

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: The Netherlands

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1 Measures taken by government/public authorities impacting on specific freedoms

Please briefly describe the main developments, between 1 September – 31 October 2020, in the legal framework and related measures adopted in your country in response to the Coronavirus pandemic with respect to emergency laws/state of emergency, freedom of assembly and freedom of movement.

1.1 Emergency laws/states of emergency

In **the Netherlands**, regional emergency ordinances (*noodverordeningen*) have been implemented in the 25 Safety Regions (*veiligheidsregio's*) upon request of the Minister of Health, Welfare and Sport invoking article 7:1 of the Public Health Act (*Wet Publieke Gezondheid*). The legal basis of the regional emergency ordinances is article 39 of the Safety Regions Act (*Wet veiligheidsregio's*)¹ and article 176 of the Municipality Act (*Gemeentewet*)². These emergency ordinances are adopted by the mayor of the central municipality in his 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 and published by the Safety Council (*Veiligheidsberaad*) which represents all the Safety Regions. The first model was published on 16 March 2020.³ Subsequently regional emergency ordinances were implemented in all Safety Regions based on this first model. Since then the emergency ordinances have been regularly amended. At the start of the period 1 September – 31 October the emergency ordinances were based on a model published on 21 August 2020. Subsequently amendments took place on 20 September 2020, 29 September 2020 and 14 October 2020. The latest model was published and implemented on 14 October 2020.⁴ This latest model imposes a partial lockdown and includes various restrictions. For example, people are required to stay 1.5 metres away from other people in public places. At indoor seated venues a maximum of 30 people is allowed. Indoors and outdoors a group must have no more than 4 people from different households. All establishments that serve food and drinks must close for at least four weeks, but they may open for takeaways. In addition to the regional emergency ordinances, the national government urgently advises to restrict the number of visitors at home to three per day (excluding children under 13 years old). But, this was communicated on the government website as a measure and not as an urgent recommendation.⁵

In **the Netherlands**, the national government intends to replace the regional emergency ordinances (*noodverordeningen*) by a special temporary national act: the 'Emergency Act on measures against COVID-19' (*Tijdelijke wet maatregelen covid-19*). On 13 July 2020⁶ the government sent the bill for

¹ The Netherlands, Safety Regions Act (*Wet Veiligheidsregio's*), Article 39, available at: https://wetten.overheid.nl/BWBR0027466/2020-01-01/#Paragraaf9_Artikel39

² The Netherlands, Municipality Act (*Gemeentewet*), Article 176, available at: https://wetten.overheid.nl/BWBR0005416/2020-01-01/#TiteldeelIII_HoofdstukXI_Artikel176

³ 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/>

⁴ The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Noodverordening COVID-19 veiligheidsregio [aanduiding veiligheidsregio] [14 oktober 2020], available at: https://www.veiligheidsberaad.nl/?jet_download=4273

⁵ The Netherlands, National Government (Rijksoverheid) (2020), 'Partial lockdown needed to bring down infections', News item, available at: <https://www.government.nl/latest/news/2020/10/13/partial-lockdown-needed-to-bring-down-infections>

⁶ The Netherlands, Ministry of Health, Welfare and Sport / Ministry of Justice and Security / Ministry of Interior and Kingdom Relations (*Ministerie van Volksgezondheid, Welzijn en Sport / Ministerie van Justitie en Veiligheid / Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*) (2020), 'Coronawet ingediend bij Tweede Kamer', News release, 13 July

this act⁷ to the House of Representatives. The House of Representatives passed this bill on 13 October 2020.⁸ The senate passed the bill on 27 October 2020.⁹ A date on which the act will take effect is not indicated yet. The present situation in which regional emergency ordinances are used to impose measures to contain or mitigate the outbreak of the Coronavirus has been criticized already at the start of the outbreak. Legal scholars have pointed out that only an Act of Parliament (and not regional legislation like the present emergency ordinances) may restrict constitutional rights (like the right of association; right of assembly; right to privacy; right to religion; right to respect of the home).¹⁰ In May 2020 the Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*)¹¹ and the Advisory Division of the Council of State (*Raad van State*)¹² published reports on the regional emergency ordinances in which they advised to replace these ordinances by a special emergency act. In the explanatory memorandum to the bill it is recognized that the current regional emergency ordinances lack a strong legal foundation for long term measures. By replacing the regional emergency ordinances by this act such a strong legal foundation is given.¹³ The bill grants the responsible ministers and the municipalities powers to restrict freedoms in order to combat the Coronavirus. In doing so the bill intends to balance between the need for speed and flexibility of action on one side and the need for democratic legitimacy and guarantees for the protection of fundamental rights on the other side. During the review the House of Representatives made several amendments¹⁴ which were included in the final legislation I:

- The act lasts three months, instead of the intended six months. This means that every three months, the government needs to issue a Royal Decree of extension of the act. The s draft (*ontwerp*) of this decree will be sent to the House of Representatives and the Senate for debate . Also, the Council of State must give a new opinion every 3 months on the necessity or reasonableness of the measure, prior to that extension.
- The act grants the responsible ministers the authority to impose measures which may restrict the rights of citizens in order to contain or mitigate the Coronavirus. As consequence of an amendment made by the House of Representatives, the act contains stricter conditions with

2020, available at: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nieuws/2020/07/13/coronawet-ingediend-bij-tweede-kamer>

⁷ 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 / Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2020), Tijdelijke wet maatregelen covid-19. Voorstel van Wet, available at: <https://www.tweedekamer.nl/downloads/document?id=88b84985-e1b7-4a12-8c21-6189ec915951&title=Voorstel%20van%20wet.pdf>

⁸ The Netherlands, House of Representatives (*Tweede Kamer der Staten- Generaal*) (2020). Stemmingen 13 October 2020, available at: <https://www.tweedekamer.nl/downloads/document?id=2eaa1050-0292-4e7b-b8dc-af65ebb358eb&title=Stemmingen%20%28ongecorrigeerd%20stenogram%29.doc>

⁹ The Netherlands, Senate (*Eerste Kamer der Staten-Generaal*) (2020), 'Eerste Kamer stemt in met Coronawet', News release, 27 October 2020, available at: https://www.eerstekamer.nl/nieuws/20201027/eerste_kamer_stemt_in_met

¹⁰ Marijnissen, H. (2020), 'Noodverordening blijkt illegaal en moet worden aangepast', *Trouw*, 23 April 2020, available at: <https://www.trouw.nl/binnenland/noodverordening-blijkt-illegaal-en-moet-worden-aangepast~be66a1da/>

¹¹ The Netherlands, Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*) (2020), 'Wettelijke basis voor vrijheidsbeperkende coronamaatregelen moet steviger', Web page, 18 May 2020, available at: <https://mensenrechten.nl/nl/coronavirus-en-mensenrechten>

¹² The Netherlands, Advisory Division of the Council of State (*Afdeling Advisering van Raad van State*) (2020), *Voorlichting over grondwettelijke aspecten van (voor)genomen crisismaatregelen*, available at: <https://www.raadvanstate.nl/actueel/nieuws/@121106/w04-20-0139-vo/>

¹³ 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 / Minister van Binnenlandse Zaken en Koninkrijksrelaties*) (2020), Tijdelijke wet maatregelen covid-19. Memorie van Toelichting, available at: <https://zoek.officielebekendmakingen.nl/kst-35526-3.html>

¹⁴ The Netherlands, Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*) (2020), 'Wat is de status van de Wet Tijdelijke Maatregelen COVID-19?', Web page, available at: <https://mensenrechten.nl/nl/coronavirus-en-mensenrechten#StatusWet>

which these measures must comply: these conditions relate to the requirements of proportionality, subsidiarity and the rule of law.

- The original bill contained a so called "safety net provision". This provision stated that if the possible measures in the act were not sufficient to combat the virus, the Minister of Health was allowed to take other measures not regulated by law. The House of Representatives considered this too broad a power (a "blank check") for the Minister and took this provision out of the bill.
- The amended bill states that (except in exceptional circumstances) a person in a care facility is allowed to receive one visitor.
- If measures are executed by the chairman of the safety region, he is accountable for the emergency ordinance to the municipal councils in that region.
- If a ministerial regulation will be adopted on the basis of the act, it must be sent to the House of Representatives and the Senate within 2 days and may not take effect until a week later. If the House of Representatives (but not the Senate) does not approve within that week, the ministerial regulation will lapse.

In **the Netherlands** the preliminary relief judge (*voorzieningenrechter*) of the District Court The Hague decided on the legality of the emergency ordinances on 24 July 2020.¹⁵ An action group with the name of virus truth (*viruswaarheid*) challenged the restrictions imposed by regional emergency ordinances, including the 1.5 metre social distancing rule. The group argued that the rules were excessive given the low death rate from Covid-19 and questioned the government's official death toll. The Court ruled in favour of the government and stated that the rules were based on professional advice by the Outbreak Management Team, made up of virologists and other public health experts, and legally sound.

1.2 Freedom of assembly

In **the Netherlands**, the regional emergency ordinances impose wide reaching restrictions on the freedom of assembly but at the same time allow for assemblies and demonstrations as covered by the Public Assemblies Act (*Wet Openbare Manifestaties*).¹⁶ These regional ordinances are based on a national model published by the national Safety Council (*Veiligheidsberaad*). At the start of the period 1 September - 31 October the emergency ordinances were based on a model published on 21 August 2020. Subsequently these ordinances were amended on 20 September 2020¹⁷, 29 September 2020¹⁸ and 14 October 2020¹⁹. All the editions of these ordinances impose restrictions including the order to stay 1.5 metres away from each other in public places.

¹⁵ The Netherlands, District Court The Hague (*Rechtbank Den Haag*) (2020), C-09-593800-KG ZA 20-493, 24 July 2020, ECLI:NL:RBDHA:2020:6856, available at: <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2020:6856>

¹⁶ The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Noodverordening COVID-19 veiligheidsregio [aanduiding veiligheidsregio] [14 oktober 2020], available at: https://www.veiligheidsberaad.nl/?jet_download=4273

¹⁷ The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Noodverordening COVID-19 veiligheidsregio [aanduiding veiligheidsregio] [20 september 2020], available at: <https://www.tweedekamer.nl/downloads/document?id=0b2d8870-2171-4502-9833-ce35e30404dd&title=Modelnoodverordening%20Veiligheidsberaad%20van%202020%20september%202020.pdf>

¹⁸ The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Noodverordening COVID-19 veiligheidsregio [aanduiding veiligheidsregio] [29 september 2020], available at: https://www.veiligheidsberaad.nl/?jet_download=4246

¹⁹ The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Noodverordening COVID-19 veiligheidsregio [aanduiding veiligheidsregio] [14 oktober 2020], available at: https://www.veiligheidsberaad.nl/?jet_download=4273

Despite demonstrations which were unaffected the ordinances imposed the following restrictions in the period 1 September – 28 September and exceptions to these restrictions:

- Outside the home at all public places (indoors and outdoors) no more than 4 people can form a group. This does not include children under the age of 13. Exceptions are: demonstrations and gatherings as referred to in the Public Assemblies Act; people gathering to practise a religion; funerals; weddings; people taking part in theatre, dance or sport, or performing music as a cultural activity; professions, businesses or associations ; elite athletes with a status at an assigned location and professional football players; team sports for children under 18 years (no matches or competition); public transport; care insitutions; meetings of the national parliament, municipal councils, provincial councils, boards of the water authorities or related committees; meetings of international organisations or treaty parties.
- At indoor spaces that are not private homes a maximum of 100 people, including children but not staff, is permitted, provided everyone can keep 1.5 metres apart. People moving in different directions must be well separated. Exceptions to the rules for indoor gatherings are: the upper limit of 100 people in indoor spaces does not apply in the following cases: demonstrations and meetings as referred to in the Public Assemblies Act; people gathering to practise a religion; funerals; educational institutions, training institutions and childcare centres; healthcare institutions; public transport and commercial passenger transport (but not pleasure boats); youth groups for those aged 0 to 17 (e.g. scouts, culture and art groups); airports; locations where there is a continuous flow of people, like shops, markets, museums and amusement parks; hotel guests; businesses and other organisations that operate on a daily basis, provided there are no more than 100 people per indoor space; meetings of the national parliament, municipal councils, provincial councils, boards of the water authorities or related committees; elections; meetings of international organisations or treaty parties.

Despite demonstrations which were unaffected the ordinances based on the 29 September model²⁰ impose a partial lockdown in the period 29 September – 13 October 2020 and include a wide range of restrictions (and exceptions to these restrictions):

- It is urgenly advised by the government to receive no no more than three visitors per day (excluding children under 13) at home. . .But, this was communicated on the government website as a measure and not as an urgent recommendation. ²¹
- Outside the home at all public places (indoors and outdoors) no more than 4 people can form a group. This does not include children under the age of 13. Exceptions are: demonstrations and gatherings as referred to in the Public Assemblies Act; people gathering to practise a religion; funerals; weddings; people taking part in theatre, dance or sport, or performing music as a cultural activity; professions, businesses or associations ; elite athletes with a status at an assigned location and professional football players; team sports for children under 18 years (no matches or competition); public transport; care insitutions; meetings of the national parliament, municipal councils, provincial councils, boards of the water authorities or related committees; meetings of international organisations or treaty parties.
- At indoor spaces that are not private homes a maximum of 30 people, including children but not staff, is permitted, provided everyone can keep 1.5 metres apart. People moving in

²⁰ The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Noodverordening COVID-19 veiligheidsregio [aanduiding veiligheidsregio] [29 september 2020], available at: https://www.veiligheidsberaad.nl/?jet_download=4246

²¹ The Netherlands, National Government (Rijksoverheid) (2020), ‘Additional measures to combat the spread of coronavirus’, News item, 28 September 2020, available at: <https://www.government.nl/latest/news/2020/09/28/additional-measures-to-combat-the-spread-of-coronavirus>

different directions must be well separated. Pre-entry health checks must be carried out. Reservations are mandatory for entertainment or leisure venues like cinemas, as well as for conventions and trade fairs. Exceptions to the rules for indoor gatherings are: the upper limit of 30 people in indoor spaces does not apply in the following cases: demonstrations and meetings as referred to in the Public Assemblies Act; people gathering to practise a religion; funerals; educational institutions, training institutions and childcare centres; healthcare institutions; public transport and commercial passenger transport (but not pleasure boats); youth groups for those aged 0 to 17 (e.g. scouts, culture and art groups); airports; locations where there is a continuous flow of people, like shops, markets, museums and amusement parks; hotel guests; businesses and other organisations that operate on a daily basis, provided there are no more than 100 people per indoor space; meetings of the national parliament, municipal councils, provincial councils, boards of the water authorities or related committees; elections; meetings of international organisations or treaty parties.

- Establishments that serve food and drinks may remain open until 22 hours and these establishments must take the necessary measures like placing the guests from a safe distance to each other..

Despite demonstrations which were unaffected, the ordinances based on the 14 October model²² impose a partial lockdown and include a wide range of restrictions (and exceptions to these restrictions):

- It is urgently advised by the government to receive at home no more than three visitors per day (excluding children under 13). But, this was communicated on the government website as a measure and not as an urgent recommendation.²³
- Outside the home at all public places (indoors and outdoors) no more than 4 people can form a group. This does not include children under the age of 13. Exceptions are: demonstrations and gatherings as referred to in the Public Assemblies Act; people gathering to practise a religion; funerals; weddings (maximum of 30 people); people taking part in theatre, dance or sport, or performing music as a cultural activity; professions, businesses or associations (maximum of 100 people); elite athletes with a status at an assigned location and professional football players; team sports for children under 18 years (no matches or competition); public transport; care institutions; meetings of the national parliament, municipal councils, provincial councils, boards of the water authorities or related committees; meetings of international organisations or treaty parties.
- At indoor spaces that are not private homes a maximum of 30 people, including children but not staff, is permitted, provided everyone can keep 1.5 metres apart. People moving in different directions must be well separated. Pre-entry health checks must be carried out. Reservations are mandatory for entertainment or leisure venues like cinemas, as well as for conventions and trade fairs. Exceptions to the rules for indoor gatherings are: the upper limit of 30 people in indoor spaces does not apply in the following cases: demonstrations and meetings as referred to in the Public Assemblies Act; people gathering to practise a religion; funerals; educational institutions, training institutions and childcare centres; healthcare

²² The Netherlands, Safety Council (*Veiligheidsberaad*) (2020), Noodverordening COVID-19 veiligheidsregio [aanduiding veiligheidsregio] [14 oktober 2020], available at: https://www.veiligheidsberaad.nl/?jet_download=4273

²³ The Netherlands, National Government (Rijksoverheid) (2020), 'Partial lockdown needed to bring down infections', News item, 13 October, available at: <https://www.government.nl/latest/news/2020/10/13/partial-lockdown-needed-to-bring-down-infections>

institutions; public transport and commercial passenger transport (but not pleasure boats); youth groups for those aged 0 to 17 (e.g. scouts, culture and art groups); airports; locations where there is a continuous flow of people, like shops, markets, museums and amusement parks; hotel guests; businesses and other organisations that operate on a daily basis, provided there are no more than 100 people per indoor space; meetings of the national parliament, municipal councils, provincial councils, boards of the water authorities or related committees; elections; meetings of international organisations or treaty parties.

- All establishments that serve food and drinks must close for at least four weeks, but they may open for takeaways (exceptions are hotels for hotel guests, funeral locations, airports).

In **the Netherlands** the preliminary relief judge (*voorzieningenrechter*) of the District Court The Hague decided that national government may close in establishments that serve food and drinks in order to prevent the spread of the Coronavirus.²⁴ This shutdown, which lasts at least four weeks, is imposed by the regional emergency ordinances of 14 October 2020. The case was initiated by a group of cafes and bars in The Hague who asked the court to allow cafes and bars to reopen immediately, saying that the compulsory closure is excessive and disproportionately affecting the hospitality industry. The government argues that a shutdown is necessary in order to fight COVID-19.

1.3 Freedom of movement

In **the Netherlands**, the National Government has imposed an entry ban on foreign nationals of most countries outside the EU and the Schengen Area. Countries which are excluded from this entry ban are (on 27 October 2020): United Kingdom, Australia, Japan, New Zealand, Rwanda, Singapore, South Korea, Thailand, Uruguay, China (once China starts readmitting European travellers). The entry ban does not apply to the following categories of foreign nationals from countries on which the entry ban is imposed: foreign nationals living in an EU member state, a Schengen country or the United Kingdom²⁵, persons in a long-distance relationship with someone from the Netherlands provided they meet the conditions for a long-term relationship, and persons with an essential function²⁶.

Travellers arriving in **the Netherlands** from certain countries and regions should self-quarantine for 10 days even if they do not have any symptoms or if you have tested negative for COVID-19.²⁷ All travellers from the United Kingdom and the following countries and regions or cities in the EU, Schengen Area and Kingdom of the Netherlands should quarantine: Austria; Belgium; Bonaire; Bulgaria; Croatia, Cyprus; Czech Republic; Copenhagen, Faaborg-Midtfyn, Slagelse, Aarhus, Køge, Solrød and Greve (Denmark); France; Berlin, Frankfurt am Main, München, Cologne, Aachen,

²⁴ The Netherlands, District Court The Hague (*Rechtbank Den Haag*) (2020), C-09-600949-KG ZA 20-968, 20 October 2020, ECLI:NL:RBDHA:2020:10755, available at: <http://deepink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2020:10755>

²⁵ The Netherlands, National Government (*Rijksoverheid*) (2020) 'Travelling to the Netherlands from abroad', Web page, available at: <https://www.government.nl/topics/c/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands/travel-and-holidays/visiting-the-netherlands>

²⁶ The Netherlands, National Government (*Rijksoverheid*) (2020) 'Travelling to the Netherlands: exemptions to the entry ban', Web page, available at: <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands/travel-and-holidays/visiting-the-netherlands-exemptions-to-the-entry-ban>

²⁷ The Netherlands, National Government (*Rijksoverheid*) (2020) 'Self-quarantine upon arrival in the Netherlands', Web page, available at: <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands/travel-and-holidays/self-quarantine>

Stuttgart, Essen, Mannheim and Düsseldorf (Germany)'; Hungary; Ireland; Italy; Siauliai (Lithuania), Liechtenstein; Luxembourg; Malta; Monaco; Poland; the Lisbon and Porto region (Portugal); Romania; Slovakia; Slovenia; Spain; St Maarten; City of Uppsala (Sweden); Switzerland. All travellers from a country outside the EU and the Schengen area should quarantine, except for Australia, Japan, New Zealand, Rwanda, Singapore, South Korea, Thailand, Uruguay and China (as of 27 October 2020).

Inside the Netherlands there are no travel restrictions. Government advises people to work at home and to keep travelling to a minimum.²⁸

2 Implications of Covid-19 and measures to contain it on specific social rights

Please provide information on legislation/measures taken by the government/public authorities, between 1 September – 31 October 2020, in response to COVID-19 that have impacted negatively on relevant social rights with respect to two of the following areas of life: education, work, health care and housing.

Health care

In **the Netherlands** mass testing of everyone with symptoms started on 1 June 2020. On 19 September 2020 the Health and Youth Care Inspectorate concluded in a report that the test testing system as carried out by the 25 regional health services (GGD's) worked well in July and August.²⁹ The chain of registration, collection, laboratory analysis, and source and contact tracing was in order. At the same time the Inspectorate concludes that Netherlands' test system for the Coronavirus is not prepared for a second wave. The testing capacity must be further increased, and that will be a huge task for the regional health services and the laboratories involved.

In **the Netherlands** the waiting times for Coronavirus tests peaked early October, newspaper 'De Volkskrant' reported.³⁰ The average waiting time between making an appointment and getting the results was 89,7 hours on 4 October. On 22 October the average waiting time was 56,4 hours.

In **the Netherlands** figures of the National Intensive Care Registry (*Nationale Intensive Care Evaluatie* or NICE) show that the number of hospitalisations of people diagnosed with COVID-19 rose steeply from early September to late October.³¹ The number of people diagnosed with COVID-19 on the intensive care units rose from 41 on 1 September to 579 on 27 October. The number of people diagnosed with Covid-19 on the nursing units rose from 137 on 1 September to 1,933 on 27 October

²⁸ The Netherlands, National Government (*Rijksoverheid*) (2020) ' Travelling and going on holiday', Web page, available at: <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands/travel-and-holidays>

²⁹ The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) (2020), GGD'en zijn goed op weg. Alleen is de weg nog lang..., Utrecht, Inspectie Gezondheidszorg en Jeugd, available at: <https://www.igj.nl/binaries/igj/documenten/rapporten/2020/09/17/ggden-zijn-goed-op-weg/GGD%27en+zijn+goed+op+weg+-+IGJ-rapport+over+testen+en+bron+-+en+contactonderzoek+coronavirus.pdf>

³⁰ Van der Berg, J. (2020), ' Wachtijd coronatest loopt flink terug, maar is nog niet binnen grens van 48 uur', *De Volkskrant*, 23 October 2020, available at: <https://www.volkskrant.nl/nieuws-achtergrond/wachtijd-coronatest-loopt-flink-terug-maar-is-nog-niet-binnen-grens-van-48-uur~bb123eba/>

³¹ National Intensive Care Registry (*Nationale Intensive Care Evaluatie* or NICE) (2020), 'COVID-19 infecties op de IC's', Web page, available at: <https://www.stichting-nice.nl/covid-19-op-de-ic.jsp>

2020.³² Because of this increase of hospitalisations the access to health care comes under increasing pressure. On 28 October, the Albert Schweitzer hospital in Dordrecht, for example, decided to suspend admissions to coronavirus patients for 24 hours unless they are in a life-threatening situation as reported by the media.³³ On 28 October, in a technical briefing to parliament the president of the National Network of Acute Care (*Landelijk Netwerk Acute Zorg*), as reported by the media, stated if the partial lock down imposed on 14 October has no effects and the current trend of hospitalisations continues, three quarters of the regular care cannot be provided at the end of November.³⁴ On 19 October the president of the National Network of Acute Care stated in a press conference that due to the rise of patients diagnosed with COVID-19 about 20 percent of regular healthcare has been cut at hospitals to make room for more patients diagnosed with COVID-19.³⁵

On 18 September 2020, in the Netherlands, the government launched a scheme by which all health care workers except physicians who have experienced the consequences of the coronavirus outbreak between 1 March 2020 and 1 September 2020 will receive a one-off non-taxable bonus of 1.000 euros.³⁶

Work

In **the Netherlands** the Corona crisis and the measures to fight the Coronavirus had a very negative impact on the economy and employment. According to the first estimate conducted by **Statistics Netherlands** Dutch gross domestic product fell by 8.5% in the second quarter of 2020 relative to the previous quarter. This is the largest quarterly decline on record. GDP contracted by 9.5% relative to second quarter of 2019.³⁷ Contraction was particularly severe in the sector most exposed to the restrictions imposed by the government. Output of goods and services in the sector trade, transportation and accommodation and food services was down by 16.6% relative to the second quarter of 2019.³⁸ Output in the sector culture, recreation, sports and other services was 37.4% lower than one year previously. The Bureau for Economic Policy Analysis (*Central Planbureau*) expects in its baseline projection, that the Dutch economy will shrink by 5% in 2020, followed by more than 3% growth in 2021.³⁹ This baseline projection assumes no new large-scale physical contact restrictions are needed and that the pandemic will be brought under control over the course of 2021. Unemployment is projected to increase to 6% in 2021. Under the second-wave scenario (which assumes that large-

³² National Intensive Care Registry (*Nationale Intensive Care Evaluatie or NICE*) (2020), 'COVID-19 infecties op de verpleegafdeling', Web page, available at: <https://www.stichting-nice.nl/covid-19-op-de-zkh.jsp>

³³ NOS (2020), Coronablog, 28 October 2020, available at: <https://nos.nl/liveblog/2354025-horeca-voelt-zich-genegeerd-opnieuw-rellen-in-rome-tegen-maatregelen.html>

³⁴ De Volkskrant ((2020), 'Nederlandse zorg ligt op koers voor een ramp, waarschuwt Landelijk Netwerk Acute Zorg', 28 October 2020, available at: <https://www.volkskrant.nl/nieuws-achtergrond/nederlandse-zorg-ligt-op-koers-voor-een-ramp-waarschuwt-landelijk-netwerk-acute-zorg~b103b988/>

³⁵ NOS (2020), 'Ernst Kuipers: reguliere zorg met bijna 20 procent afgeschaald', Web page, available at: <https://nos.nl/video/2352971-ernst-kuipers-reguliere-zorg-met-bijna-20-procent-afgeschaald.html>

³⁶ The Netherlands, Ministry for Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*) (2020), 'Bonus voor zorgmedewerkers', Web page, available at: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/zorg/zorgbonus>

³⁷ Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2020), 'Economic contraction of 8.5 percent in Q2 2020', News release, 27 September 2020, available at: <https://www.cbs.nl/en-gb/news/2020/39/economic-contraction-of-8-5-percent-in-q2-2020>

³⁸ Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2020), 'Economic contraction of 8.5 percent in Q2 2020', News release, 14 August 2020, available at: <https://www.cbs.nl/en-gb/news/2020/33/economic-contraction-of-8-5-percent-in-q2-2020>

³⁹ The Netherlands, Bureau for Economic Policy Analysis (*Centraal Planbureau*) (2020), *Macro Economic Outlook 2021*, available at: <https://www.cpb.nl/sites/default/files/omnidownload/CPB-Projections-Macro-Economic-Outlook-MEV-2021.pdf>

scale physical contact restrictions yet again need to be implemented), the economy will also shrink in 2021 and unemployment will increase to 10%.⁴⁰

Statistics Netherlands states in a news release that the unemployment rate rose from 2.9% in March 2020 to 4.6% in August 2020.⁴¹ There was a small decline in September 2020, from 4.6 to 4.4%.

In **the Netherlands**, to alleviate the negative impact of the Corona crisis on employment, 13 of the financial schemes implemented in the first half of 2020 to support employers and employment will be continued in 2020 and 2021.⁴² The most important of these schemes are: the Temporary Emergency Bridging Measure for Sustained Employment (*Tijdelijke Noodmaatregel Overbrugging voor Werkbehoud or Now*) and the Temporary bridging measure for self-employed professionals (*Tijdelijke overbruggingsregeling zelfstandig ondernemers or Tozo*). The schemes cover around €11 billion in additional government expenditure and €1.5 in early investments.⁴³

In **the Netherlands**, the Temporary Emergency Bridging Measure for Sustained Employment (*Tijdelijke Noodmaatregel Overbrugging voor Werkbehoud or NOW*) is extended to 1 July 2021.⁴⁴ Under the NOW employers facing turnover losses of more than 20% during three consecutive months in 2020 or more than 30% during three consecutive months in 2021 can apply for compensation towards wages. The NOW allows employers to pay their employees in a permanent and in a flexible contract. If an employer applies for the Temporary Emergency Bridging Measure for Sustained Employment he is obliged to pay the full wages. In total 2.653.000 jobs were covered by the Temporary Emergency Bridging Measure for Sustained Employment in the period March-May 2020.⁴⁵ Economic sectors in which proportionally most employees were involved in NOW-benefits were hospitality (85% of the employees in February), culture, sports and recreation (76%) and rental and other business services (57%).⁴⁶ In the period June-August 2020 1.333.000 jobs were covered by the Temporary Emergency Bridging Measure for Sustained Employment.⁴⁷

In **the Netherlands**, the Temporary bridging measure for self-employed professionals (*Tijdelijke overbruggingsregeling zelfstandig ondernemers or Tozo*) which took effect on 22 April 2020⁴⁸ is

⁴⁰ The Netherlands, Bureau for Economic Policy Analysis (*Centraal Planbureau*) (2020), Macro Economic Outlook 2021, available at: <https://www.cpb.nl/sites/default/files/omnidownload/CPB-Projections-Macro-Economic-Outlook-MEV-2021.pdf>

⁴¹ Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2020), 'Increase in unemployment has levelled off', News release, 15 October 2020, available at: <https://www.cbs.nl/en-gb/news/2020/42/increase-in-unemployment-has-levelled-off>

⁴² The Netherlands, National Government (*Rijksoverheid*), 'Overzicht financiële regelingen', Web page, <https://www.rijksoverheid.nl/onderwerpen/coronavirus-financiële-regelingen/overzicht-financiële-regelingen>

⁴³ The Netherlands, National Government (*Rijksoverheid*), 'Kabinet verlengt coronasteun banen en economie tot en met 2021', News release 28 August 2020, available at: <https://www.rijksoverheid.nl/actueel/nieuws/2020/08/28/kabinet-verlengt-coronasteun-banen-en-economie-tot-en-met-2021>

⁴⁴ The Netherlands, Third Temporary Emergency Bridging Measure for Sustained Employment 3 (*Derde Tijdelijke Noodmaatregel Overbrugging voor Werkbehoud*), 5 October 2020, available at: <https://wetten.overheid.nl/jci1.3:c:BWBR0044201&z=2020-10-10&g=2020-10-10>

⁴⁵ The Netherlands, Minister of Social Affairs and Employment (*Minister van Sociale Zaken en Werkgelegenheid*) (2020), 'Monitoring Arbeidsmarkt en Beroep Noodpakket', Letter to House of Representatives, 7 September 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/09/07/kamerbrief-monitoring-arbeidsmarkt-en-beroep-noodpakket/kamerbrief-monitoring-arbeidsmarkt-en-beroep-noodpakket.pdf>

⁴⁶ Netherlands Statistics (*Centraal Bureau voor de Statistiek*) (2020), '2,6 miljoen werknemersbanen bij bedrijven onder NOW-regeling', News release, October 2020, available at: <https://www.cbs.nl/nl-nl/nieuws/2020/40/2-6-miljoen-werknemersbanen-bij-bedrijven-onder-now-regeling>

⁴⁷ The Netherlands, Minister of Social Affairs and Employment (*Minister van Sociale Zaken en Werkgelegenheid*) (2020), 'Monitoring Arbeidsmarkt en Beroep Noodpakket', Letter to House of Representatives, 7 September 2020, available at: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/09/07/kamerbrief-monitoring-arbeidsmarkt-en-beroep-noodpakket/kamerbrief-monitoring-arbeidsmarkt-en-beroep-noodpakket.pdf>

⁴⁸ The Netherlands, Temporary bridging measure for self-employed professionals (*Tijdelijke overbruggingsregeling zelfstandig ondernemers*), 17 April 2020, available at: <https://wetten.overheid.nl/BWBR0043402/2020-04-22>

amended and extended and will be in effect until 1 July 2021⁴⁹. This amendment and extension took effect on 1 October 2020. Under this measure self-employed persons can apply for income support for a period of three months or apply for a loan for working capital, through an accelerated procedure. The income support is a supplement to the social minimum and is non-refundable (maximum is €1,052,- per month for a single person and € 1,503,- per month for a family) and the loan amounts to a maximum (€10,157) and must be paid back. In the period March-May 2020 around 374.000 applications were made under the Temporary bridging measure for self-employed professionals and in the period June-August 2020 around 104.000 applications were made.⁵⁰

In **the Netherlands**, a survey conducted by the National Federation of Christian Trade Unions in the Netherlands (CNV) among 2,500 of its members shows that working conditions at home are causing a substantial increase in the number of physical complaints among its members.⁵¹ 41% of the respondents who work at home report more problems with their neck, shoulders, or arms since they started working from home. Many people work at home because the government urgently advises people to work from home, unless this is impossible. Only 23% of the respondents receive home allowances from their employers. 61% said they incur costs by working from home that are not reimbursed. Another survey by the National Federation of Christian Trade Unions in the Netherlands (CNV), this time among around 1,500 of its members, show that because of the Corona crisis 29% of the respondents face increasing work stress. 38% of the respondents do their work with less pleasure and 21% say that the atmosphere at work is becoming increasingly grim.⁵² More than 1 in 3 respondents also indicate that absenteeism at work is increasing.

⁴⁹ The Netherlands, Ministry of Social Affairs and Employment (*Ministerie van Sociale Zaken en Werkgelegenheid*) (2020), 'Vragen over de Tijdelijke overbruggingsregeling zelfstandig ondernemers (Tozo)', Web page, available at:

<https://www.rijksoverheid.nl/onderwerpen/coronavirus-financiele-regelingen/overzicht-financiele-regelingen/tozo>

⁵⁰ The Netherlands, Minister of Social Affairs and Employment (*Minister van Sociale Zaken en Werkgelegenheid*) (2020),

'Monitoring Arbeidsmarkt en Beroep Noodpakket', Letter to House of Representatives, 7 September 2020, available at:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2020/09/07/kamerbrief-monitoring-arbeidsmarkt-en-beroep-noodpakket/kamerbrief-monitoring-arbeidsmarkt-en-beroep-noodpakket.pdf>

⁵¹ National Federation of Christian Trade Unions in the Netherlands (*Christelijke Nationaal Vakverbond* or CNV) (2020), *CNV-onderzoek Thuiswerken in coronatijd - oktober 2020*, available at:

https://www.cnv.nl/fileadmin/user_upload/werk_en_inkomen/cao/Onderzoek_thuiswerken_CNV.pdf

⁵² National Federation of Christian Trade Unions in the Netherlands (*Christelijke Nationaal Vakverbond* or CNV) (2020), *CNV-onderzoek Werkstress en veiligheid in coronatijd - oktober 2020*, available at:

https://www.cnv.nl/fileadmin/user_upload/werk_en_inkomen/cao/CNV_onderzoek_werkstress_en_veiligheid_in_coronatijd.pdf

3 Negative impact on social rights for vulnerable groups including measures to address this

Please select and provide information concerning two groups whose social rights were particularly negatively impacted with respect to developments/measures adopted in relation to COVID-19, between 1 September – 31 October 2020. For each of the two groups selected – highlight which social rights were most impacted. Also, identify any government and related measures that were introduced to alleviate the negative impact on these groups.

Older people

In **the Netherlands** a study, published by the Netherlands Institute for Social Research on 9 September 2020, shows that the number of lonely older people increased during the first half of 2020.⁵³ Study is based on an online questionnaire answered by a sample of approx. 2,000 respondents drawn from the LISS panel in July 2020. Among people older than 75 emotional loneliness doubled: compared to 2019, about twice as many people over 75 missed someone with whom they have an intimate, close relationship.

In **the Netherlands**, the Dutch association for the elderly, ANBO, conducted a poll among 1,100 of its members which shows that 42% of the respondents expect to celebrate Christmas this year alone or only with his or her partner and 62% of the respondents expect to celebrate new year's eve alone or with his or her partner.⁵⁴ The poll was conducted between 20 and 23 October 2020.

People with disabilities

In **the Netherlands**, 'Ieder(in)' - a civil society organisation representing the interests of persons with a disability – conducted a survey among 2,054 people with disabilities (from 1 to 11 October, at the beginning of the second wave) which shows that many people with disabilities are in a precarious situation when entering the second wave of the Coronavirus.⁵⁵ Care, therapies and medical treatments have not been resumed (or not fully), while treatment is again being scaled down for an increasing number of infections. Almost one in five people with disabilities is in isolation, often through self-quarantine. Family members and household members often impose (sometimes far-reaching) restrictions on themselves in order not to infect their loved ones with a vulnerable health. People with a disability face many problems restricting their participation in daily activities, such as education, work and daytime activities. In education, pupils and students with disabilities must endure extra hardship. 16% say that they do not or hardly go to the educational institutions because of the risk of infection. Almost a third of them state that the online education is insufficient or inaccessible

⁵³ De Klerk, M. Plaisier, I. and Wagemans, F. (2020), Eerste bevindingen op basis van een bevolkingsenquête uit juli 2020 : Welbevinden ten tijde van corona, The Hague, Sociaal en Cultureel Planbureau, available at: <https://www.scp.nl/binaries/scp/documenten/publicaties/2020/09/10/welbevinden-ten-tijde-van-corona.-eerste-bevindingen-op-basis-van-een-bevolkingsenquête-uit-juli-2020/Welbevinden+ten+tijde+van+corona.pdf>

⁵⁴ Anbo (2020), 'Bijna helft ouderen verwacht kerst alleen of met z'n tweeën te vieren', News release, 29 October 2020, available at: <https://www.anbo.nl/nieuws/bijna-helft-ouderen-verwacht-kerst-alleen-of-met-zn-tweeen-te-vieren>

⁵⁵ Ieder(in) (2020), 2e Corona-golf: hoe gaat het met u?, Utrecht, Ieder(in), available at: https://iederin.nl/wp-content/uploads/2020/10/2e-coronagolf-rapportage_def_2020_10_29.pdf

for them. The situation is also serious for people who participate in daytime activities. 43% of the people who normally participate in in daytime activities go less often and 19% do not go at all.

In **the Netherlands**, 'Ieder(in)' - a civil society organisation representing the interests of persons with a disability – sent a letter to the House of Representatives about the major cutbacks in care and support announced by the municipal authorities partly under the influence of the Coronacrisis.⁵⁶ The social position, and access to care and support of people with a disability or chronic illness have been under severe pressure in recent years. However, under the influence of the Coronacrisis, the problems faced by people with disabilities have become increasingly magnified in recent months. In this letter 'Ieder(in)' calls on member of parliament to put pressure on the national government to ensure that municipalities have enough resources and do not need to implement cutbacks in care and support for people with disabilities.

In **the Netherlands** the Health and Youth Care Inspectorate concludes in an inspection report, published on 19 September 2020, that to date mental health care providers have been dealing with the Coronacrisis well.⁵⁷ Infections with the virus have been limited and care is guaranteed for most clients. The Inspectorate is told by mental health institutions that the need for customisation should be central to the provision of care and the measures to be taken in the event of a second outbreak of the Coronavirus. This is necessary to prevent a disruption of the care to people with mental disabilities.

⁵⁶ Ieder(in) (2020), Letter to House of Representatives (*Tweede Kamer der Staten-Generaal*), 27 October 2020, available at: <https://iederin.nl/wp-content/uploads/2020/10/20-0631-Begroting-VWS-1.pdf>

⁵⁷ The Netherlands, Health and Youth Care Inspectorate (*Inspectie Gezondheidszorg en Jeugd*) (2020), Sectorrapportage: GGZ tijdens de coronacrisis, Utrecht, Inspectie Gezondheidszorg en Jeugd, available at: <https://www.igj.nl/binaries/igj/documenten/rapporten/2020/09/17/ggden-zijn-goed-op-weg/GGD%27en+zijn+goed+op+weg+-+IGJ-rapport+over+testen+en+bron+-+en+contactonderzoek+coronavirus.pdf>