

2025 Annual Report

International Human Rights Proceedings

International Human Rights Proceedings

International Law Division
Ministry of Foreign Affairs

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Foreword

A year has passed since the previous annual report on international human rights proceedings in which the Netherlands was involved. As usual, this year's report contains summaries of all the judgments and decisions handed down in the previous year. In addition, we include an introductory section explaining the various international human rights proceedings. We also provide information on developments within the Council of Europe that are connected with or directly relevant to those proceedings, as well as overviews and statistics. This year marked the 75th anniversary of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), one year after the Council of Europe celebrated its own 75th anniversary. This was an opportunity to reflect on what the ECHR has meant in all those years and an opportunity to look ahead to the future.

The most important ruling of 2025 by far was the judgment of the European Court of Human Rights (ECtHR) in the inter-state case brought by the Netherlands against Russia regarding the downing of flight MH17. In a unanimous judgment published on 9 July the ECtHR held that Russia was responsible for the downing of flight MH17 and the deaths of all 298 crew and passengers. Russia had violated its obligations under Article 2 of the ECHR (right to life – substantive limb) by deploying a Buk TELAR launcher that caused the deaths of everyone on board and by not taking any measures to prevent this. The ECtHR also held that that Russia had violated Article 2 (right to life – procedural limb) because it had failed to conduct a proper investigation into the downing of MH17 and had insufficiently cooperated in responding to requests for information from the Netherlands and the Joint Investigation Team (JIT). The ECtHR further held that, partly through Russia's denial of any involvement in the downing of flight MH17, the continuing profound suffering of the victims' next of kin attained a level of severity amounting to inhuman treatment under Article 3 (prohibition of torture and inhuman or degrading treatment). Since there was no evidence the relatives would have access to effective remedies in Russia capable of establishing liability and awarding compensation, the ECtHR also found a violation of Article 13 (right to an effective remedy) in combination with Article 2. Furthermore, the ECtHR held that Russia had breached its obligations under Article 38 of the ECHR on account of its lack of constructive engagement in the admissibility stage of proceedings and its failure to participate in the ECtHR's examination of the merits.

For the rest, the 2025 figures show a similar picture to previous years, where in a limited number of cases the ECtHR concluded that the Netherlands had violated the ECHR. This year it reached that conclusion in only one case, in which the ECtHR held that the termination of a woman's parental responsibility for her daughter constituted a violation of Article 8 of the ECHR (right to respect for privacy and family life). In 2025 the UN treaty bodies also found one violation by Netherlands: the Committee for the Elimination of All Forms of Discrimination against Women held that the Netherlands had violated Article 16, paragraph 1 (g) of the relevant Convention since the fee payable for changing a surname after divorce constituted an indirect discriminatory burden on women.

Once again, many people were involved in drawing up this report. Alongside staff and trainees working in the International Law Division of the Ministry of Foreign Affairs and the colleague seconded each year from the Council of State, contributors included staff at various ministries who took the lead or were closely involved in preparing the cases, namely those working at the Ministries of Justice and Security; Finance; and Health, Welfare and Sport. Our colleagues at the Immigration and Naturalisation Service and the Public Prosecution Service were also involved, as well as those working in the relevant ministries in Aruba, Curaçao and St Maarten with regard to decisions and judgments referring to the Caribbean part of the Kingdom.

If you have any comments or suggestions or would like further information, please contact us at:

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The Hague, May 2026

Human Rights Group
International Law Division
Legal Affairs Department

Representing the Kingdom before the European Court of Human Rights and the UN treaty bodies

Representation

The Ministry of Foreign Affairs, in consultation with the other ministries involved, represents the Government of the Kingdom of the Netherlands ('the Government'; 'the Kingdom') in proceedings before the European Court of Human Rights (ECtHR), the European Committee of Social Rights (ECSR) and the various United Nations treaty bodies, including the Human Rights Committee (CCPR), which monitors compliance with the International Covenant on Civil and Political Rights; the Committee against Torture (CAT), which monitors compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Committee on the Elimination of Racial Discrimination (CERD), which monitors compliance with the International Convention on the Elimination of All Forms of Racial Discrimination; and the Committee on the Elimination of Discrimination against Women (CEDAW Committee), which monitors compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

Handling of cases

At present two lawyers (known as 'agents') in the Human Rights Group of the International Law Division of the Legal Affairs Department (DJZ/IR) at the Ministry of Foreign Affairs are authorised to act on behalf of the Government in Strasbourg and Geneva. With the support of a number of other lawyers and an administrative assistant in the Human Rights Group, the agents are responsible for coordinating proceedings. The Human Rights Group registers cases, coordinates the flow of documents to and from the ECtHR and the UN treaty bodies, and distributes the documents to the relevant ministries. It also coordinates the preparation and formulation of the Government's position before the ECtHR and the UN treaty bodies in the various pending cases, which relate to a broad range of disputes in which the human rights enshrined in the treaties under their supervision have been invoked. Besides representing the Netherlands in human rights proceedings, the Human Rights Group also provides advice in the field of international human rights treaties and customary international law.

Proceedings before the European Court of Human Rights

Individual applications

The procedure under which individuals can lodge an application with the ECtHR is described in Article 34 of the ECHR. Under this article, any person, non-governmental organisation or group of individuals claiming to be the victim of a violation of the rights set forth in the ECHR or one of its Protocols can lodge an application with the ECtHR.

Inter-state cases

Under Article 33 of the ECHR, contracting states can refer to the ECtHR any alleged breach of the provisions of the ECHR and its Protocols by another contracting state in inter-state proceedings. It is not necessary for the individual victims of alleged human rights violations to be nationals of the applicant state. The procedure was used rarely at first, but in recent years there has been a marked increase in the number of inter-state applications; at present, 15 such cases are pending before the ECtHR. The Netherlands has lodged three inter-state applications. The first was lodged against

Greece in 1967 when it was ruled by the military junta; the second was lodged against Türkiye in 1982 in connection with the coup that had taken place there; and the most recent is the inter-state application against Russia in connection with the downing of flight MH17.

Interventions

On the basis of Article 36 of the ECHR, it is possible for a contracting state or other parties to submit written comments or take part in hearings in cases where the state concerned is not a party to the proceedings or the person concerned is not the applicant. The aim of a third-party intervention is to make an extra contribution to assist decision-making by the ECtHR. An intervening party is therefore sometimes known as an *amicus curiae* (friend of the court).

As stated above, an intervening party is not a party to the case and is therefore not directly bound by the final judgment. There are two types of intervention. First, a contracting state has the right to intervene in cases in which a national of that state has lodged an application against another contracting state. Second, the ECtHR can invite states or other parties to intervene. The Government or other parties, such as civil society organisations, can request the ECtHR to grant them leave to intervene. It is then up to the ECtHR to decide whether to grant the request. The Government regularly requests leave to intervene in order to propose a particular interpretation of the ECHR or to promote the development of the law. In principle, the Netherlands intervenes only in cases involving a specific Dutch interest. This could be because proceedings are pending in the Netherlands that are dealing with the same issue. Another reason for intervention could be that a particular doctrine is expected to be developed in the case in question and the Netherlands has an interest in the direction of such a development. Whenever the decision is taken to lodge an intervention, there will almost always be a specific political, legal, economic and/or financial interest in the outcome of the dispute or the interpretation of the ECtHR. An intervention is always prepared in close consultation and cooperation with the ministry whose policy area the issue concerns. The Netherlands has intervened in more than ten cases over the years.

Advisory opinions

In addition to judgments and decisions, the ECtHR can give advisory opinions on the interpretation and implementation of the ECHR. On the basis of Protocol No. 16 to the ECHR, advisory opinions are provided at the request of the highest courts and tribunals of the contracting states and only in the context of a case pending before them. Although the advisory opinions are not binding, they carry great weight in the interpretation of the ECHR. When courts in the Kingdom of the Netherlands request an advisory opinion, the Government has the right to submit written comments. When courts in other contracting states request an advisory opinion, the Government can request leave to submit a written contribution to the ECtHR. The Netherlands has been a party to Protocol No. 16 since 2019. No requests for an advisory opinion have yet been submitted by any of the highest courts in the Netherlands, nor has the Government requested leave to intervene in advisory proceedings involving other contracting states.

Committee of Ministers

The strength of the ECHR lies not only in the treaty itself and the constantly evolving case law of the ECtHR, but also undoubtedly in the supervision of the execution of ECtHR judgments. Supervision is in the hands of the Council of Europe's member states, supported by the Secretariat's Department for the Execution of Judgments (Execution Department). Together they ensure that the contracting states execute ECtHR judgments, not only by taking individual measures such as paying compensation awarded by the ECtHR or granting a residence permit, but also by taking general measures aimed at avoiding the occurrence of comparable violations in the future. Depending on the violation found, general measures may, for example, require changes to policy, legislation or case law, improvements to conditions of detention, training for judges or civil servants or a range of

other measures. After the Committee of Ministers has established which individual and/or general measures are required, the respondent state is obliged to report in the form of regular Action Plans on the progress of the measures. In addition to the Execution Department other parties, including NGOs, international organisations and national human rights bodies such as the Netherlands Institute for Human Rights, can give their views on the progress and effectiveness of the execution of judgments. If a case has exceptionally serious implications or if it is deemed that insufficient progress is being made in complying with the judgment, the Committee of Ministers may decide to place the case under enhanced supervision. In cases where far-reaching measures or reforms are required, the procedure can take a number of years, even in cases where the state concerned is committed to protecting human rights and has sufficient financial resources.

Procedures before the European Committee of Social Rights

The Additional Protocol to the European Social Charter (ESC; 'the Charter') enables social partners and non-governmental organisations to lodge collective complaints of alleged violations of the ESC by a contracting state. The complaint is then examined by the European Committee of Social Rights (ECSR). The ECSR decides on the admissibility of the complaint and, if it is declared admissible, examines whether a violation of the ESC has taken place. On the basis of the ECSR's decision, the Committee of Ministers may adopt a resolution containing recommendations to the contracting state on measures to be taken to rectify the violation.

The network of agents representing governments at the ECtHR and the ECSR

The Human Rights Group actively participates in the network of agents representing governments at the ECtHR. Within the network information is exchanged on pending cases and other issues relevant to proceedings before the ECtHR. In addition, the network makes it possible to draw the attention of other contracting states to relevant new cases, in order to facilitate third-party interventions, and creates scope for coordinating action by different contracting states in a single case.

The aim is for the agents to meet once a year, usually at the invitation of the agent of the state that holds the autumn presidency of the Committee of Ministers of the Council of Europe. In addition, the ECtHR in principle holds a meeting of agents twice a year in Strasbourg. These meetings feature discussion of various developments and issues relating to proceedings before the ECtHR. The ECSR holds an annual meeting with the agents of the countries that have recognised the right of collective complaint under the ESC.

Proceedings before the UN treaty bodies

The Netherlands is a party to eight UN human rights instruments: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

All these instruments enable individuals – in some cases by virtue of an optional protocol – to lodge a complaint about human rights violations (this is known as the individual right of complaint).

Individuals can lodge a complaint against the Kingdom with five UN treaty bodies: the UN Human Rights Committee (CCPR), the Committee against Torture (CAT), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on Enforced Disappearances (CED) and the Committee on the Elimination of Discrimination against Women (CEDAW Committee).

These treaty bodies consist of independent experts elected by the General Assembly of the United Nations. Although there are differences among these bodies on account of the thematic substance of the human rights instrument they monitor, the procedures they follow with regard to individual complaints are generally the same.

Individual complaints

It is possible to lodge an individual complaint against the Kingdom with any of the five treaty bodies listed above concerning an alleged violation of the relevant human rights instrument. This enables the treaty body concerned to offer protection at individual level. The treaty body establishes what are called 'Views', in which it finds whether or not a violation of the relevant provisions has occurred. These Views are not officially binding but carry great weight.

Inter-state cases

Inter-state cases can be lodged with a number of the treaty bodies. In such cases a state party lodges a complaint against another state party regarding alleged violations of the relevant instrument. In general, both states parties must have explicitly accepted the competence of the treaty body in this regard. The procedure is rarely used.

Follow-up

If a treaty body establishes that a violation has taken place, the government in question has 180 days to draft and submit an action plan setting out the measures to be taken to end the violation and to prevent new violations. On the basis of the plan, the treaty body adopts a follow-up report indicating the extent to which the government has implemented the recommendations that it set out in its Views. A new follow-up report can be adopted at each session of the treaty body until it is satisfied that the government has taken sufficient measures.

Course of individual cases

The handling of individual cases is broadly the same in the various proceedings. After a new case has been communicated to the Kingdom, it is passed on to the Human Rights Group at the Ministry of Foreign Affairs. Depending on the nature of the case, the Human Rights Group will involve the ministry bearing policy responsibility for the alleged human rights violation.

Important aspects for consideration are the admissibility and merits of the case. Admissibility is the question of whether the case can be accepted for consideration by the ECtHR or UN treaty body on the basis of various criteria, including whether domestic legal remedies have been exhausted, whether the case falls within the scope of the instrument concerned or the relevant article, whether the complaint is sufficiently substantiated, whether the case is already being heard by another international body, whether the complaint constitutes an abuse of the procedure and whether the party complaining of a violation has suffered damage or loss as a result of the alleged violation. With regard to the merits, the measure that is the object of the complaint must fall within the scope of the relevant article. In the case of some articles, it is necessary to ascertain if restrictions on the freedom enshrined in the instrument can be justified. After it has received the complaint, the Government can submit its observations. The party complaining of a violation (known as applicant, author or complainant, depending on the procedure) can then respond, after which the Government has an opportunity to submit additional observations. A further written response may in some cases be submitted, for example in the event of new developments or in response to specific supplementary questions from the UN treaty body or the ECtHR.

On the basis of all these documents the treaty body establishes Views and the ECtHR gives a judgment or decision. If compensation is sought, the Views or judgment/decision will state whether it should be granted. A hearing may be held in Geneva or Strasbourg. To date, the cases brought against the Netherlands before the UN treaty bodies have never involved a hearing, whereas hearings in Strasbourg have sometimes been held in ECtHR proceedings against the Netherlands, including in cases heard by the Grand Chamber.

In the case of the ECtHR, applications must be lodged within four months of the highest national court handing down its judgment in the case. All applications received by the ECtHR are then assessed by the Filtering Section to determine if they are manifestly inadmissible. Once the application has been communicated to the Netherlands, the case enters the non-contentious phase in which parties may still reach a friendly settlement. The period for submitting observations begins after the non-contentious phase ends. This is usually after 12 weeks.

Knowledge transfer

The Human Rights Group is part of the International Law Division of the Legal Affairs Department (DJZ/IR), alongside the Peace and Security, International Rule of Law, International Environment and Litigation Groups, as well as the Centre for International Law (CIR). The International Law Division was set up as a knowledge centre with the purpose of supporting Dutch government policy. Its staff regularly give lectures and courses at other ministries and implementing agencies. In addition, staff in the Human Rights Group provide regular courses on practice at the ECtHR and UN treaty bodies, and lectures on developments in international law, for example at universities, the Academy for Legislation, the Academy for Government Lawyers and district courts.

There are various opportunities to gain experience at the Human Rights Group on a temporary basis. For example, every year a lawyer from the Council of State is seconded to the Group. In addition, students can apply for a work placement at DJZ/IR to familiarise themselves with international human rights proceedings before the ECtHR and the UN treaty bodies. In 2025, a total of seven trainees worked at DJZ/IR.

Council of Europe

European Court of Human Rights

Judgments

S.W.O.C. B.V. (2799/16, 1 April 2025), B.H. B.V. (3124/16, 1 April 2025), P.I. B.V. (3205/16, 1 April 2025) and J.J.G. B.V. and Others (2800/16, 1 April 2025)

The applicant companies complained that the transmission to the Netherlands Competition Authority (NMA – which is now the Netherlands Authority for Consumers and Markets) of criminal case data constituted a violation of Article 8 of the ECHR (right to respect for private and family life). They also complained that they did not have access to an effective remedy for their complaint (Article 13 of the ECHR). The applicants in cases *S.W.O.C. B.V.*, *B.H. B.V.* and *P.I. B.V.* are companies engaged in waste collection from ships in the port of Rotterdam. Telephone conversations with staff were intercepted in the context of a criminal investigation into a third (subsidiary) company suspected of contravening the Environmental Management Act and of forging documents. The applicants in the case *J.J.G. B.V. and Others* are companies engaged in construction that were suspected of involvement in the bribery of local government officials.

In the context of a criminal investigation into these suspicions, the telephone conversations of a number of employees were intercepted. In all cases, the duly authorised intercepts indicated that the applicants were involved in breaches of the Competition Act. The Public Prosecution Service shared this information with the NMA on the basis of the Judicial Data and Criminal Case Information Act (WJSG). Partly on the basis of this information, the NMA imposed fines on the applicants for contraventions of the Competition Act.

According to the applicants the transmission of the criminal case data was in violation of Article 8 of the ECHR because it had no statutory basis and was not foreseeable. Furthermore, they claimed that the WJSG offered insufficient legal safeguards against arbitrary interference. In the applicants' view, the absence of a reasoned decision, in combination with the Public Prosecution Service's discretionary powers, meant that the extent to which the applicant companies' interests were taken into account remained unknown and rendered the decision-making process incapable of providing sufficient safeguards against arbitrariness and abuse. In addition, the applicants complained that the interference with their right to privacy was disproportionate.

The ECtHR noted that the transmission of criminal case data to another administrative authority constitutes an interference with the right to respect for private and family life under Article 8 of the ECHR. However, it held that the relevant provisions of the WJSG define with sufficient clarity the conditions applying to such transmission. For example, the WSJG defines which data is eligible for transmission ('criminal case data') and the purpose which must be served, as well as the permitted group of potential recipients of such data. In this context the ECtHR held that, contrary to the applicants' argument, it is sufficiently foreseeable that the term 'criminal case data' can cover other data obtained through the intercept that is not directly relevant to the criminal investigation. Furthermore, the WSJG requires a weighing of interests in view of a compelling public interest. The ECtHR further held that in this case the data transmission had served the legitimate aim of protecting the economic well-being of the country and was necessary in a democratic society. It observed that although there was no prior judicial review of the data transmission, the applicants

did not receive prior notice of the transmission and the authorisation granted by the public prosecutor contained no assessment of the necessity for the transmission, these circumstances were compensated for by other factors: the data had been obtained lawfully as part of a criminal investigation and the applicants had the opportunity to have the lawfulness of the transmission, including in light of the ECHR, effectively assessed by the administrative court in an *ex-post facto* review. Furthermore, the applicants could also have had recourse to a civil law procedure under article 6:162 of the Civil Code claiming a wrongful act. In light of the above, the ECtHR concluded that the Government had remained within its margin of appreciation and there had been no violation of Articles 8 and 13 of the ECHR.

N.S.S. (45644/18, 15 April 2025)

The applicant complained that the decision to terminate her parental responsibility for her child was in violation of Article 8 of the ECHR (right to respect for private and family life). The applicant had exercised sole parental responsibility since her daughter's birth in 2014. The certified youth protection agency working with the applicant reported concerns about the family, partly because there had been reports of domestic violence in the relationship between the applicant and the father of the child that the child had witnessed. After an investigation by the Child Care and Protection Board a supervision order was applied for. The District Court granted the application, ordering that the applicant and her daughter be placed in a mother-and-child facility with supervision so that the mother's parenting capacities could be assessed. A few days after the supervision order was imposed the mother and daughter left the short-stay crisis shelter where they had been living. An emergency care order was immediately granted and the child was placed in foster care. Around 18 months after the supervision order was imposed, the District Court agreed to terminate the applicant's parental responsibility for her child since the 'acceptable period' for removing uncertainties about the child's future prospects had expired.

The applicant argued that the authorities had not sufficiently substantiated the decision to terminate her parental responsibility, that there had been no independent and expert assessment of her parenting capacities and that the authorities had not taken sufficient steps to reunite the applicant with her child.

The ECtHR noted that in this case the authorities had based their decision to terminate the applicant's parental responsibility on reports from the Child Care and Protection Board and the findings of the District Court as set out in previous decisions regarding supervision orders and care orders. However, neither the District Court's judgment nor the Board's reports contained an in-depth analysis of the vulnerability of the child, though this was a necessity. In addition, the application for termination of parental responsibility was lodged 18 months after the care order came into effect and it was clear less than a year after the child had been placed in care that the goal was no longer family reunification as the 'acceptable period' had expired.

The ECtHR noted that the justification for the expiry of the acceptable period was principally based on the applicant's refusal to accept support. It acknowledged that the applicant had indeed refused support at various points and that this hampered the assessment of her parenting capacities. Nevertheless, the ECtHR observed that there was no indication that the applicant, herself a vulnerable person who had lost confidence in the authorities concerned, was not open to other options for this assessment.

The ECtHR concluded that the authorities gave up the goal of family reunification at an early stage without a proper assessment of the applicant's parenting capacities or an in-depth analysis of the child's vulnerability, and without adequately demonstrating why reunification was no longer

compatible with the child's best interests. The ECtHR held that there had been a violation of Article 8 of the ECHR and ordered the state to pay the applicant €20,000 in respect of non-pecuniary damage.

T.K. (298/15, 20 May 2025)

The applicants complained under Article 2 of the ECHR (right to life) with regard to the death of their son resulting from a gunshot wound inflicted by a police officer. They claimed that the use of the firearm by the police officer was not 'absolutely necessary' and that the authorities failed to carry out an independent and effective investigation into the incident.

The case concerned an incident in which the police officer in question was attacked by several members of the football team of which the applicants' son was also a member. The police officer drew his firearm and fired four shots. The first, intended as a warning shot, hit the applicants' son and was fatal.

The applicants argued that the investigation into the police officer's actions was not independent since it was conducted by his colleagues and was led by a public prosecutor who had worked with the police officer in the past. The Chief Public Prosecutor refused a request to replace this public prosecutor. In addition, it was argued that the decision not to prosecute the police officer was taken by the public prosecutor himself, rather than the Chief Public Prosecutor, as required by the relevant rules. The applicants further claimed that the assessment of the Court of Appeal had lacked thoroughness, since it was largely based on inconsistent statements made by the police officer, instead of on objective evidence. Moreover, the Court of Appeal did not take into consideration the police officer's prior convictions or his failure to de-escalate the situation.

The ECtHR concluded that the use of lethal force by the police officer was 'absolutely necessary in defence of any person from unlawful violence' within the meaning of Article 2 of the ECHR. It held that the police officer acted in the conviction that his life was in danger and that his defensive action was neither excessive nor disproportionate. There had therefore been no substantive violation of Article 2. Furthermore, the ECtHR concluded that the investigation was sufficiently effective to enable it to be determined whether the use of lethal force had been justified in this case. The authorities had taken sufficient measures to collect and secure evidence relating to the incident at issue.

The ECtHR saw no reason to doubt the independence of the investigation. The public prosecutor was sufficiently independent: although he had previously worked in the same police region as the police officer, he did not know him. The decision not to prosecute the police officer had in fact been taken by the Chief Public Prosecutor and this issue was examined separately by the Court of Appeal. The ECtHR found no shortcomings in the investigation that on account of the collaboration between the police services concerned might have undermined the ability of the investigation to fulfil its essential purpose. The ECtHR concluded that there had been no violation of the procedural limb of Article 2 of the ECHR.

Ukraine and the Netherlands v. Russia (8019/16, 43800/14, 28525/20 and 11055/22, 9 July 2025)

On 9 July 2025 the ECtHR gave judgment in the inter-state application lodged by the Netherlands against Russia on 10 July 2020 concerning the downing of flight MH17 by Russia. The ECtHR had joined this case with three inter-state cases brought by Ukraine against Russia. The Netherlands asked the ECtHR to establish that Russia had violated the ECHR through its responsibility for the downing of flight MH17 and the deaths of all 298 civilians on board (Article 2 – right to life, substantive limb). The Netherlands also argued that Russia had failed to conduct an effective investigation itself and had insufficiently cooperated when the Netherlands and the Joint Investigation Team (JIT) submitted requests for information. This constituted a violation of Article 2

of the ECHR (right to life – procedural limb). The Netherlands further claimed that by denying any involvement, and thereby increasing the suffering of the next of kin, Russia had violated Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment). In addition, by failing to provide the next of kin with any effective remedy in Russia capable of establishing liability and awarding compensation, Russia had violated Article 13 of the ECHR (right to an effective remedy) in combination with Articles 2 and 3 of the ECHR.

The Grand Chamber of the ECtHR held unanimously that Russia was responsible for these violations. It held that Russia had violated the right to life of all civilians on board MH17 by deliberately and unlawfully depriving them of their lives and by taking no appropriate measures to safeguard their lives. In its admissibility decision of 30 November 2022, the ECtHR had established that flight MH17 was downed by a Buk missile fired from territory that at the time was under Russia's effective control. It also found that the missile had been supplied and transported by Russia. The ECtHR held that the only reasonable conclusion was that a Russian soldier or an armed separatist had fired the missile. It was unnecessary to determine exactly who had fired the missile, since acts of the Russian armed forces and of separatists were attributable to Russia. The ECtHR accepted the findings of the domestic court that the missile was intentionally fired at flight MH17, most likely in the mistaken belief that it was a military aircraft, but in the full knowledge that the deaths of all those on board would be the inevitable outcome. Since Russia took no appropriate measures to safeguard those lives it had also breached the international humanitarian law principles of distinction and precaution. The firing of the missile accordingly constituted an indiscriminate attack prohibited under international humanitarian law. As a result, an assessment in light of both international humanitarian law and the ECHR does not lead to a potential conflict with the assessment solely under the ECHR, namely that Russia had violated the right to life.

The ECtHR also found that according to the ECHR and international humanitarian law, Russia was under an obligation to conduct an effective investigation into the downing of flight MH17, to cooperate with the JIT and to respond to requests for legal assistance from the Dutch Public Prosecution Service. The ECtHR held that there was no evidence of such cooperation, indeed Russia had adopted an obstructive approach. The limited investigation conducted by Russia was *ad hoc* and appeared to be aimed at demonstrating a lack of Russian involvement. Russia also published information that later proved to be inaccurate or fabricated. The Russian Ministry of Defence was involved in this investigation, which meant that it was not independent, and the next of kin were not involved in these inquiries or directly informed of any outcome.

The ECtHR further concluded that Russia had violated the right to an effective remedy since Russia's consistent denial of involvement and refusal to provide information meant that it was impossible for any fact-finding body to establish the full truth regarding the precise circumstances of the downing of flight MH17.

The ECtHR also held that Russia had violated Article 3 of the ECHR, in light of the continuing profound suffering of the next of kin. The Russian authorities' failure to cooperate with the investigation led to uncertainty among the next of kin as to the exact circumstances of the downing of flight MH17. In this context, the ECtHR referred, *inter alia*, to the inability to secure the crash site and the fact that the next of kin were obliged to identify the victims under distressing circumstances. The ECtHR deemed it unnecessary to examine separately the alleged violation of the right to an effective remedy in combination with the prohibition of inhuman treatment, since in concluding that there had been a violation of Article 3 of the ECHR it had already taken into account Russia's failure to provide information and conduct an effective investigation.

The ECtHR further held that Russia had not met its obligations under the ECHR in the proceedings before the Court. Its failure to provide information, engage constructively during the admissibility stage and participate in any way in the examination of the merits of the case constituted a violation of Article 38 of the ECHR. As a result Russia had unnecessarily made the ECtHR's task of determining whether violations of the ECHR had occurred more difficult.

Finally, the ECtHR decided to examine the Dutch Government's application for just satisfaction separately at a later date because it must take into account possible developments ensuing from the decision by the Council of the International Civil Aviation Organization that Russia had failed in its obligations under the Convention on International Civil Aviation in respect of the downing of flight MH17. The Council is still considering what form of reparations is in order. In addition, the ECtHR wished to take into account the processing of the individual applications lodged with the Court by the next of kin. The ECtHR therefore disjoined the application with regard to flight MH17 from the applications lodged by Ukraine against Russia for the purposes of further proceedings only.

Decisions

E.A.R. (6628/24, 27 February 2025)

The applicant complained under Article 5, paragraph 3 of the ECHR (right to liberty and security) regarding the lawfulness of his pre-trial detention. The applicant was held in pre-trial detention on suspicion of money laundering and because there was a risk of reoffending. The probation service subsequently drew up a report concluding that the risk that the applicant would reoffend was low. However, the District Court extended the applicant's pre-trial detention by 60 days without addressing the probation service's report. The Court of Appeal upheld this decision. The applicant claimed that the decisions given by the District Court and Court of Appeal regarding the extension of pre-trial detention lacked sufficient reasons, partly because they had not taken into account the recommendation of the probation service and the applicant's clean criminal record. The applicant and the Government reached a friendly settlement and the ECtHR struck the application out of the list.

T.H. and Others (26424/23, 13 March 2025)

The applicants complained that the imposition on them of an antisocial behaviour order (*gedragsaanwijzing*) together with an exclusion order was a violation of Article 11 of the ECHR (freedom of assembly and association). The applicants are activists who via social media had called on others to participate in the Extinction Rebellion demonstrations blocking the highway (A12/Utrechtsebaan in The Hague) in late 2022 and early 2023. The Public Prosecution Service instituted criminal proceedings against the applicants on suspicion of inciting attendance of and taking part in a blockade of a highway. In January 2023, in the context of these proceedings, the public prosecutor imposed an antisocial behaviour order on the applicants which included an exclusion order banning them from the A12/Utrechtsebaan and the surrounding streets for a period of 90 days. The applicants' appeal against these orders was declared unfounded with regard to the A12/Utrechtsebaan but well founded with respect to the surrounding streets. Two Extinction Rebellion demonstrations on the A12/Utrechtsebaan took place in the period that the exclusion order was in force.

Following unsuccessful friendly settlement negotiations, the Government submitted a unilateral declaration. In this declaration it acknowledged that in light of the specific facts and circumstances of the case the exclusion orders imposed in the context of criminal proceedings against the applicants on suspicion of incitement were not in line with the requirements of Article 11 of the ECHR and therefore constituted a violation of this provision. The Government offered to pay an amount in respect of non-pecuniary damage and to reimburse the applicants for the costs and

expenses of proceedings. The ECtHR concluded that the applicants' express agreement to the terms of the Government's declaration should be viewed as a friendly settlement between the parties. The ECtHR struck the applications out of its list.

D.D.J. (23106/19, 22 April 2025) and P.Z. (27231/19, 22 April 2025)

The applicants complained that a change in Supreme Court practice with regard to the use of its competence to examine *ex proprio motu* whether the statute of limitations has expired is in violation of Article 7 of the ECHR (no punishment without law).

Both applicants were convicted in national proceedings at first and second instance. In these proceedings they had not argued that the offences with which they were charged had become time-barred. The Supreme Court dismissed their appeals in cassation. In its ruling in the proceedings lodged by the first applicant (23106/19) the Supreme Court formulated an exception to the rule that it must examine *ex proprio motu* whether the statute of limitations on a criminal offence expired before or during the criminal proceedings. Since this ruling, in cases where the statute of limitations has expired before the submission of the statement of grounds for appeal in cassation, the defence should specifically cite the expiry of the statute of limitations as one of the grounds. In the second applicant's case (27231/19) this recently amended practice was applied. The applicants complained that the offences of which they were convicted were already time-barred when the appeal in cassation was being heard. In their view, the change to Supreme Court practice was not foreseeable and, as there was no transition period, had led to an arbitrary conviction. They claimed that this constituted a violation of the principle that only the law can define a crime and prescribe a penalty (*nullum crimen, nulla poena sine lege*) as embodied in Article 7 of the ECHR.

In case no. 23106/19, the ECtHR noted that in view of the fact that no judicial authority had established that the offences charged had become time-barred, it was unclear whether the applicant had been affected by the change in Supreme Court practice. The ECtHR concluded in both cases that the complaints concerned a procedural issue, that the Supreme Court's exception to its examination *ex proprio motu* of whether the prosecution had become time-barred did not result in a revival of the prosecution, and that the applicants had not demonstrated that the Supreme Court's change to its practice related to the definition of the offence or penalty.¹ According to settled ECtHR case law, the point of law raised did not fall within the scope of Article 7. The applications were therefore inadmissible under Article 35, paragraph 3 (a) of the ECHR and were rejected in accordance with Article 35, paragraph 4 of the ECHR.

S.M.A. (32184/23, 19 June 2025)

The applicant, a Surinamese national, complained that the refusal to grant him family reunification with his mother, who was residing lawfully in the Netherlands, was in violation of Article 8 of the ECHR (right to respect for private and family life). The applicant and the Government reached a friendly settlement under which the Government undertook to grant the applicant provisional entry to the Netherlands and a residence permit on arrival in the country, provided he could still meet the formal requirements. As a result of the friendly settlement, the ECtHR struck the application out of the list.

I.M. and Others (16395/18, 23 September 2025)

The applicants, the Dutch company I.M. and the four partners in the company, complained that the supplementary VAT assessments issued by the Tax Administration constituted a violation of Article 7 of the ECHR (no punishment without law) because there was no legal basis in national law for imposing 'punitive' supplementary assessments. The reason for imposing the supplementary assessment according to the Tax Administration was that I.M. had wrongly claimed an exemption

¹ The text contains a slight difference from the printed Dutch version.

from VAT for intra-Community supply: the company had not complied with the conditions for applying the exemption because I.M. was selling the products on in Italy via a fraudulent scheme (carousel fraud). Referring to a preliminary ruling handed down by the Court of Justice of the European Union (C-131/13), the Supreme Court held that the fact that I.M. knew or should have known that fraudulent transactions involving the exported goods were taking place in Italy meant that the company was not eligible for the exemption. This was not affected by the fact that there was no national statutory basis for refusing to grant a deduction in the event that the person concerned had knowingly been involved in fraud, since the conditions applying to VAT exemptions are laid down in European law and have direct effect. The Supreme Court further held that refusal to grant exemption from VAT did not constitute a punitive measure.

The ECtHR's consideration of the case focused on the question of whether the supplementary VAT assessments constituted a 'penalty' within the meaning of Article 7 of the ECHR. In examining this question the ECtHR applied the three *Engel* criteria: the classification of the offence at domestic level, the nature of the offence and the nature and severity of the penalty that may be imposed are relevant to a determination of whether a measure is a penalty within the meaning of Article 7. On this basis the ECtHR concluded that the supplementary tax assessments did not constitute a 'penalty' since their aim was to recover tax owed once it became clear that an exemption had been wrongfully obtained. The ECtHR declared the application inadmissible.

A.A. (42069/22, 20 November 2025)

The applicant complained under Article 2 (right to life) in combination with Article 13 of the ECHR (right to an effective remedy) that the youth care institution in which his daughter had been placed had failed to prevent his daughter committing suicide. The applicant and the Government reached a friendly settlement that included financial compensation, confidential access to documents held by the Health and Youth Care Inspectorate and a meeting with the State Secretary for Youth, Prevention and Sport. The applicant and his wife would also be invited to participate in improvement processes relating to youth care institutions, such as the acknowledgment project for secure youth care and the introduction of additional quality controls, and to express their views on how parents and caregivers are approached and addressed by youth care professionals. The ECtHR struck the application out of the list.

J.V.S. (16381/23, 16 December 2025)

The applicant complained that the criminal proceedings against him did not take place within the 'reasonable time' required by Article 6 of the ECHR (right to a fair trial) and that the mere acknowledgment of this fact by the Supreme Court was insufficient redress, which meant that Article 13 of the ECHR (right to an effective remedy) had also been violated. The applicant had been acquitted by Rotterdam District Court of involvement in the transport of cocaine but was subsequently convicted of this offence by The Hague Court of Appeal. In an abridged judgment he was sentenced to two months' imprisonment and a fine. The applicant lodged an appeal in cassation which meant that the Court of Appeal had to prepare a full version of its judgment and forward the entire case file to the Supreme Court. In his grounds for cassation the applicant claimed that the delay caused by the late submission of the full version of the Court of Appeal's judgment had violated his right to a fair trial under Article 6, paragraph 1 of the ECHR. In its judgment, the Supreme Court acknowledged that the reasonable time limit had been exceeded but held that the acknowledgment of this fact constituted sufficient redress.

The ECtHR reiterated that a breach of the reasonable time requirement is to be determined in light of the circumstances of the case. More specifically, the complexity of the case, the conduct of the applicant and the relevant authorities, and what was at stake for the applicant in the dispute must be examined. The ECtHR further reiterated that it is not its role to assess the appropriateness of the

policy choices made by domestic courts. By providing guidelines regarding reasonable time limits, the Supreme Court had put in place a system for ensuring that criminal charges are determined within a reasonable time. The ECtHR acknowledged that the criteria established in its case law are different from those applied by the Supreme Court: the ECtHR examines the total length of proceedings. In this case the ECtHR held that the total length of the proceedings, less than four years at three levels of jurisdiction, was not unreasonably long. In the ECtHR's view, the case was assessed promptly before the courts of first and second instance and a delay occurred only because the Court of Appeal needed time to send the complete case file to the Supreme Court. This delay was attributable to the judicial authorities. The ECtHR noted that during the delay the applicant was not in detention and was facing only a fine and a short custodial sentence of two months should the appeal judgment be upheld. The ECtHR concluded that in light of all these circumstances, the overall length of the proceedings did not exceed what could be considered reasonable. The Supreme Court's acknowledgment that the reasonable time limit had been exceeded was in the ECtHR's view sufficient redress. The ECtHR found that the complaint was manifestly ill-founded and declared the application inadmissible.

R.R.K. (22501/23, 16 December 2025)

The applicant complained under Article 6, paragraph 1 of the ECHR (right to a fair trial) that the criminal proceedings against him did not take place within the 'reasonable time' required by Article 6, paragraph 1 of the ECHR (right to a fair trial) and that the mere acknowledgment of this fact by Arnhem-Leeuwarden Court of Appeal was insufficient redress.

The applicant had been convicted by the District Court of assault and resisting arrest. The Court of Appeal sentenced him to 60 days' imprisonment, less the time he had spent in pre-trial detention. The applicant argued that the reasonable time requirement under Article 6, paragraph 1 of the ECHR was not complied with, given that two years and ten months elapsed between the judgment of the District Court and that of the Court of Appeal.

In its judgment the Court of Appeal acknowledged that the reasonable time limit had been exceeded but indicated that this was partly due to the applicant's wish to have extra witnesses interviewed. Furthermore, the proceedings as a whole (at first instance and on appeal) were completed within the total duration of the time limits applicable to each of those stages. The applicant lodged an appeal in cassation which the Supreme Court declared inadmissible.

The ECtHR reiterated that a breach of the reasonable time requirement is to be determined in light of the circumstances of the case. More specifically, the complexity of the case, the conduct of the applicant and the relevant authorities, and what was at stake for the applicant in the dispute must be examined. The ECtHR further reiterated that it is not its role to assess the appropriateness of the policy choices made by domestic courts. By providing guidelines regarding reasonable time limits, the Supreme Court had put in place a system for ensuring that criminal charges are determined within a reasonable time. The ECtHR acknowledged that the criteria established in its case law are different from those applied by the Supreme Court: the ECtHR examines the total length of proceedings. Here the ECtHR noted that in this case the proceedings lasted four years, one month and 18 days at three levels of jurisdiction. It did not consider that the applicant's request to have witnesses heard who had not been heard at an earlier stage of proceedings constituted conduct on his part that contributed to the delay. The delay occurred during the hearing before the Court of Appeal, although the Court of Appeal had not been passive: it held two hearings and had extra witnesses heard by the investigating judge. With regard to what was at stake for the applicant, the ECtHR noted that he was not in detention during the delay in the proceedings and that he faced a relatively short prison sentence. In light of these circumstances, the ECtHR took the view that the justification given by the Court of Appeal and subsequently upheld by the Supreme Court – that the

acknowledgment that the reasonable time limit had been exceeded constituted adequate redress – could be considered sufficient. The ECtHR concluded that the complaint was manifestly ill-founded and declared the application inadmissible.

Interventions

W.W. v. Poland (6904/22, 25 March 2025)

The applicant is a judge at the Polish Supreme Court and complained that the application of the Polish State Prosecutor's Office to lift his judicial immunity and the subsequent hearing of that application by the Disciplinary Chamber of the Supreme Court constituted violations of Article 6, paragraph 1 (right to a fair trial), Article 8 (right to respect for private and family life), Article 10 (freedom of expression) and Article 18 (limitation on use of restrictions on rights) of the ECHR. Together with other contracting states, the Netherlands lodged an intervention focusing on the importance of the rule of law, including the requirements to be met by an 'independent and impartial tribunal established by law', within the meaning of Article 6.

In March 2021 the Polish State Prosecutor's Office had applied to the Disciplinary Chamber of the Polish Supreme Court requesting that the applicant's judicial immunity be lifted with a view to charging him with a criminal offence, namely suspected negligence in connection with an earlier judgment. In May 2021 the Disciplinary Chamber refused to grant the application. The State Prosecutor's Office appealed this decision. In July 2021 the ECtHR gave judgment in the case of *Reczkowicz v. Poland*, holding that the Disciplinary Chamber was not a lawful tribunal within the meaning of Article 6, paragraph 1 of the ECHR. In February 2022 the ECtHR granted an interim measure in the applicant's case indicating that the Polish Government should ensure that the proceedings concerning the lifting of the applicant's judicial immunity complied with the requirement of an independent and impartial tribunal established by law, as referred to in the *Reczkowicz* case, and that no decision in respect of the applicant's immunity should be taken until the final determination of the applicant's complaints by the ECtHR. In July 2022 the Disciplinary Chamber was abolished and replaced by a new Chamber of Professional Liability (CPL). The appeal lodged by the State Prosecutor's Office was forwarded to the CPL. In 2024 the State Prosecutor's Office withdrew its appeal against the decision refusing to lift the applicant's judicial immunity. In addition, the criminal investigation into the applicant's actions was discontinued on the grounds that these actions lacked the statutory elements of the offence of which he was suspected. In view of this the State Prosecutor withdrew the application seeking the lifting of the applicant's judicial immunity. The proceedings before the CPL were still pending at the time when the ECtHR was examining the present application.

The applicant argued that the mere fact that the proceedings at issue were initiated and were being conducted by the Disciplinary Chamber was sufficient for admissibility. The ECtHR disagreed, holding that the application was inadmissible as the applicant had not exhausted all domestic remedies (Article 35, paragraphs 1 and 4 of the ECHR). The ECtHR noted that the application concerned the proceedings aimed at lifting the applicant's judicial immunity and that these proceedings were still pending. However, it also noted that these proceedings had subsequently been taken over by the CPL. Furthermore, the fact that the underlying criminal proceedings had been discontinued and the request to prosecute the applicant withdrawn seemed to indicate a shift in the approach of the domestic authorities. This might, in the ECtHR's view, have an impact on the outcome of its assessment of the applicant's complaints. In concluding that the application was premature the ECtHR referred to recent positive developments with regard to the rule of law in Poland including the setting up of the CPL.

S.V. and Others v. Russia (26302/10, 7 October 2025)

The applicants, four Dutch nationals and one Israeli national, are the family and colleagues of the photojournalist Stan Storimans, who was killed during the armed conflict between Russia and Georgia in 2008. They complained under Article 2 (right to life), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination) in connection with the death of Storimans and injuries sustained by two of the applicants. Russia made no submissions in the case.

Mr Storimans died and two of his colleagues were injured during bombardment of the Georgian town of Gori. At the time they were reporting on the armed conflict between Georgia and Russia and the bombardment took place shortly before a ceasefire agreement was concluded by the two parties. The Dutch Ministry of Foreign Affairs launched an investigation into the attack and concluded that use had been made of a missile which at the time was only found in Russia's armoury.

The Russian authorities disagreed with the findings of this investigation and stated that they would conduct their own investigation. The Russian president subsequently claimed that the Georgian armed forces had been responsible for Mr Storimans' death.

The applicants contested the previous finding of the ECtHR in *Georgia v. Russia (II)* (38263/08) that the events which occurred during the five-day active phase of the hostilities between Russia and Georgia (and thus before the ceasefire agreement was concluded) did not fall within the jurisdiction of Russia. According to the applicants, there were bombardments in areas where there was no active fighting or 'context of chaos' as defined in that judgment. The applicants argued that the ECtHR would have to examine the specific facts of the case before it could come to a decision on the jurisdiction of Russia. The Government endorsed this argument in its intervention. It contended that in this case there was no 'context of chaos' either at the launch site of the missile or at the site of impact. The Government took the view that the ECtHR should investigate the question of jurisdiction on the basis of the factual circumstances of the incident rather than the distinction between the active phase of hostilities and the subsequent occupation.

The ECtHR disagreed and maintained its earlier conclusion that Russia had no jurisdiction in relation to the events that took place within the five days of active hostilities. In the ECtHR's view, this conclusion was in fact based on the actual circumstances of the armed conflict between Russia and Georgia, including the specific circumstances of the incident which was the subject of the application. However, the ECtHR confirmed earlier case law which found that complaints regarding the effectiveness of Russian investigation of violations of Article 2 of the ECHR did fall under Russian jurisdiction.

The complaint regarding the substantive aspect of Article 2 of the ECHR was declared inadmissible. With regard to the procedural aspect of Article 2, the ECtHR held that the Russian authorities had taken no meaningful steps to clarify the circumstances of Mr Storimans' death. It therefore found that there had been a violation of the procedural aspect of Article 2 of the ECHR.

The ECtHR saw no need to examine separately the applicants' complaints under Articles 13 and 14 of the ECHR, given its conclusions concerning the procedural aspect of Article 2 of the ECHR.

Ukraine v. Russia (11055/22, 9 July 2025)

This case concerns the Russian invasion of Ukraine in February 2022 and Russian actions in the subsequent period (until 16 September 2022, when Russia was expelled from the Council of Europe). Ukraine alleged that Russia was guilty of a range of human rights violations both in Russia and on Ukrainian territory that fell within the jurisdiction of Russia for the purposes of Article 1 of the ECHR

(obligation to respect human rights), on account of the effective control exercised by Russia over that territory.

In 2022 the Government submitted a third-party intervention together with 25 other states at the invitation of the ECtHR. The intervention focused on two points: jurisdiction and the relationship between the ECHR and international humanitarian law. The intervening states acknowledged that jurisdiction outside a contracting state's own territory can only exist in exceptional circumstances, as set out in the ECtHR's case law. The most important forms of extraterritorial jurisdiction are, firstly, effective control over an area and, secondly, state agent authority and control over individuals. The intervention emphasised that Russia exercised jurisdiction over activities that took place in eastern Ukraine because Russia had effective control of that region. The intervening states endorsed the ECtHR's clarification of its earlier case law (*Georgia v. Russia (II)*) in the admissibility decision in the case of *Ukraine and the Netherlands v. Russia* (8019/16, 43800/14 and 28525/20) with regard to the 'context of chaos' in armed conflict: not all cases of armed conflict involve a 'context of chaos' excluding jurisdiction within the meaning of Article 1 of the ECHR.

With regard to international humanitarian law, the intervening states argued that the protection offered by the ECHR also applied during an (international) armed conflict. Only where there was a conflict between these two primary sources of international law would the more specific rule take precedence over the more general rule. Whether a conflict in that sense was present would need to be assessed on a case-by-case basis.

In a further submission – made with five other states – in the context of the joint intervention, and in answer to the written questions put by the ECtHR to the intervening states regarding the existence of extraterritorial jurisdiction under Article 1 of the ECHR in the event of military attacks, the Netherlands emphasised that such jurisdiction may exist (also in the case of an international armed conflict) if a state deliberately deployed force that might cause (possibly deadly) harm or committed acts of aggression as defined in Resolution 3314 (XXIX) of the UN General Assembly.

The ECtHR joined this case with the two pending cases lodged by Ukraine against Russia relating to events in eastern Ukraine and the inter-state application lodged by the Netherlands against Russia concerning the downing of flight MH17 (summarised above). The ECtHR concluded that in planning and executing, directly or via the separatists, its military attacks on Ukrainian territory with a view to acquiring and retaining effective control over areas of sovereign Ukrainian territory, Russia assumed a degree of responsibility over the individuals affected by its attacks. The ECtHR took the view that in these circumstances, Russia exercised authority and control over individuals affected by its military attacks until 16 September 2022. These persons therefore fell within the jurisdiction of Russia for the purposes of Article 1 of the ECHR.

With regard to the relationship between the ECHR and international humanitarian law, the ECtHR confirmed that this was not one of a more general rule (*lex generalis*) and a more specific rule (*lex specialis*). According to settled case law, the specific provisions of international humanitarian law do not displace ECHR guarantees in situations of armed conflict. Instead, international humanitarian law is used by the ECtHR as an interpretative rule in determining the scope of human rights guarantees in such situations. The ECHR must be interpreted as far as possible in harmony with international humanitarian law. In the event of a conflict between the provisions of international humanitarian law and the ECHR, this would have to be addressed in the assessment of the specific human rights violation at issue.

European Committee of Social Rights

In 2025 no new complaints were lodged with the European Committee of Social Rights under the collective complaints procedure of the European Social Charter. Nor were there any developments with regard to reporting on decisions with respect to complaints.

Committee of Ministers

End of supervision

In 2025 the Committee of Ministers determined that supervision of execution in *C.M.C. (34507/16, 10 January 2023)* would be closed.

*Supervision of ECtHR judgments*²

W.L.M.A. (4470/21, judgment of ECtHR of 10 December 2024)

In this case the ECtHR held that the refusal to grant a residence permit to an adult, intellectually disabled man from Peru who since the death of his parents had been cared for by his sisters, who reside in the Netherlands, constituted a violation of Article 8 of the ECHR (right to respect for private and family life).³ The ECtHR concluded that the national authorities had limited their assessment to the question of whether the applicant and his sisters had a family life within the meaning of Article 8 of the ECHR and had wrongly focused that assessment on the ties that existed between them before the death of their parents. The ECtHR also took into account the fact that the availability of viable alternatives for the care of the applicant had not been established.

On 29 August 2025 the Government reported to the Committee of Ministers concerning the individual and general measures it had taken. The Government had issued the applicant with a residence permit with retroactive effect and withdrawn the entry ban. In addition, the Immigration and Naturalisation Service (IND) had amended the procedure for establishing whether family life exists between adult persons. On 27 March 2024 the Administrative Jurisdiction Division of the Council of State gave a landmark judgment concerning the question of when additional elements of dependency that transcend normal emotional ties between adult family members can lead to the conclusion that family life exists within the meaning of Article 8 of ECHR. In a staff notification of 4 October 2024 the IND informed its decision-taking officers of this judgment, outlining the factors that have to be taken into account: 'whether the family members live together, the degree of financial dependence, the degree of material (practical) dependence, the state of health of the person concerned, the ties with the country of origin and other circumstances adduced that in the view of the sponsor and/or the person concerned point to additional elements of dependency'. The changes were made more widely known within the IND through knowledge groups and newsletters. In addition, the general IND work instruction containing guidelines for the application of Article 8 of the ECHR was brought into line with the new procedure for establishing the existence of family life between adult family members. The ECtHR judgment was also brought to the attention of the judiciary.

H.J.H. (24008/20, ECtHR judgment of 22 October 2024)

In this case the ECtHR ruled that the use of a neck hold on the applicant by two special enforcement officers during his arrest and the lack of an investigation into the use of force against him constituted a violation of Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment). The failure to effectively investigate the use of force meant that the procedural obligations under Article 3 had not been met. Furthermore, the ECtHR concluded that given the lack of an effective

² Cases in which the Government submitted a Plan of Action in the reporting year. See Annexe I for an overview of all cases under supervision.

³ The text contains a slight difference from the printed Dutch version.

investigation the Government had failed to establish that the use of force by the special enforcement officers was strictly necessary.

On 2 July 2025 the Government reported to the Committee of Ministers on the measures taken to execute the judgment. The amount for costs and expenses awarded by the ECtHR to the applicant had been paid. He had also received the amount awarded for pecuniary and non-pecuniary damage. The Government took the view that this had been an isolated incident and that the statutory framework governing the use of force and supervision of such use of force by special enforcement officers was sufficiently clear and effective. At local level, partly because of this specific incident, municipalities now offer new training courses in the deployment of investigative powers and the use of force. Since the judgment, the contracting states' obligation to investigate arising from Article 3 of the ECHR has been formalised in legislation and policy. If a special enforcement officer has used force, they must report this both orally and in writing to the assistant public prosecutor, submitting a certificate proving that they have completed a course on the use of force. Depending on the nature of the force used, the assistant public prosecutor then determines whether the use of force needs to be registered. If it is registered, the subsequent procedure is identical to the procedure followed after use of force by a police officer. The aim of the investigation that follows is to establish whether the special enforcement officer acted in accordance with the rules on the use of force.

M.B. (71008/16, judgment of the ECtHR of 23 April 2024)

In this case the ECtHR concluded that there had been a violation of Article 5 of the ECHR (right to liberty and security). When the applicant entered the Netherlands and applied for asylum he was not immediately placed in immigration detention. He was subsequently held for almost 10 months in pre-trial detention on suspicion of participation in a terrorist organisation. In this period no steps were taken to assess his asylum application. Immediately after his release from pre-trial detention he was placed in immigration detention pending the assessment of his asylum application, on the grounds that he posed a threat to national security and public order. The ECtHR held that the immigration detention immediately following his release from pre-trial detention was disproportionate or even unnecessary, since steps could have been taken in the asylum procedure in the period of pre-trial detention. The ECtHR further held that public order grounds cannot be relied on under the ECHR to justify excessive periods of immigration detention following the end of pre-trial detention without a decision being made on the asylum application. The ECtHR concluded that there was an insufficiently close connection between the immigration detention and the aim of preventing unauthorised entry.

On 23 January 2025 the Government reported to the Committee of Ministers on the measures taken to execute the judgment. The amount for non-pecuniary damage awarded by the ECtHR to the applicant had been paid. The ECtHR judgment had been circulated among all officials involved in imposing immigration detention. In addition, they had been given instructions on changes in procedures and assessment arising from the judgment. For example, when imposing immigration detention on an asylum seeker under section 59b of the Aliens Act 2000, officials are required to indicate whether there is any prospect of removal. This ensures that immigration detention is imposed on the correct legal basis as required by Article 5, paragraph 1 (f), second sentence. If there is no prospect of removal, contact should be made with the IND detention coordinator at the Schiphol Criminal Justice Complex for an individual assessment of whether the immigration detention has a sufficiently close connection with the aim of preventing unauthorised entry.

The ECtHR judgment and the related instructions have also been incorporated in the databases of both the Aliens Police and the Royal Military and Border Police. They are discussed in compulsory in-service training courses and training days for the officials in question. Since the applicant's situation

is in practice rare, the Government believed that these steps were sufficient to prevent any new violations comparable to the violation in the present case.

A.M.A. (23048/19, judgment of the ECtHR of 24 October 2023)

In this case the ECtHR held that the way in which the Dutch authorities assessed whether the applicant would face a real risk of inhuman or degrading treatment if he were expelled to Bahrain did not meet the procedural standards required under Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment or punishment). Of particular relevance to the ECtHR's conclusions was the fact that the Immigration and Naturalisation Service (IND) did not assess the documentation the applicant had submitted with his second asylum application in light of all the information available in the file regarding his individual situation and the general situation in Bahrain. In the ECtHR's view, the authorities therefore took too narrow an approach that did not ensure the careful and rigorous examination expected of them. There had consequently been a violation of Article 3 of the ECHR.

By letter of 16 February 2024, on the basis of information shared with the House of Representatives in a letter to parliament of 19 December 2023, the Government informed the Committee of Ministers of the measures taken to execute the judgment. The Government had taken action at diplomatic level on the applicant's behalf and was in contact with various relevant institutions in Bahrain, NGOs and the applicant's Dutch lawyer. On 8 November 2023 a member of staff from the Dutch embassy in Kuwait had visited the applicant in prison in Bahrain.

On 28 April 2024 the Government reported again to the Committee of Ministers. It stated that the IND's practice with regard to decisions on 'last-minute asylum applications' had been amended on the basis of case law of the Court of Justice of the European Union and the Administrative Jurisdiction Division of the Council of State regarding the value to be attached to new items of evidence in successive asylum procedures. In addition, the Government was pursuing its efforts on behalf of the applicant in diplomatic relations with Bahrain by continually emphasising the importance of a fair trial and the humane treatment of detainees, referring specifically to the conditions under which the applicant is being detained.

In response to the report on measures taken to execute the judgment, the Secretariat of the Committee of Ministers asked a number of supplementary questions regarding the individual and general measures taken. On 13 October 2025 the Government submitted its response. To the question of whether the applicant could be transferred to a more lenient detention regime, the Government replied that due to the complex nature of the situation (the applicant is not a Dutch national and is outside the jurisdiction of the Netherlands; in this situation he has no right to consular assistance or visits in detention on any other basis), it did not consider it possible to send an official diplomatic mission or a *note verbale* with a request to this end. The Government also provided a general update on developments in Bahrain.

Finally, in response to questions from the Secretariat the Government explained that under the IND's new practice with regard to decisions on last-minute asylum applications, as noted in the Action Plan, subsequent asylum applications cannot be declared inadmissible merely on the grounds that the applicant has submitted documents which are not originals or are inauthentic. This is not affected by the introduction of work instruction 2024/6 (Assessing the credibility of asylum applications), which has been applied by IND staff since 1 July 2024 in deciding on asylum applications after it has been established that an application is admissible. All the evidence submitted by an applicant, including documents that are not original or authentic, is included in the assessment. The work instruction explains step-by-step how the credibility of an applicant's reasons

for seeking asylum can be assessed if they are not supported by objective, authentic documents. In such cases, copies of documents may also be included in the credibility assessment.

C.M.C. (34507/16, judgment of the ECtHR of 10 January 2023)

The ECtHR held in this case that a violation of Article 6, paragraphs 1 and 3 of the ECHR (right to a fair trial) had occurred because of the refusal to allow the applicant to examine prosecution witnesses in the criminal proceedings against him. The case is similar to *V.K. (2205/16)* and *S.S. (61125/19)*. The Netherlands therefore submitted a group action report with regard to general measures taken. This report describes how following the ECtHR judgment in the case of *V.K.*, the Supreme Court had handed down a landmark judgment on the examination of witnesses in line with ECtHR case law. On 11 December 2024 the Committee of Ministers closed supervision of execution in the cases of *V.K.* and *S.S.* since all necessary measures had been taken.

On 2 July 2025 the Government submitted a follow-up Action Report. The criminal case against the applicant was reopened under article 457, paragraph 1 (b) of the Code of Criminal Procedure and on 9 May 2023 referred to the Court of Appeal by the Supreme Court. A preliminary hearing was held on 10 June 2024 and a pre-trial review on 24 September 2024. The Court of Appeal referred the case back to the investigating judge for the witnesses to be heard. The witnesses were examined and the defence given the opportunity to question them. The hearing on the merits of the case took place on 14 August 2025 and the applicant was once again found guilty by the Court of Appeal. Since the measure regarding the examination of witnesses had been implemented, the Government requested the closure of supervision and the Committee of Ministers granted this request.

F.C. (29593/17, judgment of the ECtHR of 9 October 2018)

The ECtHR ruled in 2018 that the circumstances of the applicant's detention in St Maarten were in breach of Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment or punishment) since the applicant had been held in pre-trial detention in Philipsburg's police cells for over eight months. The fact that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had found the conditions in the facility to be so poor that no-one should be held there for more than 10 days was relevant to this case.

Since 2019 the Committee of Ministers has been regularly informed of measures taken to execute the ECtHR judgment. In March 2019 the Committee of Ministers placed the case under enhanced supervision. On 23 December 2024 the Government submitted a report on the execution of the judgment and on the large-scale reforms to the detention system in St Maarten. In March 2025, in preparation for the Human Rights meeting of the Committee of Ministers (CMDH) the Government submitted an update on developments in St Maarten. The update outlined a plan regarding improvements to the police cells in the Philipsburg Police Station. The project consists of three phases: phase 1 focuses on emergency repairs, phase 2 on a complete renovation of the roof and phase 3 on remaining repair work. In May 2025 a fire broke out in the Point Blanche prison following a riot. In a letter to the Secretariat of the Committee of Ministers the Government provided information on the consequences of the incident for the prison itself and the accommodation of detainees. Since then, a government building has been converted into a temporary reception facility (*Foreigner Detention Centre*), and detainees are now housed in various facilities including the Foreigner Detention Centre, the Philipsburg Police Station and the remaining, still operational parts of the Point Blanche prison. In addition, St Maarten has received additional support from the Netherlands, Aruba, Curaçao, the United Nations Office for Project Services (UNOPS) and a private security company.

During the discussion of the case in the CMDH meeting in June 2025, the Minister of Justice of St Maarten took part in person and provided an account of the measures taken to execute the

judgment. In her presentation she stated that good progress had been made on the construction of a new prison under the management of UNOPS. The new prison would provide a sustainable solution to the problems with the physical conditions of detention. In addition, UNOPS is working on improvements to other aspects of the detention system, including staffing models, rehabilitation programmes and reintegration frameworks. St Maarten has also entered into cooperation with the United Nations Office on Drugs and Crime, which will provide focused technical support in areas such as developing and implementing rehabilitation and reintegration programmes, personnel management, capacity building and staff training. In addition, support will be provided for reviewing operational procedures, internal policy guides and financial and procurement rules, setting up a mental health wing and developing alternatives to detention in line with restorative justice. Finally, the Minister of Justice explained that the Custodial Institutions Agency was providing operational support and that the National Recovery Programme Bureau was assisting in the work to improve the police cells at the Philipsburg Police Station.

J.C.M. (10511/10, judgment of the ECtHR 26 April 2016)

In this case the ECtHR ruled that the life sentence imposed in Aruba and Curaçao on the applicant, who suffered from mental illness, was *de jure* and *de facto* irreducible, since no form of treatment was available to him. This constituted a violation of Article 3 (prohibition of torture and inhuman or degrading treatment or punishment) of the ECHR.

In 2014 the applicant was granted a pardon and in 2016 the costs and expenses that he incurred or were incurred on his behalf were reimbursed. In 2017, 2019, 2021 and 2023 the Committee of Ministers was informed of general measures taken by Aruba and Curaçao to execute the judgment. In June 2024 the Committee of Ministers placed this case under enhanced supervision.

On 31 March 2025 the Government again submitted a report to the Committee of Ministers, outlining current developments with regard to life sentence prisoners with a psychiatric diagnosis in Aruba, Curaçao and St Maarten. In the report the Government acknowledged that there was still much work to be done in this respect, despite the measures taken and envisaged to improve the detention and forensic care system.

Within the Kingdom of the Netherlands, there is continuing cooperation in the Judicial Four-Party Consultation (JVO, a six-monthly meeting of the Ministers of Justice of Aruba, Curaçao, St Maarten and the Netherlands aimed at an effective joint approach to judicial issues within the Kingdom) with the objective of achieving forensic care for detainees suffering from serious mental illness. In June 2024 the JVO approved the development of a multiannual programme to improve forensic care in the Caribbean part of the Kingdom. The programme is led by a programme team at Kingdom level. In addition, each country within the Kingdom has its own project team responsible for drawing up an action plan to improve forensic care. One of the potential projects is the development of a small-scale forensic treatment facility in the Caribbean that can be used by Aruba, Curaçao and St Maarten, and by Bonaire, St Eustatius and Saba. Alongside the multiannual programme there are a number of other projects in place, including initiatives focusing on improving general mental health in the Caribbean part of the Kingdom, not only for life sentence prisoners. In addition, reports on developments and plans in the separate countries were presented.

On 3 December 2025 the *J.C.M.* case was discussed at a CMDH meeting. The Minister of Justice of Aruba and the Minister Plenipotentiary for Curaçao gave an account in person of the measures taken to execute the judgment. Their accounts described the steps already taken, while acknowledging that mental healthcare, particularly for detainees, is inadequate in Aruba and Curaçao. At Kingdom level, a multiannual programme has been developed to effect the necessary improvements in

mental healthcare in the Caribbean part of the Kingdom. The financial framework for this programme has been established but the details have still to be worked out.

The Minister of Justice of Aruba indicated that a new prison is under construction which will hopefully be ready for use in 2029. The Government of Aruba is prioritising the improvement of detention conditions for prisoners with mental health needs and problems associated with drug abuse in the individual supervision wing. In 2026 Aruba plans to introduce a new policy on the detention of life sentence prisoners. In February 2026, a prisoner who has been detained for over 20 years will have their case reconsidered by the Joint Court of Justice of Aruba, Curaçao, St Maarten, and of Bonaire, St Eustatius and Saba.

In Curaçao the Government is engaged in setting up a custodial clinic which is expected to be operational in 2026. In addition, an *ad hoc* group has been established to assess life sentence prisoners. This group, in which the prison, probation services, social services, the Public Prosecutor's Office and the prison psychologist/psychiatrist are represented, meets every six weeks. The group has developed a protocol for assessing the situation of life sentence prisoners and is working on a protocol for the organisation of forensic care.

United Nations

Human Rights Committee

Decisions

G.F.S. (3650/2019, 17 July 2025)

This case concerns the circumstances of the criminal investigation, prosecution and detention of the author. In May 2014 he was arrested on suspicion of bribery, money laundering and forgery. The Court of First Instance in Curaçao found the charges proven and sentenced him to three years in prison. On appeal, the Joint Court of Justice of Aruba, Curaçao, St Maarten, and of Bonaire, Sint Eustatius and Saba upheld this judgment and again sentenced him to three years' imprisonment. The author lodged an appeal in cassation with the Supreme Court, which was dismissed. Because of his conviction, the author was removed from his position as a member of parliament and was prohibited from standing as a candidate in elections for a period of five years.

The author claimed that the circumstances of his detention in Curaçao did not meet the requirements of Article 10 (obligation to treat persons deprived of their liberty with humanity and respect for their inherent dignity) of the International Covenant on Civil and Political Rights (ICCPR). Among other things, the failings included a lack of access to healthcare, specifically mental healthcare. In addition, the author complained under Article 14, paragraph 3 (e) of the ICCPR (right to a fair trial) that he had been denied the opportunity to call a witness for the defence. Furthermore, the author complained that the Joint Court of Justice effectively reversed the burden of proof, in violation of the presumption of innocence under Article 14, paragraph 2 of the ICCPR. He further complained of a violation of Article 15 of the ICCPR (*nulla poena sin lege*) because at the time when the contested donations were made there was no prohibition on the financing of political parties by third parties. The author also argued that Article 17 of the ICCPR (right to privacy) had been violated because the authorities had leaked confidential financial documents, which formed the basis for instituting a criminal investigation against him. Furthermore, the author complained of a violation of Article 25 (right to take part in public affairs) read alone and in combination with Article 2, paragraph 3 (right to an effective remedy) of the ICCPR. In his view, the prohibition on holding elected office and the revocation of his parliamentary mandate were not established by law and were furthermore disproportionate to the offences of which he had been convicted. In addition, he claimed that he had been given no adequate opportunity to challenge this decision. Finally, the author complained that he had suffered discrimination on account of his political convictions and membership of a political party, in violation of Article 26 (prohibition on discrimination) of the ICCPR.

The Human Rights Committee held that all of the author's claims were inadmissible. The claims under Article 10 and 14, paragraph 2 of the ICCPR were inadmissible as he had not raised them during national proceedings and had therefore failed to exhaust domestic remedies. The claims under the remaining articles of the ICCPR were inadmissible on account of being insufficiently substantiated, primarily because the author had not established that the conclusions of the national authorities were clearly arbitrary or amounted to a manifest error or denial of justice. Nor had the author shown that the interference with his right to hold elected office was disproportionate or unreasonable in the circumstances of his case.

Committee on the Elimination of Discrimination against Women

Decisions

S.V. (162/2020, 17 February 2025)

The author has both Dutch and Turkish nationality. She was born and married in Türkiye, and took her now ex-husband's surname. In 1992 they became naturalised Dutch citizens, at which point she chose to continue to use her husband's surname. In 1995 they were divorced under Dutch law. In the Netherlands divorce has no consequences for the parties' surnames. The author kept her ex-husband's surname. In 2012 the divorce was confirmed in Türkiye and in line with Turkish law the author automatically reverted to her birth surname.

This change of surname could not be officially recognised in the Netherlands because Dutch law requires a change in civil status for such a surname change. The author was already divorced under Dutch law and her civil status thus remained unaltered. In the Netherlands the author therefore retained the surname she had chosen at the time of her naturalisation. In October 2014 the author submitted a request to the municipality to change her surname to her birth surname. The municipality denied this request on the grounds that a change of surname can only be effected through a Royal Decree. On 9 October 2015 the author submitted a request for a change of surname to the Integrity and Screening Agency (Justis) which informed her that the fee would be €835. Her application for a crisis payment to cover this fee was unsuccessful and her request for a change of surname was not accepted for processing as she had not paid the fee. In the author's view, the fee requirement for a change of name amounted to indirect discrimination against women. The Government had therefore acted in violation of the prohibition on discrimination against women in all matters relating to marriage and family relations, as laid down in Article 16, paragraph 1 (g) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The CEDAW Committee observed that although the procedure for a change of surname is formulated neutrally, the author had submitted data establishing that in the period from 2014 to 2018, 100% of requests for a change of surname were submitted by women. As a result the statutory fee had the greatest impact on women. In addition, the Committee noted that women with a nationality other than that of the Netherlands were particularly affected, due to the intersection of gender, migration background and socioeconomic status. In the Committee's view, levying a fee for a surname change in such situations was a form of unequal treatment, which requires justification. The Government argued that the fee was justified because it covered the costs of the procedure. The Committee disagreed, since in other cases it had been possible to make an exception to the fee requirement and the Government had not explained why it was not possible to do so in cases of this kind in order to eliminate indirect discrimination against women. In light of the above, the Committee concluded that the fee requirement constituted a *de facto* discriminatory burden on women wishing to revert to their birth name after divorce. The Committee further concluded that the Government had exposed the author to indirect discrimination by levying a fee that was substantial in light of her socioeconomic situation and that represented an obstacle for her in the process of reverting to her birth name. The Government had therefore failed to discharge its obligations under Article 16, paragraph 1 (g) of the CEDAW.

Committee against Torture and the Committee on the Elimination of Racial Discrimination

In 2025 neither of the above United Nations Committees adopted a decision on a communication against the Netherlands. Communications submitted earlier are still being processed by the Committees concerned.

Other developments

Council of Europe⁴

In 2025 the Council of Europe celebrated the 75th anniversary of the ECHR, highlighting its impact on legal protection for citizens and the development of law in Europe.

ECHR system: efforts of the drafting groups under the Steering Committee for Human Rights (CDDH)

The drafting group responsible for evaluating the first effects of the entry into force of Protocol Nos. 15 and 16 to the ECHR (DH-SYSC-PRO) met in March 2025 for the third and last time. The drafting group is chaired by Babette Koopman (NL) and the Dutch Ministry of Justice and Security is a participant. At its third meeting the drafting group adopted the draft report on Protocol No. 15. With regard to the part of the report concerned with the doctrine of the margin of appreciation and the principle of subsidiarity, use was made of the research done by iCourts, part of the University of Copenhagen.

The drafting group was unable to evaluate the impact of Article 4 of Protocol No. 15 as it had received no information concerning applications that had been dismissed by the ECtHR solely because they had not been submitted within the new four-month period. At the meeting DH-SYSC-PRO also updated the report on Protocol No. 16. The CDDH adopted the reports relating to Protocol No. 15 and Protocol No. 16 at its meetings in June and December 2025.

In 2025 the drafting group on the safe third country concept (CDDH-PTS) met three times. The Dutch Ministry of Justice and Security participates in this group. This drafting group is examining whether it is necessary and feasible to update Recommendation No. R(97)22 on the safe country concept. The last meeting of the drafting group is planned for 2026. In November 2025 the CDDH established a new drafting group (CDDH-TE) on the use of new technologies by the ECtHR and on new tendencies in litigation before the ECtHR. The first meeting of this group will take place in May 2026 and the Dutch Ministry of Foreign Affairs will participate.

With regard to the accession of the European Union (EU) to the ECHR, on 21 November 2025 the European Commission requested an advisory opinion from the Court of Justice of the European Union (CJEU) on the compatibility of the revised draft agreement with the EU Treaties. The CJEU will issue a binding opinion on this issue. In 2014 the CJEU had ruled that the previous draft accession agreement was in a number of respects incompatible with EU law (Opinion 2/13). As a result, the EU could not accede to the ECHR. To meet the CJEU's objections, renegotiations on the accession agreement took place from 2020 to 2023. On 17 March 2023 a provisional agreement at negotiators' level was concluded. With regard to the only outstanding issue, regarding the Common Foreign and Security Policy (CFSP), in the opinion of the European Commission the CJEU judgment in the case of *KS and KD* (ECLI:EU:C:2024:725) offers a sufficient basis to conclude that the specific characteristics of jurisdiction in the CFSP area do not constitute an obstacle to the accession of the EU to the ECHR. As was the case in the previous request for an advisory opinion, the Netherlands has intervened in support of the European Commission before the CJEU and endorses the conclusion of the European Commission that the accession agreement is in line with the EU Treaties.

⁴ Documents relating to these issues can be found at www.coe.int.

Protocol No. 16 to the ECHR

In 2025 the ECtHR issued no advisory opinions under Protocol No. 16. However, it did accept one request for an opinion, from the Supreme Court of Ukraine. The Supreme Court asked if monastic cells constituted a 'home' within the meaning of Article 8 of the Convention and whether the national court's jurisdiction extended to disputes concerning the right of a former nun to use monastery premises where such rights arose from an oral agreement that had been terminated.

Migration

In 2025 the relationship between the human rights instruments and migration featured prominently on the agenda of the Council of Europe and in Dutch politics. On 22 May 2025 a group of nine member states, led by Denmark and Italy, published an open letter on the challenges facing them with regard to irregular migration. The letter called for critical reflection on the way in which the ECtHR has developed its interpretation of the ECHR with regard to migration in its case law. The Netherlands was not one of the nine signatories. However, in line with the motion submitted by member of parliament Joost Eerdmans on 12 June 2025, it joined the group of member states endorsing the letter with regard to the need for steps to tighten asylum and migration policy. On 11 June 2025 the House of Representatives had called on the Government to launch a legal and diplomatic assessment of treaties that may need to be amended or denounced in light of social developments in the field of migration (motion tabled by MPs Claudia van Zanten and Diederik Boomsma).

In autumn 2025 Alain Berset, Secretary General of the Council of Europe, presented a four-point plan on migration. On 10 December 2025 an Informal Ministerial Conference on the subject of migration took place in Strasbourg. The participants called on the Committee of Ministers to prepare a draft political declaration on the application of the ECHR in the context of today's challenges in the field of migration. In the margins of the conference a group of 27 member states, including the Netherlands, issued a joint statement outlining current challenges in the field of migration and the principles they consider important in interpreting the ECHR in light of these challenges.

In the first quarter of 2026 the CDDH completed the preparatory work for elements of the draft political declaration. On this basis the Committee of Ministers will finalise the declaration so that it can be submitted for adoption at the 135th Session of the Committee of Ministers in Chişinău in May 2026.

Supervision of ECtHR judgments

In 2025 there was again considerable debate within the Committee of Ministers, leading to a record number of interventions in which member states commented on measures taken by other member states to execute specific ECtHR judgments. This led to a number of successes: the 2025 annual report of the Committee of Ministers showed that supervision had been closed in 949 cases, after the judgment of the ECtHR in question had been executed. In this context, the Execution Department of the Council of Europe, which assists the Council of Ministers, once again provided support to the member states. A total of 280 meetings, events and activities focusing on solutions to problems around execution were conducted with the national authorities and stakeholders.

The developments noted in previous years with regard to compliance with ECtHR judgments remain relevant. International conflicts or tensions, for example between Armenia and Azerbaijan, or Türkiye and Cyprus, continue to complicate the Committee of Ministers' supervisory role. Other cases against Türkiye remain under enhanced supervision, including the case of Mehmet Osman Kavala (referred to in previous annual reports). The Turkish human rights defender is still in prison. In 2022 the ECtHR held that by failing to abide by its judgment, Türkiye was in violation of its obligations under the ECHR. This did not however lead to Kavala's release. He then launched a new case against Türkiye concerning his criminal conviction and continued detention since 2019. On 16 December 2025 the ECtHR referred the case to the Grand Chamber.

Despite no longer being a member of the Council of Europe, Russia remains bound by the obligations arising from the ECHR, including the obligation to implement all the ECtHR's judgments in respect of Russia. The Committee of Ministers therefore continues to supervise the execution of these judgments.

In 2022, 2023, 2024 and 2025 the Committee of Ministers adopted and updated its strategy to ensure implementation by Russia and requested the Execution Department, which assists the Committee of Ministers, to put this strategy into effect. For example, the Secretary General of the Council of Europe continues to inform Russia of the decisions adopted by the Committee of Ministers in cases where Russia is the respondent state. At the Human Rights meetings of the Committee of Ministers the emphasis in the discussion on supervision of the execution of judgments against Russia lay on inter-state and conflict-related cases, as well as on significant cases which had not previously been examined by the Committee of Ministers. In 2025 the Committee of Ministers supervised the execution of the ECtHR judgment concerning the inter-state applications lodged by Ukraine against Russia regarding the illegal occupation of Crimea. In addition, supervision began of the ECtHR judgment concerning Ukraine's inter-state application regarding the actions of Russia in parts of eastern Ukraine, including the abduction of children, and the inter-state application lodged by the Netherlands concerning the downing of flight MH17. The general and individual measures Russia has to take in order to execute the ECtHR's judgments often coincide with questions under review by the UN treaty bodies. In 2025 therefore, the decisions of the Committee of Ministers in respect of Russia were once again brought to the attention of other relevant international organisations, including the UN, the EU and the Organization for Security and Co-operation in Europe (OSCE). In the margins of the Human Rights meeting in December 2025, the Committee of Ministers held talks on the human rights situation in Russia with the UN Special Rapporteur, who welcomed the Council of Europe's efforts in this regard.

Two cases involving the Kingdom of the Netherlands are under enhanced supervision: the cases of *J.C.M. (10511/10)* and *F.C. (29593/17)*. The case of *J.C.M.* concerns the lack of effective psychiatric treatment available to life sentence prisoners in Aruba and Curaçao, which the ECtHR found to be a violation of Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment). On 31 March 2025 the Government provided information to the Council of Ministers regarding current developments in respect of life sentence prisoners with a psychiatric diagnosis in Aruba, Curaçao and St Maarten. On 3 December 2025 the case was discussed by the Committee of Ministers. The Minister of Justice of Aruba and the Minister Plenipotentiary for Curaçao participated in person in the debate and gave an account of the measures taken to execute the judgment. In the case of *F.C.*, concerning the conditions of detention in St Maarten, the ECtHR had also established a violation of Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment). An update was similarly shared with the Committee of Ministers in March 2025 regarding developments in St Maarten. During the discussion of the case in the Committee of Ministers in June 2025, the Minister of Justice of St Maarten took part in the debate in person and gave an account of the measures

taken to execute the judgment. (See the relevant summaries for more details of developments in these cases.)

European Social Charter (ESC)/Collective complaints procedure

In recent years work has been done to strengthen and modernise the ESC complaints system. The Committee of Ministers has adopted a reform package to this end. The aim is to assist the states parties in ensuring respect for social rights. The emphasis lies on the need for enhanced dialogue between the Charter organs (European Committee of Social Rights and Governmental Committee) and states parties, as well as all relevant stakeholders (trade unions and other civil society organisations). In addition, several aspects of the monitoring process have been amended with a view to increasing the effectiveness of the ESC system as a whole. In 2025 work continued on the implementation of the reforms.

United Nations

Optional Protocols

Some years ago the Government decided in principle to ratify the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Third Optional Protocol to the International Convention on the Rights of the Child (UNCRC). The Optional Protocols provide for the individual right of complaint, the inquiry procedure and, in the case of the Optional Protocol to the UNCRC, the right to submit inter-state communications. The ratification procedure for the Optional Protocol to the UNCRPD started in 2023, with the preparation of the documents required for approval. On 12 December 2025 the Council of Ministers for the Kingdom agreed to the signing of the Optional Protocol and the launch of the parliamentary approval procedure. On 27 January 2026 in New York, the Minister for Long-term Care and Social Care signed the Optional Protocol, after which the approval documents were sent to the Council of State of the Kingdom for an advisory opinion. Once the advisory opinion has been received, the approval documents will be sent to the House of Representatives. The procedure to ratify the Third Optional Protocol to the UNCRC will begin after the ratification procedure for the Optional Protocol to the UNCRPD has concluded.

Treaty body strengthening process

In 2012 the Office of the United Nations High Commissioner for Human Rights (OHCHR) – the body which provides support to the treaty bodies – launched a process for strengthening the treaty body system, which is still ongoing. In 2023 the OHCHR produced a Working Paper containing a number of proposals in three areas: (i) the schedule of reviews, (ii) harmonisation of working methods and (iii) the ‘digital uplift’ (including modernisation of IT platforms). In the same year, the Netherlands took part in an informal briefing by the OHCHR on the Working Paper, in which the Netherlands made a statement: (i) expressing support for maintaining the independent system under which the UN treaty bodies work and the process to strengthen this system; (ii) noting the delay in the examination of individual complaints and identifying overlap between reporting obligations, as well as the need to address both problems; (iii) expressing support for steps to harmonise working methods and the proposal for an eight-year schedule of reviews for the UN treaty bodies that have a reporting cycle; and (iv) expressing concern regarding reprisals against civil society organisations engaging with the treaty body system.

In 2025 the Netherlands’ position on the treaty body strengthening process remained unchanged. Because of the funding crisis within the UN, a number of treaty bodies had to shorten or suspend their sessions. Despite this, the work continues as usual.

Annexes: overviews and statistics

Annexe I: Council of Europe

European Court of Human Rights⁵

Statistics⁶

Figure 1 *Cases being processed by the Kingdom of the Netherlands*

Annual total

Figure 2 *New cases communicated to the Kingdom of the Netherlands*

Annual total

Figure 3 *Judgments⁷*

No violations Violations

Figure 4 *Admissibility decisions and decisions to strike applications out of the list*

Annual total

Figure 5 *Interim measures under Rule 39*

Refused Granted Inadmissible

Figure 6 *Cases pending, number per category as at 31 December 2025*

Civil law
Immigration law
Other (including other administrative law)
Criminal law and criminal procedural law

Judgments and decisions⁸

Judgments

⁵ Statistics for all the member states of the Council of Europe are contained in *Analysis of Statistics 2025*, published by the ECtHR Registry: <https://www.echr.coe.int/Pages/home.aspx?p=reports&c>.

⁶ Figures refer to cases against the Kingdom of the Netherlands.

⁷ One of the two violations found in 2025 concerns the ECtHR judgment in the inter-state case brought by the Netherlands against Russia regarding the downing of flight MH17. In this case the ECtHR concluded that Russia had violated the ECHR.

⁸ The cases listed here are summarised in the section entitled 'Council of Europe'.

Name	Application number	Date
S.W.O.C. B.V., B.H. B.V., P.I. B.V. and J.J. B.V. and Others	2799/16, 3124/16, 3205/16, 2800/16	1 April 2025
N.S.S.	45644/18	15 April 2025
T.K.	298/15	20 May 2025
Ukraine v. Russia	8019/16, 43800/14, 28525/20 and 11055/22	9 July 2025

Decisions

Name	Application number	Date
E.A.R.	6628/24	27 February 2025
T.H. and Others	26424/23	13 March 2025
C.F.	18027/24	10 April 2025*
D.D.J.	23106/19	22 April 2025
P.Z.	27231/19	22 April 2025
S.M.A.	32184/23	19 June 2025
I.M. and Others	16395/18	23 September 2025
A.A.	42069/22	20 November 2025
J.V.S.	16381/23	16 December 2025
R.R.K.	22501/23	16 December 2025

Interventions

Name	Application number	Date
W.W. v. Poland	6904/22	25 March 2025
S.V. and Others v. Russia	26302/10	7 October 2025
Ukraine v. Russia	11055/22	9 July 2025

* Single judge decision and therefore not summarised

Cases against the Kingdom of the Netherlands being processed as at 31 December 2025

Name	Application number	Article ECHR
A.A.	4643/24	Art. 5
A.A.M.	64534/19	Art. 8
A.B.A. and Others	27637/23, 19542/24	Arts. 3 and 5
A.C.K.	10784/24	Arts. 6 and 8
A.M.M.	34129/21	Art. 2
A.R.	59806/19	Art. 3
A.R.K.	19018/24	Arts. 3 and 8
A.O.	24079/23	Arts. 6 and 8
B.M.	31220/20	Arts. 6 and 3
B.M. and Others v. The Netherlands and Ukraine	36432/23	Arts. 1, 13 and 18

D.S.	55021/19	Art. 3
D.V.S.	26337/22	Art. 6
E.G.E.	52053/18	Arts. 2, 3 and 8
E.M. and S.M.H.	47878/20	Art. 8
F.B.	28157/18	Art. 3
F.H. and Others	26097/25	Arts. 8 and 3
F.J.	57264/18, 27124/22	Arts. 6, 7, 9, 10, 11 and Art. 2 of Prot. No. 4
F.S.	14652/24	Art. 5
G.A.H.	15199/20	Art. 3
G.R.M.J.	41708/22	Art. 6
H.B.	36384/22	Arts. 3 and 8
H.H.	39976/23, 25903/23	Art. 8
J.B.	36163/21	Art. 8
J.F.R.	55483/19	Art. 3
J.K.	19365/19	Arts. 6, 10 and 11
J.M.H. and Others	73411/17, 70630/17	Art. 3
K.B.	30395/20	Arts. 6 and 3
K.S.M.A.	7481/23	Art. 8
L.J.G.	30638/22	Art. 8
L.K.	10250/23	Art. 8
M.A.	4470/21	Art. 8
M.Ö.	45036/18	Art. 2
M.R.	56209/19	Art. 3
M.R.	59814/19	Art. 3
N.K.	55447/22	Art. 5
N.O.S. and Others	20066/18	Art. 10
P.C.K.	43250/22	Arts. 8 and 13
S.C.E.	8382/24	Arts. 10 and 11
S.J.V.	11663/25	Arts. 6, 18 and 13
T.D.	36010/21	Arts. 8 and 13
Y.F.C. and Others	21325/19	Arts. 3, 5 and 13 and Art. 4 of Prot. No. 4
Y.R.D.	21064/23	Art. 8
Z.	64772/19	Art. 1 of Prot. No. 1
Z.I.	613/24	Art. 6

Cases against other countries in which the Netherlands submitted a third-party intervention; being processed as at 31 December 2025⁹

Name	Application number	Article ECHR
S.A. and Others and A. and Others v. Russia	25714/16, 56328/18	Arts. 2, 3 and 41

⁹ Cases in which the Kingdom has made a third-party intervention or has indicated its intention to do so.

B. and Others and W. and Others v. Russia	22729/19, 3568/20	Arts. 2, 3 and 41
W. and Others v. Poland	11000/21	Arts. 6, 8 and 10

Inter-state application lodged by the Kingdom of the Netherlands

Name	Application number	Article ECHR
The Netherlands v. Russia	28525/20	Art. 41 (just satisfaction)

European Committee of Social Rights

Cases under supervision as at 31 December 2025

Name	Complaint number	Date of decision
UWE	134/2016	28 February 2020
FEANTSA	86/2012	2 July 2014

Committee of Ministers

ECtHR cases under supervision as at 31 December 2025

Name	Application number	Date of judgment
J.C.M.	10511/10	26 April 2016
F.C.	29593/17	9 October 2018
M.M.	10982/15	9 February 2021
R.R.C.	21464/15	15 November 2022
A.H.L.	2445/17	15 November 2022
K.A.	8757/20	30 May 2023
A.M.A.	23048/19	24 October 2023
C.J.J.L. and Others	56896/17, 56910/17, 56914/17, 56917/17 and 57307/17	21 November 2023
M.B.	71008/16	23 April 2024
A.S.M.	29348/18	5 September 2024
J.F.M.	27963/18	5 September 2024
H.H.	24008/20	22 October 2024
W.L.M.A.	4470/21	10 December 2024
N.S.S.	45644/18	15 April 2025

ECtHR cases where supervision was closed in 2025

Name	Application number	Date of resolution
C.M.C.	34507/16	15 October 2025

Annexe II: United Nations

General

In 2025 the UN treaty bodies informed the Government of four new communications.

Human Rights Committee

Decisions

Name	Communication number	Date
G.F.S.	3650/2019	17 July 2025

Cases being processed as at 31 December 2025

Name	Communication number	Article ICCPR
A.Z.	3868/2021	Art. 14
D.K.	3768/2020	Arts. 2, 7 and 8
F.K.F.	3907/2021	Arts. 2 and 17
G.V.B.	3720/2020	Arts. 14 and 17
J.D.A.S.	4477/2023	Art. 14
J.H.	4823/2025	Art. 27
J.P.M.L. and M.K.	4019/2021	Arts. 7, 9, 10, 14, 15 and 17
N.J.S.C.	4015/2021	Arts. 2, 6 and 7
R.L.K.	3721/2020	Arts. 2, 14 and 17
R.V.D.B.	4268/2022	Art. 14
S.D.N.	4705/2024	Art. 14
S.H. and Others	3281/2018	Arts. 2, 6, 7, 17, 19, 24 and 26
S.Z.	4851/2025	Arts. 2, 6, 7, 9, 12, 14, 15, 17, 23 and 24
V.G.	3856/2020	Arts. 2, 15 and 26

Committee on the Elimination of Discrimination against Women

Decisions/Views

Name	Communication number	Date
S.V.	162/2020	17 February 2025

Cases being processed as at 31 December 2025

Name	Communication number	Article CEDAW
J.C.V.	194/2022	Arts. 1, 2, 3, 5, 6 and 12

F.A.	202/2023	Arts. 1 and 2
M.E.V.B.	212/2023	Arts. 5 and 16

Committee against Torture

Cases being processed as at 31 December 2025

Name	Communication number	Article CAT
V.R.	1103/2021	Art. 3

Committee on the Elimination of Racial Discrimination

Cases being processed as at 31 December 2025

Name	Communication number	Article ICERD
H.Z	94/2025	Arts. 5, 1 and 2
S.C.	95/2025	Arts. 5, 1 and 2

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