

COUNTRY REPORT 2025 - THE NETHERLANDS BAR

In the past year the Netherlands Bar focused on various issues, of which the most significant are highlighted below.

Report on the rule of law quality of the Dutch government program in 2024

The Netherlands Bar commissioned an external committee to assess the rule of law quality in the Dutch government program for 2024¹. The committee rated nine parts of the program "red", indicating they conflict with the rule of law principles. Twenty-eight proposals were rated "yellow", suggesting risks, while six were rated "green", indicating potential to strengthen the rule of law.

The committee highlights concerns over the government attempts of the government to limit access to justice and fair trials, particularly in asylum and migration matters. It views the use of emergency state law and measures like the "asylum decision stop" as undermining democratic processes and the rule of law. The review, based on three criteria—reliable government, fundamental rights, and effective legal protection—found that emergency measures on migration should go through a democratic process with proper legislative review. The committee also raised concerns over the lack of action to address the decline in legal aid, which is crucial for maintaining justice in a rule of law state.

Positive aspects included the proposed "right to make mistakes," which could strengthen the rule of law, and plans to reduce inequality between the European and Caribbean Netherlands. The committee also supported proposals to lift the constitutional review ban and strengthen the independence of the Administrative Jurisdiction Division of the Council of State.

However, the committee warned that certain proposals, like the intention to repeal the Dispersal Act and restrictions on interest group access to courts, pose risks to the rule of law. Concerns also exist over political influence on the judiciary and the limited space for public consultation in lawmaking, especially with fast-tracked proposals on asylum and migration. This accelerates concerns about the potential undermining of the Dutch democratic rule of law.

Shortage of legal aid lawyers

An exploratory study by the Netherlands Bar reveals a shortage of legal aid lawyers in several regions and areas of law in the Netherlands². Over the past five years, 900 legal aid lawyers have stopped practicing, representing 13% of the total number, with 51% of disbarments involving lawyers aged 20-35. Furthermore, 2,500 legal aid lawyers are expected to retire in the coming years. Additionally, there has been a significant increase in requests from justice seekers who are unable to find a legal aid lawyer on their own and have to ask the local bar president to appoint one.

The number of legal aid lawyers has steadily decreased since 2014, while assignments have increased, creating more work for fewer people. The expectation is that the number of legal aid lawyers will decline rapidly in the coming years. This shortage has led to delays in case handling, increased likelihood of legal issues escalating, and significant pressure on the legal aid system.

The low fees and lack of new recruits and training opportunities have worsened the situation. Legal aid firms are at risk of closure due to these challenges, and continued budget cuts within the social

¹ [Negen onderdelen van het regeerprogramma in strijd met de beginselen van rechtsstatelijkheid | Nederlandse orde van advocaten](#)

² Exploratory study of the shortages in legal aid (2024) [The Netherlands Bar | Nederlandse orde van advocaten](#)

law sector threaten the viability of legal aid services. Access to justice, a core principle of the rule of law, is being undermined, particularly for those reliant on legal aid.

To improve access to justice and restore public trust in the legal system, the Netherlands Bar emphasises the need for a significant increase in fees and government action to ensure the sustainability of legal aid services. The Netherlands Bar, in collaboration with other stakeholders, is working on initiatives such as:

- developing the "Legal Aid Law Firm of the Future";
- promoting social law in education;
- seeking a more proportional distribution of the annual financial contribution to the Netherlands Bar;
- advancing the recommendations from the Pilot Collaboration in the First Line;
- promoting collaboration within the entire bar through the efforts of the Praktizijns Society³.

However, these efforts are contingent upon fair compensation for legal aid lawyers. Without proper investments, vulnerable justice seekers may be left without the legal assistance they need. The Netherlands Bar urges the government to take immediate action, including reserving funds for recommendations from the Van der Meer II Committee and ensuring that compensation reassessments are conducted regularly⁴. The Netherlands Bar advocates for a stable, apolitical budgetary policy, an area previously studied but not yet addressed by the government.

Resilience/protection of lawyers

In 2022, the Netherlands Bar commissioned a survey on aggression, threats, and harassment among lawyers, revealing alarming findings: 50% of lawyers (over 18,000) had faced aggression, threats, or harassment at least once in the past year, with 37% describing the incidents as serious. A follow-up survey in early 2024⁵ showed an increase, with 55% of lawyers reporting such experiences. For 43.6% of them, multiple incidents occurred in the previous year. The most common forms were verbal aggression (46%), intimidation (38%), and threats (24%), with 4% experiencing physical aggression. The severity of incidents also rose, with 47% of lawyers now deeming them serious.

Female lawyers were more likely to experience aggression, and 26% of women reported incidents of gender-based discrimination, compared to just 4% of men. Lawyers in tenancy law, family law, general practice, criminal law, and immigration law were most vulnerable to these incidents. In 53% of cases, aggression came from the lawyer's client, and in 33%, from the opposing party. The impact on lawyers was significant: 67% reported negative effects such as lower job satisfaction and mental health issues, and a quarter of them were considering quitting their careers.

The Netherlands Bar, alongside the Ministry of Justice and the National Coordinator for Counterterrorism and Security (NCTV), is working to improve safety and resilience within the profession. Initiatives like resilience training, an emergency hotline, and the confidant for lawyers have been launched, and their awareness has grown significantly. In May 2024, the Land Registry and the Netherlands Bar signed an agreement to protect lawyers' personal data, reducing the risk of "doxing."

³ [Kennismaken met de Praktizijns sociëteit - rvr.org](https://www.rvr.org/nieuws/kennismaken-met-de-praktizijns-societeit)

⁴ [Tekort aan sociaal advocaten dreigt, NOVA dringt aan op structurele verbetering | Nederlandse orde van advocaten](https://www.nova.nl/tekort-aan-sociaal-advocaten-dreigt-nova-dringt-aan-op-structurele-verbetering/)

⁵ [Aantal advocaten dat te maken krijgt met agressie, bedreiging en/of intimidatie toegenomen | Nederlandse orde van advocaten](https://www.nova.nl/aantal-advocaten-dat-te-maken-krijgt-met-agressie-bedreiging-en/of-intimidatie-toegenomen/)

In 2024, a new focus on digital crime revealed that 69% of lawyers had encountered phishing, 25% malware, 7% ransomware, and 5% DDoS attacks. While 58% of lawyers felt their firm responded adequately to threats, many indicated the need for better training. The Netherlands Bar plans to assess whether additional support is required for law firms. The survey is repeated every two years to monitor developments and to take measures and undertake activities.

Confidentiality

On 6 March 2024, the Dutch House of Representatives debated proposed legislation aimed at amending the Penitentiary Principles Act, which included visual supervision during lawyer visits at Vught Penal Institution and small-scale units with intensive supervision, as well as limits on the number of lawyers and location-bound phone calls for the lawyer. The Netherlands Bar voiced concerns about these changes, citing the infringement on confidential lawyer-client communication and the potential for conversations to be recorded, stored, and accessed by the Public Prosecution Service. The Netherlands Bar also advised that any such measures should be assessed individually rather than applied generically.

On 12 March 2024, the House of Representatives rejected amendments for individual assessments but adopted measures allowing auditory supervision. On 24 April 2024, the Council of State issued an urgent advisory opinion, declaring the amended bill incompatible with the Constitution, ECHR, and EU law, aligning with the concerns of the Netherlands Bar. The Minister for Legal Protection agreed to reverse the amendments and called for postponing the final vote on the bill. The Netherlands Bar supported this approach and emphasised the need for an individual assessment in future amendments to ensure tailored solutions for issues like visual monitoring and the maximum number of two legal aid providers.

In a related ruling on 12 March 2024, the Dutch Supreme Court emphasised the need for further regulations to safeguard legal professional privilege during investigations involving privileged information. The Court stressed the individual responsibility of those entitled to legal privilege in managing risks of infringement, particularly with the choice of communication means. The Netherlands Bar continues to discuss these issues with the Public Prosecution Service and the judiciary.

Additionally, in 2024, the Netherlands Bar and Public Prosecution Service held talks to better protect legal professional privilege with an email recognition system. A study by Leiden University recommended a system to pre-recognise and filter lawyer-client emails, addressing confidentiality concerns. The Netherlands Bar will explore the technical and legal implications of such a system. The research also examined the use of other extra-secure and/or identity-obscuring communication tools by lawyers, identifying risks to confidentiality and core values like independence and integrity, particularly when law enforcement cannot recognise communications made via these tools.

Regulations regarding the clear identification of the professional role (kenbare hoedanigheid)⁶

In 2024, the Netherlands Bar reviewed the clarity of regulations regarding the roles of lawyers. Lawyers can work in capacities other than as legal practitioners, such as trustees, mediators or investigators. However, role clarity is often unclear in practice, as shown by disciplinary cases. To address this, the Netherlands Bar amended the explanatory note to code of conduct rule 9. This revised explanation came into effect on 1 January 2025.

⁶ [Toelichting bij gedragsregel 9 kenbare hoedanigheid wijzigt per 1 januari 2025 | Nederlandse orde van advocaten](#)

Lawyers must ensure clients and third parties understand the capacity in which they are acting. This requires active communication, such as clarifying roles in a letter of agreement.

The revised explanation also addresses the roles of lawyers as corporate, compliance, or forensic investigators. The Netherlands Bar has created a model to help lawyers inform third parties about their role.

Artificial intelligence (AI) in the legal profession

The integration of AI into legal practice is inevitable, with lawyers already using generative AI for tasks like drafting documents, analysing case law, converting speech to text, and providing administrative support. This improves efficiency, enabling lawyers to focus on more complex work. However, the Netherlands Bar believes that the lawyer will remain essential in the legal system due to the unique human qualities, such as empathy and ethical judgment, that AI cannot replicate. Core values like independence, impartiality, competence, integrity, and confidentiality are timeless and technology-neutral, and the Netherlands Bar emphasises examining how AI usage aligns with these values. Since 2021, AI has been part of the Digital Skills component of the new curriculum of the vocational training for lawyers, and in 2024, the Beroepsopleiding Advocaten⁷ introduced guidelines for using AI in assignments. The Netherlands Bar also plays an advisory role to ensure the legal profession maintains its quality and ethical standards, supported by the digitalisation & AI project group.

Digitalisation of the judiciary

In 2024 the Council for the Judiciary digitised several case flows, and as of 1 January 2025, lawyers will also be required to litigate digitally. In addition to the web portal 'Mijn Rechtspraak', the Council for the Judiciary has developed a system integration for lawyers. This integration makes it easier to litigate digitally, as all relevant documents are directly available in the lawyers' own work environment. However, there are costs associated with this for lawyers. This integration will be made available mid-2025.

Growth of the Netherlands Bar in 2024 per 01-01-2025 vs. 01-01-2024

	2024	2025	Growth (number)	Growth (%)
Amsterdam	6.452	6.670	218	3,38%
Den Haag	1.993	1.996	3	0,15%
Gelderland	1.195	1.189	-6	-0,50%
Limburg	733	711	-22	-3,00%
Midden-Nederland	1.774	1.779	5	0,28%
Noord-Holland	809	801	-8	-0,99%
Noord-Nederland	753	755	2	0,27%
Oost-Brabant	1.156	1.188	32	2,77%
Overijssel	649	642	-7	-1,08%
Rotterdam	2.031	2.019	-12	-0,59%
Zeeland-West-Brabant	968	973	5	0,52%
	18.513	18.723	210	1,13%

⁷ The implementing organisation of the vocational training for lawyers, [Over de BA - Beroepsopleiding Advocaten](#)