlands, Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*) (2020), *Asylum Trends. Monthly Report on Asylum Applications in The Netherlands and Europe, April 2020*, The Hague, Ministry for Security and Justice, available at: [https://ind.nl/en/Documents/AT\\_april\\_2020.pdf](https://ind.nl/en/Documents/AT_april_2020.pdf)

<sup>62</sup> The National Government (Rijksoverheid) (2020), 'Vragen over het coronavirus en gehandicaptenzorg', Web page, available at: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/zorg/gehandicaptenzorg>

<sup>63</sup> Dutch Association for the Care of the Disabled (*Vereniging Gehandicaptenzorg Nederland* or VGN) (2020), 'Versoepeling in nieuwe bezoekenregeling gehandicaptenzorg', News release, 19 May 2020, available at: <https://www.vgn.nl/nieuws/versoepeling-nieuwe-bezoekenregeling-gehandicaptenzorg>

<sup>64</sup> The Netherlands, National Ombudsman (*Nationale Ombudsman*) (2020), 'Toepassing coronamaatregelen sluit mensen afhankelijk van zorgvervoer uit', news release, 19 June 2020, available at: <https://www.nationaleombudsman.nl/nieuws/2020/toepassing-coronamaatregelen-sluit-mensen-afhankelijk-van-zorgvervoer-uit>

<sup>65</sup> Nederlands Dagblad (2020), 'Mensen met beperking vergeten groep', News item, 18 June 2020, available at: <https://www.nd.nl/nieuws/varia/978039/-mensen-met-beperking-vergeten-groep->

has an isolated effect on these people.<sup>66</sup> 'Iederin' argues that people with disabilities should receive information about the measures specifically tailored to them. Also 'Iederin' pleads for more accessible testing policy for people with a disability<sup>67</sup> and a different policy for mouth masks in public transport for people who are not able to wear a mouth mask<sup>68</sup>.

### Older people

In **the Netherlands**, a factsheet containing the first findings of a monitoring study shows that there is not yet a clear answer to the question how it was possible that in 40% of the nursing homes (*verpleeghuizen*) and care homes (*verzorgingstehuizen*) an estimated of 10.000 elderly people, became infected with the coronavirus.<sup>69</sup> This study is commissioned by the Ministry of Health and the National Institute for Public Health and the Environment (RIVM), and has been running since the beginning of May 2020. The researchers involved, suspect the lack of personal protective equipment, such as mouth masks, the limited testing policy and the lack of scientific knowledge about the virus, has played a role in the outbreak of Covid-19 in nursing and care homes.<sup>70</sup>

In **the Netherlands**, the Royal Dutch Medical Association (*Koninklijke Nederlandsche Maatschappij tot bevordering der Geneeskunst*) and Federation Medical Specialists (*Federatie Medische Specialisten*) have written a draft protocol for Intensive Care Units when during the next wave of the corona pandemic the pressure on the ICU will be so great that triage has to be applied.<sup>71</sup> In this document a step-by-step explanation is given of the choices that physicians have to make when the pressure on IC care is so high that physicians must make choices on non-medical grounds who are admitted to life-saving care. In such an emergency, the patients who are expected to stay on the IC for the shortest time are the most likely to be saved, as this would save most lives. After that, healthcare workers who have contracted the virus due to a lack of protective equipment during their work are eligible. The doctors and ethicists who wrote this protocol propose the principle of 'intergenerational solidarity': young goes for old. The younger generation can claim more moral entitlement to life-saving care than an older generation because it has already had more possibilities in life, the writers of the protocol state.<sup>72</sup> In replying to this draft protocol the Minister for Medical Care indicates in a letter to Parliament that he does not agree with a triage in which age, apart from medical considerations, plays a role.<sup>73</sup> The Royal Dutch Medical Association (*Koninklijke Nederlandsche Maatschappij tot*

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<sup>66</sup> Nederlands Dagblad (2020), 'Mensen met beperking vergeten groep', News item, 18 June 2020, available at:

<https://www.nd.nl/nieuws/varia/978039/-mensen-met-beperking-vergeten-groep>

<sup>67</sup> Iederin (2020), 'GGD, maak informatie en aanvragen coronatest voor iedereen toegankelijk', News release, 23 June 2020, available at: <https://iederin.nl/ggd-maak-coronatest-voor-iedereen-toegankelijk/>

<sup>68</sup> Algemeen Dagblad (2020), 'Rover wil ontheffing mondkapjesplicht voor reizigers met beperking of medische aandoening', 16 June 2020, available at: <https://www.ad.nl/binnenland/rover-wil-ontheffing-mondkapjesplicht-voor-reizigers-met-beperking-of-medische-aandoening~a9f0b04b/?referrer=https://news.google.com/>

<sup>69</sup> Amsterdam UMC (2020), COVID-19 verpleeghuisstudie Onderzoek naar besmettingsgraad, transmissie en clustering in verpleeghuizen. Factsheet, available at: <https://unovumc.nl/wp-content/uploads/2020/06/Factsheet-COVID-19-studie-DEFINITIEF-2.0.pdf>

<sup>70</sup> NOS (2020), 'Nog geen harde conclusies na maand onderzoek in verpleeghuizen', news release, 4 June 2020, available at: <https://nos.nl/collectie/13824/artikel/2336133-nog-geen-harde-conclusies-na-maand-onderzoek-in-verpleeghuizen>

<sup>71</sup> Royal Dutch Medical Association / Federation Medical Specialists (*Koninklijke Nederlandsche Maatschappij tot bevordering der Geneeskunst / Federatie Medische Specialisten*)(2020), *Triage op basis van niet-medische overwegingen voor IC-opname ten tijde van fase 3 in de COVID-19 pandemie*, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2020/06/16/draaiboek-triage-op-basis-van-niet-medische-overwegingen-voor-ic-opname-ten-tijde-van-fase-3-in-de-covid-19-pandemie/draaiboek-triage-op-basis-van-niet-medische-overwegingen-voor-ic-opname-ten-tijde-van-fase-3-in-de-covid-19-pandemie.pdf>

<sup>72</sup> Van der Geest, M. (2020), 'Artsen en ethici: bij 'code zwart' op ic's moeten jongeren voorrang krijgen', De Volkskrant, 16 June 2020, available at: <https://www.volkskrant.nl/nieuws-achtergrond/artsen-en-ethici-bij-code-zwart-op-ic-s-moeten-jongeren-voorrang-krijgen~bd052d80/>

<sup>73</sup> The Netherlands, Minister for Medical Care (Minister voor Medische Zorg) (2020), 'Draaiboek triage op basis van niet medische overwegingen voor IC-opname ten tijde van fase 3 in de COVID-19 pandemie', Letter to House of

*bevordering der Geneeskunst*) and the Federation Medical Specialists (*Federatie Medische Specialisten*) will in coming months discuss the the protocol with all stakeholders.<sup>74</sup>

In **the Netherlands**, on 20 March 2020, nursing homes (*verpleeghuizen*) and care homes (*verzorgingshuizen*) were closed to visitors and to anyone not involved in the provision of basic care. First, only a limited number (26) of nursing homes (*verpleeghuizen*) and care homes (*verzorgingshuizen*) opened their doors for visitors on 11 May 2020. This was the first step in lifting the restrictions on visits to nursing homes. From 25 May 2020 all nursing homes and care homes can open their doors to visitors<sup>75</sup> (one for each resident) when all conditions laid down in a protocol<sup>76</sup> made by the major stakeholders (umbrella organisations and professional organisations) are met. On June 15, residents of nursing homes who are corona-free may receive more than one visitor again.<sup>77</sup> However many nursing and care homes did not open up to more visitors for each resident or did not permit residents to leave the facility for a walk. This, together with the taken measures in general and the pace at which the measure was lifted, was widely criticized. Brenda Frederiks, a lawyer and researcher in elderly care, stated that human rights were violated, while there is no longer a reason to lock older persons up.<sup>78</sup> Also families worry about the lack of supervision, while families normally monitor the care for their relatives living in these homes.<sup>79</sup> In Amsterdam, the client council of a nursing home went to court to enforce more flexible rules and threatened to sue the State.<sup>80</sup> A group of researchers recommended the Ministry of Health, Welfare and Sport that in the case of a second COVID-19 outbreak, there should not be a national visiting ban in nursing and care homes, while it led to distressing situations for elderly people living in these homes.<sup>81</sup>

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Representatives, 16 June 2020, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/06/16/kamerbrief-over-draaiboek-triage-op-basis-van-niet-medische-overwegingen-voor-ic-opname-in-fase-3-covid-19-pandemie/kamerbrief-over-draaiboek-triage-op-basis-van-niet-medische-overwegingen-voor-ic-opname-ten-tijde-van-fase-3-in-de-covid-19-pandemie.pdf>

<sup>74</sup> The Netherlands, Minister for Medical Care (Minister voor Medische Zorg) (2020), 'Draaiboek triage op basis van niet medische overwegingen voor IC-opname ten tijde van fase 3 in de COVID-19 pandemie', Letter to House of Representatives, 16 June 2020, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/06/16/kamerbrief-over-draaiboek-triage-op-basis-van-niet-medische-overwegingen-voor-ic-opname-in-fase-3-covid-19-pandemie/kamerbrief-over-draaiboek-triage-op-basis-van-niet-medische-overwegingen-voor-ic-opname-ten-tijde-van-fase-3-in-de-covid-19-pandemie.pdf>

<sup>75</sup> The Netherlands, Minister of Health, Welfare and Sport (Ministerie Volksgezondheid, Welzijn en Sport) (2020), 'COVID-19, Update stand van zaken', Letter to the House of Representatives, 20 May 2020, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/05/20/kamerbrief-stand-van-zaken-covid-19/Kamerbrief+update+stand+van+zaken+Covid+19.pdf>

<sup>76</sup> Actiz et al (2020), Handreiking voor bezoekbeleid verpleeghuizen in corona-tijd, available at:

<https://www.actiz.nl/stream/handleiding-bezoekregeling-verpleeghuizen>

<sup>77</sup> NOS (2020), 'Verpleeghuisbewoners mogen vanaf 15 juni weer meer dan één bezoeker ontvangen', news release, 3 June 2020, available at: [https://nos.nl/artikel/2336093-verpleeghuisbewoners-mogen-vanaf-15-juni-weer-meer-dan-een-bezoeker-ontvangen.html#:~:text=juni%2C%2021%3A09-](https://nos.nl/artikel/2336093-verpleeghuisbewoners-mogen-vanaf-15-juni-weer-meer-dan-een-bezoeker-ontvangen.html#:~:text=juni%2C%2021%3A09-,Verpleeghuisbewoners%20mogen%20vanaf%2015%20juni%20weer%20meer%20dan%20C%3A9%3A9n%20bezoeker,vanavond%20gezegd%20in%20een%20persconferentie.)

,Verpleeghuisbewoners%20mogen%20vanaf%2015%20juni%20weer%20meer%20dan%20C%3A9%3A9n%20bezoeker,vanavond%20gezegd%20in%20een%20persconferentie.

<sup>78</sup> Weeda, F. (2020), 'Regels voor bezoek verpleeghuis verwarrend en frustrerend', NRC, 8 June 2020, available at: <https://www.nrc.nl/nieuws/2020/06/08/regels-voor-bezoek-verpleeghuis-verwarrend-en-frustrerend-a4002079>

<sup>79</sup> Weeda, F. (2020), 'Regels voor bezoek verpleeghuis verwarrend en frustrerend', NRC, 8 June 2020, available at: <https://www.nrc.nl/nieuws/2020/06/08/regels-voor-bezoek-verpleeghuis-verwarrend-en-frustrerend-a4002079>

<sup>80</sup> NOS (2020), 'Kort geding tegen de Staat om bezoekregeling verpleeghuizen van de baan', news release, 23 June 2020, available at: <https://nos.nl/artikel/2338273-kort-geding-tegen-de-staat-om-bezoekregeling-verpleeghuizen-van-de-baan.html>

<sup>81</sup> NOS (2020), 'Advies: geen landelijk bezoekverbod verpleeghuizen bij tweede golf', news release, 29 June 2020, available at: <https://nos.nl/artikel/2338905-advies-geen-landelijk-bezoekverbod-verpleeghuizen-bij-tweede-golf.html>

## Women

In **the Netherlands**, figures show that the amount of formally worked hours for women has fallen more sharply due to the corona crisis. This increases the difference in formal employment rates between men and women, the Think Tank Corona Crisis of the Social and Economic Council of the Netherlands (SER) states.<sup>82</sup> The drop in hours can be explained by the fact that many women work in sectors that are affected by the measures taken against Covid-19, for example the retail and catering industry.<sup>83</sup> Also women, compared to men, more often have a zero hours labour contract.<sup>84</sup>

In **the Netherlands**, the 'Safe at Home organisation's (*Veilig Thuis organisaties*) indicate that the number of reports of domestic violence didn't increase during the lockdown. The 'Safe at Home' organisations are first-line organisation which handle reports of domestic violence.<sup>85</sup> The expectation was that the number of reports of domestic violence would increase during the lockdown, however this is not the case. Experts cannot yet give an explanation for this difference. One possibility is that professionals, such as teachers, were unable to report domestic violence while they had less contact with vulnerable families. Although the number of reported domestic violence has not increased, the reported cases of domestic violence have been more high-risk.<sup>86</sup>

In **the Netherlands**, since the lockdown due to the coronavirus sex work was not allowed. Although since 11 May 2020 many contact professions were allowed again, this did not apply to sex work which was banned at least until 1 September 2020. Many sex workers were only partly supported by the government, forcing many of them to work illegally from home. Not only did sex workers run an increased risk of unsafe work situations, they also risk a hefty fine.<sup>87</sup> In the province of Limburg alone, 15 fines were issued to sex workers who worked during the ban.<sup>88</sup> Sex workers in Amsterdam believe that the measure were taken with two standards and successfully advocated to lift the measures on sex work.<sup>89</sup> On 24 June 2020 the government announced to lift the ban on sex work from 1 July 2020.<sup>90</sup>

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<sup>82</sup> Denktank Coronacrisis (2020), 'De contouren van een intelligent herstelbeleid', May 2020, The Hague, Social and Economic Council of the Netherlands (SER), available at:

<sup>83</sup> Denktank Coronacrisis (2020), 'De contouren van een intelligent herstelbeleid', May 2020, The Hague, Social and Economic Council of the Netherlands (SER), available at: <https://www.ser.nl/-/media/ser/downloads/adviezen/2020/intelligent-herstelbeleid-coronacrisis.pdf>

<sup>84</sup> Missler, J. (2020), 'Coronacrisis raakt vrouwen het hardst, thuis en op het werk', Trouw, 27 May 2020, available at: <https://www.trouw.nl/binnenland/coronacrisis-raakt-vrouwen-het-hardst-thuis-en-op-het-werk~bb0a017b/>

<sup>85</sup> NOS (2020), 'Aantal meldingen huiselijk geweld niet toegenomen sinds corona', news release, 23 June 2020, available at: <https://nos.nl/artikel/2338256-aantal-meldingen-huiselijk-geweld-niet-toegenomen-sinds-corona.html>

<sup>86</sup> NOS (2020), 'Aantal meldingen huiselijk geweld niet toegenomen sinds corona', news release, 23 June 2020, available at: <https://nos.nl/artikel/2338256-aantal-meldingen-huiselijk-geweld-niet-toegenomen-sinds-corona.html>

<sup>87</sup> De Bruyn, R. (2020), 'Coronacrisis: sekswerk in Eindhoven vaker illegaal', Eindhovens Dagblad, 3 June 2020, available at: <https://www.ed.nl/eindhoven/coronacrisis-sekswerk-in-eindhoven-vaker-illegaal~addaac0e/?referrer=https://www.google.com/>

<sup>88</sup> Molin, G. (2020), 'Tienduizenden euro's boete voor negeren verbod sekswerk', De Limburger, 29 May 2020, available at: [https://www.limburger.nl/cnt/dmf20200529\\_00162241/tienduizenden-euro-s-boete-voor-negeren-verbod-sekswerk](https://www.limburger.nl/cnt/dmf20200529_00162241/tienduizenden-euro-s-boete-voor-negeren-verbod-sekswerk)

<sup>89</sup> Red Light United (2020), 'Sekswerkers Wallen willen weer aan de slag', news release, 21 May 2020, available at: <https://redlightunited.wordpress.com/2020/05/21/sekswerkers-wallen-willen-weer-aan-de-slag/>

<sup>90</sup> Quekel, S. (2020), 'Alle standjes toegestaan: tienduizenden prostituees mogen weer aan het werk', 25 June 2020, available at: <https://www.ad.nl/ad-werkt/alle-standjes-toegestaan-tienduizenden-prostituees-mogen-weer-aan-het-werk~a7582eea/>

## 2 Selected issues emerging during the COVID-19 crisis

### 2.1 Xenophobic speech, acts of harassment and violent attacks

In **the Netherlands**, since 1 August 2019 there is a ban on face-covering clothing in educational and healthcare institutions, in public transport and in government buildings. Since 1 June 2020, travelers on public transport are required to wear a face-covering mask, also many people choose themselves to cover their mouth in public. Yet face-covering clothing remains prohibited. The Meldpunt Islamofobie (National Islamophobia Hotline) states that there are reports all over the country of Muslim women who are addressed, called names or excluded when they wear mouth masks.<sup>91</sup>

In **the Netherlands**, an analysis of 139 reports to antidiscrimination services revealed that the corona crisis led to discrimination and exclusion.<sup>92</sup> In most reports, discrimination was directed against people of East Asian appearance. Swearing on the street, not being helped in a shop, racist slogans on the walls of a student flat are some examples of reports, but threats and physical violence also occurred. The impact of this was significant. Various reporters have indicated that they no longer feel safe on the street.<sup>93</sup> One particular that was mentioned in the media, was about a sixteen year old boy that was beaten and called 'coronachinees' (Corona Chinese) by some youngsters passing by him while he was sitting in a park with friends.<sup>94</sup>

In **the Netherlands**, on 6 February 2020, a DJ on Radio 10 ( a private broadcasting organisation) broadcasted a song with the title 'Voorkomen is beter dan Chinezen' (Prevention is better than Chinese). The title is a play on 'Voorkomen is beter dan genezen' - the Dutch for 'prevention is better than cure.' The song links the coronavirus to Chinese people and eating Chinese food. The song is a so called carnival song. Hundreds people also reported the DJ to the police. The Public Prosecution Service started an investigation into whether the song is criminal under Dutch criminal law. On 4 June 2020, the Public Prosecution Service ruled that the radio DJ of the station Radio 10 will not be prosecuted because of the "corona song". The Public Prosecution Service is of the opinion that the song is not punishable because it fits within the context of artistic expression and is not unnecessarily offensive.<sup>95</sup>

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<sup>91</sup> Rubio, I. (2020), 'Moslima met mondkapje 'geweerd' bij gemeente: 'Maar er is toch geen verbod op mondkapjes!''', *Algemeen Dagblad*, 18 June 2020, available at: [https://www.ad.nl/den-haag/moslima-met-mondkapje-geweerd-bij-gemeente-maar-er-is-toch-geen-verbod-op-mondkapje~a3664806/?fbclid=IwAR2dSjWab-aZeOUwmbZPADQA0BBLImzW7HB3PrRzMlfu\\_gWH64Tm4Abvck](https://www.ad.nl/den-haag/moslima-met-mondkapje-geweerd-bij-gemeente-maar-er-is-toch-geen-verbod-op-mondkapje~a3664806/?fbclid=IwAR2dSjWab-aZeOUwmbZPADQA0BBLImzW7HB3PrRzMlfu_gWH64Tm4Abvck)

<sup>92</sup> Fiere, B. en Van Bon, S. (2020), *Corona en discriminatiemeldingen in Nederland*, Discriminatie.nl, de landelijke vereniging van antidiscriminatievoorzieningen, available at: <https://discriminatie.nl/files/2020-05/corona-en-discriminatiemeldingen-20052020.pdf>

<sup>93</sup> RADAR (2020), 'Coronacrisis leidt niet alleen tot saamhorigheid maar ook tot discriminatie', RADAR, 19 May 2020, available at: <https://radar.nl/coronacrisis-leidt-niet-alleen-tot-saamhorigheid-maar-ook-tot-discriminatie/>

<sup>94</sup> NHNieuws (2020), 'Aziatische jongen (16) krijgt keiharde trap: "Ze riepen racistische dingen naar me"', news release, 22 June 2020, available at: <https://www.nhnieuws.nl/nieuws/269132/aziatische-jongen-16-krijgt-keiharde-trap-ze-riepen-racistische-dingen-naar-me>

<sup>95</sup> OM (2020), 'Geen vervolging radio-dj vanwege 'coronalied'', news release, 4 June 2020, available at: <https://www.om.nl/actueel/nieuws/2020/06/04/geen-vervolging-radio-dj-vanwege-%E2%80%98coronalied%E2%80%99>



## 2.2 Infringement of privacy and/or data protection rights

In **the Netherlands**, the Minister of Health, Welfare and Sport informed the House of Representatives that the government will test its coronavirus notification app.<sup>96</sup> After its failed attempt at fast-tracking two apps to fight COVID-19 in April, the government appointed a team of developers to create its coronavirus tracking app. The tests will be held among a representative group of people living in the region Twente and will start on 1 July 2020. The goal of the test is to assess whether the app is understandable and easy to use, and what improvements need to be made. The app uses Bluetooth technology to exchange unique and non-traceable numbers between phones that are in the vicinity of each other. If a person tests positive for COVID-19 and reports it on the app, the app notifies all the phones who had been near the person in question. This only works if both parties have the app on their phone.

In **the Netherlands** a survey conducted by researchers from Delft University of Technology, Maastricht University and VU University among a representative group of 926 persons shows the Dutch have widely varying opinions on the desirability of a tracking and tracing corona app.<sup>97</sup> Some prefer to install the app as soon as possible, while others strongly oppose the fact that the government is planning to introduce the app. The researchers have been researching Dutch preferences about government policy in various domains for years, but they have not seen such great variety before. The survey was set up as up as a choice experiment. Different versions of the app were presented to a randomly selected sample of 926 Dutch citizens. Participants were then asked which app they would prefer to install, and whether they would actually install that app. A third of respondents said they would install the app without further ado, a third said they are uncertain, and a third said definitely not. Preferences of participants in the choice experiment do not only differ with regard to the desirability of the app as such, but also on the desirability of potential policy choices. Two clusters can be distinguished. The first cluster believes that the notification of a contact with an infected person should not only be sent to the person himself/herself but also to the Regional Health Service (GGD), and that shops and the hospitality industry should be allowed to refuse people who do not have the app on their phones. These participants are more likely to install the app if the positive social effects (e.g. the prevention of infections and deaths) are large. The second cluster rejects the obligation to report to the Regional Health Service (GGD) and the possibility for shops to refuse people if they did not install the corona app. They consider the positive social effects to be less important. The government aims for at least 60% of the Dutch population to install the corona app. The choice experiment shows that there is a large 'middle group' that has many questions about the app and will probably not install the app until these questions have been answered.

In **the Netherlands** a bill for an emergency act amending the Dutch Telecommunication Act (*Telecommunicatiewet*) is under review of the House of Representatives.<sup>98</sup> This emergency act allows

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<sup>96</sup> The Netherlands, Minister of Health, Welfare and Sport (*Ministerie Volksgezondheid, Welzijn en Sport*) (2020), 'COVID-19, Update stand van zaken', Letter to the House of Representatives, 24 June 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/06/25/covid-19-update-stand-van-zaken/covid-19-update-stand-van-zaken.pdf>

<sup>97</sup> Mouter, N., Kessels, R. and Collewet, M. (2020), *Nederlanders zijn het niet eens over de wenselijkheid van de corona app. Beleidsrapport over de hoofdresultaten van een keuze-experiment over de corona app*, available at: <https://d1rkab7tlqy5f1.cloudfront.net/TBM/PWE/Cases/Corona%20app/Beleidsrapport%20over%20de%20hoofdresultaten%20van%20het%20corona%20app%20keuze-experiment%20definitief.pdf>

<sup>98</sup> The Netherlands, Staatssecretaris van Economische Zaken en Klimaat (*State Secretary for Economic Affairs and Climate Policy*) (2020), *Tijdelijke wet informatieverstrekking RIVM i.v.m. COVID-19*, available at: [https://www.eerstekamer.nl/behandeling/20200529/voorstel\\_van\\_wet/document3/f=/v1969k1f8jzp.pdf](https://www.eerstekamer.nl/behandeling/20200529/voorstel_van_wet/document3/f=/v1969k1f8jzp.pdf)

the National Institute for Health and Environment (*Rijksinstituut voor Volksgezondheid en Milieu* or RIVM) to access telecommunication data for the purpose of contact tracing and controlling the spread of COVID-19. An earlier draft version of this bill was reviewed by the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*).<sup>99</sup> The DPA identified a number of areas that require improvement: given that the bill was drafted with great urgency, its scope should be limited to the COVID-19 crisis alone (it allowed RIVM to access data for future epidemics as well); the purpose and necessity of the extended powers of the RIVM needed to be stated clearly; and no maximum retention period for the telecommunication data was included. The government considered the comments from the Authority and sent to the House of Representatives a revised version of the bill for the emergency act.<sup>100</sup> The emergency act allows the RIVM to use the transmission mast data to act more quickly in the event of an increase in the number of infections in an area, by warning the regional health board. If, for example, transmission mast data shows that on a Saturday afternoon, a lot of people from location A visited location B and a lot of new infections are found in one of the locations, this could mean there are a lot of infections in the other. The data would be stripped of all personal information (such as telephone number) and could not be used to identify individuals.

## 2.3 Spread of disinformation online

On 13 May 2020, the **Dutch** minister of the Interior published a policy letter which outlines the government's position on how counter the spread of disinformation online.<sup>101</sup> It states that countering disinformation is primarily a task of journalist and scientist and internet services and that citizens are capable of assessing information for themselves. Freedom of opinion is paramount. At the same time, social stability and public health protection require active government involvement (on its websites for example) in the provision of reliable information on COVID-19 and the measures surrounding the fight against COVID-19. In some cases, that requires it to contradict misleading information in a more active way. Moreover, the government supports citizens in how to identify fake news and supports organisations and . For example, on 30 March 2020 the government published an information leaflet brochure about how to identify fake news.<sup>102</sup>

In **the Netherlands**, data journalists of public broadcaster KRO-NCRV investigated more than 1.2 million Dutch Twitter messages on COVID-19 which were sent in the period 19 February – 22 April

<sup>99</sup> The Netherlands, Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) (2020), 'Advies over het concept voor wijziging van de Telecommunicatiewet in verband met informatieverstrekking aan het RIVM (Covid-19 crisis) 'vastgesteld en per e-mail toegezonden op donderdag 14 mei jl.', Letter to State Secretary of Economic Affairs and Climate, 1 May 2020, available at: [https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/advies\\_telecomdata\\_corona.pdf](https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/advies_telecomdata_corona.pdf)

<sup>100</sup> The Netherlands, Ministerie van Economische Zaken en Klimaat (*Ministry of Economic Affairs and Climate Policy*) (2020), 'Noodwet: RIVM kan voor coronabestrijding tijdelijk anonieme zendmastdata inzetten', News release, 29 May 2020, available at: <https://www.rijksoverheid.nl/actueel/nieuws/2020/05/29/noodwet-rivm-kan-voor-coronabestrijding-tijdelijk-anonieme-zendmastdata-inzetten>

<sup>101</sup> The Netherlands, Minister van Binnenlandse Zaken en Koninkrijksrelaties (Minister of Interior and Kingdom Relations) (2020), 'Nieuwe ontwikkelingen beleidsinzet bescherming democratie tegen desinformatie', Letter to the House of Representatives, 13 May 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/05/13/kamerbrief-ontwikkelingen-beleidsinzet-bescherming-democratie-tegen-desinformatie/kamerbrief-over-nieuwe-ontwikkelingen-beleidsinzet-bescherming-democratie-tegen-desinformatie.pdf>

<sup>102</sup> The Netherlands, National Government (*Rijksoverheid*) (2020), Tips om desinformatie en nepnieuws te herkennen, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/brochures/2020/03/30/tips-desinformatie-en-nepnieuws-herkennen/tips-desinformatie-en-nepnieuws-herkennen.pdf>

2020.<sup>103</sup> They concluded that 251 misleading news reports about coronavirus were distributed via Twitter by Twitter messages in the Dutch language. The fake news includes the unsubstantiated link between 5G and COVID-19, false claims about drugs that cure people from the coronavirus, and conspiracy theories about the rich of the earth that would have manufactured the coronavirus. Every day there are about eighty tweets in which such disinformation is spread.

In **the Netherlands**, a survey conducted by Ipsos and commissioned by current affairs programme 'Nieuwsuur' of public broadcaster NPO shows that an overwhelming majority of the Dutch do not believe in conspiracy theories about the coronavirus.<sup>104</sup> A small group does. The survey is based on online questionnaire filled in by representative sample 1.017 Dutch citizens older than 18 , and was carried out between 24 April and 27 April 2020. Approximately 15% of the Dutch believe that the coronavirus is a biological weapon made in a laboratory. Young and low-educated people are over-represented among the group that believes in this claim. Approximately 4% of the Dutch believe that the coronavirus outbreak is related to the construction of the 5G mobile internet network. And about 5% of the population believes that Bill Gates has something to do with the coronavirus

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<sup>103</sup> KRO-NCRV (2020), 'Ruim 250 onbetrouwbare nieuwsberichten over COVID-19 verspreid via Twitter', Pointer, 29 April 2020, available at: <https://pointer.kro-ncrv.nl/artikelen/ruim-250-onbetrouwbare-nieuwsberichten-over-covid-19-verspreid-via-twitter>

<sup>104</sup> Ipsos – Nieuwsuur (2020), *Complottheorieën over het coronavirus*, Amsterdam , Ipsos, available at: [https://www.ipsos.com/sites/default/files/ct/news/documents/2020-05/ipsos\\_corona\\_complot\\_v1.0.pdf](https://www.ipsos.com/sites/default/files/ct/news/documents/2020-05/ipsos_corona_complot_v1.0.pdf)