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Member States' best practices on the Charter

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Netherlands



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Use and awareness of the Charter in your country.

1. Government policies that promote the use and awareness of the Charter among legislators, the administration, law enforcement bodies and the judiciary

In the [2020 national action plan on human rights](#), the government explains how it intends to protect and promote human rights in the Netherlands. The Charter is part of the 'human rights infrastructure' described in the action plan, i.e. the legal framework for (government) organisations and persons contributing to the protection of human rights in the Netherlands. It states that the Charter – compared to the Constitution and the ECHR – is the most modern and comprehensive fundamental rights document. The relationship between these fundamental rights documents is also explained.

The [integrated assessment framework \(IAK\)](#) provides a [fundamental rights checklist](#)<https://www.kcbr.nl/beleid-en-regelgeving-ontwikkelen/integraal-afwegingskader-voor-beleid-en-regelving/6-wat-het-7> for drawing up policy and rules. Reference is made there to the Charter, which may be applicable. The [Instructions for drafting legislation](#) also state that, when provisions are drawn up, account should be taken of how they relate to superior law, including the Charter.

The Academie voor wetgeving [Academy for Legislation] offers courses to government lawyers and legislative drafters ([European and international law | Academy for Legislation / Academy for Government Lawyers](#)) to promote use and awareness of the Charter of Fundamental Rights of the EU (the Charter). These courses are offered to, among others, (trainee) judges, public prosecutors and their legal staff, also in the form of e-learning (see [Searches – SSR \(Training and Study Centre for the Judiciary\)](#)).

Regular account is now also taken of the fundamental rights set out in the Charter in the drafting of legislation. This happens, for example, in the implementation of directives and regulations, but also in the case of 'standard' legislation, such as in the area of COVID-19. The recommendations of the Advisory Division of the Council of State to the government often state that the Government should test new legislative proposals against the Charter. The test framework developed by the Advisory Division on the subject of [digitalisation](#) specifically calls for attention to be paid to the fundamental rights set out in the Charter (Articles 7, 8 and 21).

2. Tools that help better understand the Charter and when it applies

A specific [Manual on the application of the Charter](#) has been drawn up for policymakers and legislative drafters. The document explains when the Charter applies and which fundamental rights from the Charter offer greater protection than the Constitution and the European Convention on Human Rights (ECHR). The manual can be consulted, among other places, on the website of the [Expertisecentrum Europees recht](#) [ECER – European Law Expertise Centre] of the Ministry of Foreign Affairs. That website offers more (background) information on the Charter and references to the annual reports of the European Commission on its application, as well as to the

reports of the Fundamental Rights Agency (FRA) of the EU. The ECER regularly publishes reports on new judgments of the European Court of Justice (CJEU), which are also distributed in a newsletter.

The [Nieuwsbrief Rechtspraak Europa](#) [European case-law newsletter] of the Amsterdam Court of Appeal includes a monthly overview of the case-law of both the European Court of Human Rights (ECHR) and the Court of Justice in the areas covered inter alia by the Charter. The newsletter includes information about relevant training and seminars about the Charter more generally or on specific areas (e.g. criminal law or migration law).

In addition, various (Dutch) academic publications on the Charter are available, in several areas of law (see below under Section 5).

3. Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

The reports from the FRA and the guidance on the application of the Charter, the e-learning tools on the Charter and the manuals can all be found on the website of the [ECER](#). The European Commission's annual reports on the field of application of the Charter and the thematic sheet from the Research and Documentation Directorate of the EU Court can all be found in this way.

Cooperation with stakeholders to promote use and awareness of the EU Charter of Fundamental Rights

4. Examples of cooperation between human rights defenders and national authorities that contributes to a better awareness and use of the Charter

The Human rights and local government platform has recently been developed to provide information about and exchange knowledge of human rights in local government. The platform is a collaborative venture between the Ministry of Home Affairs and Kingdom Relations, the Association of Dutch Municipalities (VNG), the Netherlands Institute for Human Rights and the National Ombudsman. It could also be used to exchange information and expertise about (specific fundamental rights included in) the Charter.

5. Examples of cooperation between national authorities and academia that contributes to a better awareness and use of the Charter

Dutch universities regularly address the (practical) meaning of the Charter. For example, various symposia were organised for the 10-year anniversary of the Charter, including by [Radboud University](#), where academics, government lawyers and judges discussed its significance for various fields of law. This resulted in the publication of a book (J. Krommendijk, H. C. F. J. A. de Waele and K. M. de Zwaan (eds), 'Tien jaar EU-Grondrechtenhandvest in Nederland. Een impact assessment' [10 years of the EU Charter of Fundamental Rights in the Netherlands - An impact assessment] Deventer: Wolters Kluwer 2019).

Study days are also organised by the [University of Utrecht](#) for judges, lawyers and public prosecutors to increase knowledge and awareness of the Charter.

6. Examples of non-governmental initiatives that promote use and awareness of the Charter in your country

The Nederland Juristen Comité voor de Mensenrechten [NJCM - Netherlands Committee of Jurists for Human Rights] organised the third [Symposium on the Charter](#) in 2020. On that occasion, the added value of the Charter for legal practice was discussed. The contributions of the speakers were then collected in the *Nederlands Tijdschrift voor de Mensenrechten* (NTM - Volume 45, 2020, No 1).

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