

# Netherlands - Constitution

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## Chapter 1 Fundamental Rights

### Article 1 [Equality]

All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, or sex or on any other grounds whatsoever shall not be permitted.

### Article 2 [Citizenship]

- (1) Dutch nationality shall be regulated by Act of Parliament.
- (2) The admission and expulsion of aliens shall be regulated by Act of Parliament.
- (3) Extradition may take place only pursuant to a treaty. Further regulations concerning extradition shall be laid down by Act of Parliament.
- (4) Everyone shall have the right to leave the country, except in the cases laid down by Act of Parliament.

### Article 3 [Eligibility Right]

All Dutch nationals shall be equally eligible for appointment to public service.

### Article 4 [Right to Vote]

Every Dutch national shall have an equal right to elect the members of the general representative bodies and to stand for election as a member of those bodies, subject to the limitations and exceptions prescribed by Act of Parliament.

### Article 5 [Petitions]

Everyone shall have the right to submit petitions in writing to the competent authorities.

### Article 6 [Religion, Belief]

- (1) Everyone shall have the right to manifest freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law.
- (2) Rules concerning the exercise of this right other than in buildings and enclosed places may be laid down by Act of Parliament for the protection of health, in the interest of traffic and to combat or prevent disorders.

### Article 7 [Expression]

- (1) No one shall require prior permission to publish thoughts or opinions through the press, without prejudice to the responsibility of every person under the law.
- (2) Rules concerning radio and television shall be laid down by Act of Parliament. There shall be no prior supervision of the content of a radio or television broadcast.
- (3) No one shall be required to submit thoughts or opinions

for prior approval in order to disseminate them by means other than those mentioned in the preceding paragraphs, without prejudice to the responsibility of every person under the law. The holding of performances open to persons younger than sixteen years of age may be regulated by Act of Parliament in order to protect good morals.

(4) The preceding paragraphs do not apply to commercial advertising.

#### **Article 8 [Association]**

The right of association shall be recognized. This right may be restricted by Act of Parliament in the interest of public order.

#### **Article 9 [Assembly]**

(1) The right of assembly and demonstration shall be recognized, without prejudice to the responsibility of everyone under the law.

(2) Rules to protect health, in the interest of traffic and to combat or prevent disorders may be laid down by Act of Parliament.

#### **Article 10 [Privacy]**

(1) Everyone shall have the right to respect for his privacy, without prejudice to restrictions laid down by or pursuant to Act of Parliament.

(2) Rules to protect privacy shall be laid down by Act of Parliament in connection with the recording and dissemination of personal data.

(3) Rules concerning the rights of persons to be informed of data recorded concerning them and of the use that is made thereof, and to have such data corrected shall be laid down by Act of Parliament.

#### **Article 11 [Personal Integrity]**

Everyone shall have the right to inviolability of his person, without prejudice to restrictions laid down by or pursuant to Act of Parliament.

#### **Article 12 [Home]**

(1) Entry into a home against the will of the occupant shall be permitted only in the cases laid down by or pursuant to Act of Parliament, by those designated for the purpose by or pursuant to Act of Parliament.

(2) Prior identification and notice of purpose shall be required in order to enter a home under the preceding paragraph, subject to the exceptions prescribed by Act of Parliament. A written report of the entry shall be issued to the occupant.

#### **Article 13 [Secrecy of Communication]**

(1) The privacy of correspondence shall not be violated except, in the cases laid down by Act of Parliament, by order of the courts.

(2) The privacy of the telephone and telegraph shall not be

violated except, in the cases laid down by Act of Parliament, by or with the authorization of those designated for the purpose by Act of Parliament.

#### **Article 14 [Property]**

(1) Expropriation may take place only in the public interest and on prior assurance of full compensation, in accordance with regulations laid down by or pursuant to Act of Parliament.

(2) Prior assurance of full compensation shall not be required if in an emergency immediate expropriation is called for.

(3) In the cases laid down by or pursuant to Act of Parliament there shall be a right to full or partial compensation if in the public interest the competent authority destroys property or renders it unusable or restricts the exercise of the owner's rights to it.

#### **Article 15 [Personal Liberty, Arrest]**

(1) Other than in the cases laid down by or pursuant to Act of Parliament, no one may be deprived of his liberty.

(2) Anyone who has been deprived of his liberty other than by order of a court may request a court to order his release. In such a case he shall be heard by the court within a period to be laid down by Act of Parliament. The court shall order his immediate release if it considers the deprivation of liberty to be unlawful.

(3) The trial of a person who has been deprived of his liberty pending trial shall take place within a reasonable period.

(4) A person who has been lawfully deprived of his liberty may be restricted in the exercise of fundamental rights in so far as the exercise of such rights is not compatible with the deprivation of liberty.

#### **Article 16 [Nulla Poena Sine Lege]**

No offence shall be punishable unless it was an offence under the law at the time it was committed.

#### **Article 17 [Right to be Heard]**

No one may be prevented against his will from being heard by the courts to which he is entitled to apply under the law.

#### **Article 18 [Right to Counsel]**

(1) Everyone may be legally represented in legal and administrative proceedings.

(2) Rules concerning the granting of legal aid to persons of limited means shall be laid down by Act of Parliament.

#### **Article 19 [Work]**

(1) It shall be the concern of the authorities to promote the provision of sufficient employment.

(2) Rules concerning the legal status and protection of working persons and concerning co-determination shall be laid down by Act of Parliament.

(3) The right of every Dutch national to a free choice of work shall be recognized, without prejudice to the restrictions laid down by or pursuant to Act of Parliament.

## **Article 20 [Welfare]**

(1) It shall be the concern of the authorities to secure the means of subsistence of the population and to achieve the distribution of wealth.

(2) Rules concerning entitlement to social security shall be laid down by Act of Parliament.

(3) Dutch nationals resident in the Netherlands who are unable to provide for themselves shall have a right, to be regulated by Act of Parliament, to aid from the authorities.

## **Article 21 [Environment]**

It shall be the concern of the authorities to keep the country habitable and to protect and improve the environment.

## **Article 22 [Health]**

(1) The authorities shall take steps to promote the health of the population.

(2) It shall be the concern of the authorities to provide sufficient living accommodation.

(3) The authorities shall promote social and cultural development and leisure activities.

## **Article 23 [Education]**

(1) Education shall be the constant concern of the Government.

(2) All persons shall be free to provide education, without prejudice to the authorities' right of supervision and, with regard to forms of education designated by law, its right to examine the competence and moral integrity of teachers, to be regulated by Act of Parliament.

(3) Education provided by public authorities shall be regulated by Act of Parliament, paying due respect to everyone's religion or belief.

(4) The authorities shall ensure that primary education is provided in a sufficient number of public-authority schools in every municipality. Deviations from this provision may be permitted under rules to be established by Act of Parliament on condition that there is opportunity to receive the said form of education.

(5) The standards required of schools financed either in part or in full from public funds shall be regulated by Act of Parliament, with due regard, in the case of private schools, to the freedom to provide education according to religious or other belief.

(6) The requirements for primary education shall be such that the standards both of private schools fully financed from public funds and of public-authority schools are fully guaranteed. The relevant provisions shall respect in particular the freedom of private schools to choose their teaching aids and to appoint teachers as they see fit.

(7) Private primary schools that satisfy the conditions laid down by Act of Parliament shall be financed from public funds according to the same standards as public-authority schools. The conditions under which private secondary education and pre-university education shall receive contributions from public funds shall be laid down by Act of Parliament.

(8) The Government shall submit annual reports on the state of education to the Parliament.

## **Chapter 2 Government**

### **Section 1 The King**

#### **Article 24**

The title to the Throne shall be hereditary and shall vest in the legitimate descendants of King William I, Prince of Orange-Nassau.

#### **Article 25**

On the death of the King, the title to the Throne shall pass by hereditary succession to the King's legitimate descendants in order of seniority, the same rule governing succession by the issue of descendants who predecease the King. If the King has no descendants, the title to the Throne shall pass in the same way to the legitimate descendants of the King's parent and then of his grandparent who are in the line of succession but are not further removed from the deceased King than the third degree of consanguinity.

#### **Article 26**

For the purposes of hereditary succession, the child of a woman pregnant at the moment of the death of the King shall be deemed already born. If it is stillborn it shall be deemed to have never existed.

#### **Article 27**

Hereditary succession to the Throne in the event of abdication shall take place according to the rules set out in the above articles. Children born after an abdication and their descendants shall be excluded from the hereditary succession.

#### **Article 28**

(1) The King shall be deemed to have abdicated if he contracts a marriage without having obtained approval by Act of Parliament.

(2) Anyone in line of succession to the Throne who contracts such a marriage shall be excluded from the hereditary succession, together with any children born of the marriage and their issue.

(3) The two Chambers of the Parliament (Parliament) shall meet to consider and decide upon a Bill for granting such approval in joint session.

#### **Article 29**

(1) One or more persons may be excluded from the hereditary succession by Act of Parliament if exceptional circumstances necessitate.

(2) The Bill for this purpose shall be presented by or on behalf of the King. The two Chambers of the Parliament shall consider and decide upon the matter in joint session. Such a Bill shall be passed only if at least two-thirds of the votes cast are in favor.

#### **Article 30**

(1) A successor to the Throne may be appointed by Act of Parliament if it appears that there will otherwise be no successor. The Bill shall be presented by or on behalf of the King, upon which the Chambers shall be dissolved. The newly convened Chambers shall discuss and decide upon the matter in joint session. Such a Bill shall be passed only if at least two-thirds of the votes cast are in favor.

(2) The Chambers shall be dissolved if there is no successor on the death or abdication of the King. The newly convened Chambers shall meet in joint session within four months of the decease or abdication in order to decide on the appointment of a King. They may appoint a successor only if at least two-thirds of the votes cast are in favor.

#### **Article 31**

(1) An appointed King may be succeeded only by his legitimate descendants by virtue of hereditary succession.

(2) The provisions on hereditary succession and the first paragraph of this article shall apply by analogy to an appointed successor who has not yet become King.

#### **Article 32**

Upon assuming the royal prerogative the King shall be sworn in and inaugurated as soon as possible in the capital city, Amsterdam, at a public and joint session of the two Chambers of the Parliament. The King shall swear or promise allegiance to the Constitution and that he will faithfully discharge his duties. Specific rules shall be laid down by Act of Parliament.

#### **Article 33**

The King shall not exercise the royal prerogative before attaining the age of eighteen.

#### **Article 34**

The guardianship of a King who is a minor shall be regulated by Act of Parliament. The two Chambers of the Parliament shall meet in joint session to consider and decide upon the matter.

#### **Article 35**

(1) If the Council of Ministers is of the opinion that the King is unable to exercise the royal prerogative it shall inform the two Chambers of the Parliament accordingly and shall also present to them the recommendation it has requested from the Council of State. The two Chambers of the Parliament shall then meet in joint session.

(2) If the two Chambers of the Parliament share this opinion, they shall then resolve that the King is unable to exercise the royal prerogative. This resolution shall be made public on the instructions of the President of the joint session and shall enter into force immediately.

(3) As soon as the King regains the ability to exercise the royal prerogative, notice of the fact shall be given in an Act of Parliament. The two Chambers of the Parliament shall consider and decide upon the matter in joint session. The King shall resume the exercise of the royal prerogative as

soon as the Act has been made public.

(4) If it has been resolved that the King is unable to exercise the royal prerogative, guardianship over his person shall, if necessary, be regulated by Act of Parliament. The two Chambers of the Parliament shall consider and decide upon the matter in joint session.

#### **Article 36**

The King may temporarily relinquish the exercise of the royal prerogative and resume the exercise thereof pursuant to Act of Parliament. The relevant Bill shall be presented by or on behalf of the King. The two Chambers of the Parliament shall consider and decide upon the matter in joint session.

#### **Article 37**

(1) The royal prerogative shall be exercised by a Regent:

- (a) until the King has attained the age of eighteen;
- (b) if the title to the Throne may vest in an unborn child;
- (c) if it has been resolved that the King is unable to exercise the royal prerogative;
- (d) if the King has temporarily relinquished the exercise of the royal prerogative;
- (e) in the absence of a successor following the death or abdication of the King.

(2) The Regent shall be appointed by Act of Parliament. The two Chambers of the Parliament shall consider and decide upon the matter in joint session.

(3) In the cases specified in Paragraph (1)(c) and (d) above, the descendant of the King who is the heir presumptive shall become Regent by right if he has attained the age of eighteen.

(4) The Regent shall swear or promise allegiance to the Constitution and that he will faithfully discharge his duties before the two Chambers of Parliament meeting in joint session. Rules regarding the office of Regent shall be made by Act of Parliament, which may contain provisions for succession and replacement. The two Chambers of the Parliament shall consider and decide upon the matter in joint session.

(5) Articles [35](#) and [36](#) shall apply by analogy to the Regent.

#### **Article 38**

The royal prerogative shall be exercised by the Council of State until such time as alternative provision is made for the exercise of such power.

#### **Article 39**

Membership of the Royal House shall be regulated by Act of Parliament.

#### **Article 40**

(1) The King shall receive annual payments from the State according to rules to be laid down by Act of Parliament. The Act shall also specify which other members of the Royal House shall receive payments from the State and shall regulate the payments themselves.

(2) The payments received by them from the State, together with such assets as are of assistance to them in the exercise

of their duties, shall be exempt from personal taxation. In addition, anything received by the King or his heir presumptive from a member of the Royal House by inheritance or as a gift shall be exempt from inheritance tax, transfer tax, or gifts tax. Additional exemption from taxation may be granted by Act of Parliament.

(3) Bills containing legislation as referred to in the previous paragraphs may be passed by the Parliament only if at least two-thirds of the votes cast are in favor.

#### **Article 41**

The King shall organize his Household, taking due account of the public interest.

### **Section 2 The King and the Ministers**

#### **Article 42**

(1) The Government shall comprise the King and the Ministers.  
(2) The Ministers, and not the King, shall be responsible for acts of government.

#### **Article 43**

The Prime Minister and the other Ministers shall be appointed and dismissed by Royal Decree.

#### **Article 44**

(1) Ministries shall be established by Royal Decree. They shall be headed by a Minister.  
(2) Non-departmental Ministers may also be appointed.

#### **Article 45**

(1) The Ministers shall together constitute the Council of Ministers.  
(2) The Prime Minister shall be the chairman of the Council of Ministers.  
(3) The Council of Ministers shall consider and decide upon overall government policy and shall promote the coherence thereof.

#### **Article 46**

(1) State Secretaries may be appointed and dismissed by Royal Decree.  
(2) A State Secretary shall act with ministerial authority in place of the Minister in cases in which the Minister considers it necessary; the State Secretary shall observe the Minister's instructions in such cases. Responsibility shall rest with the State Secretary without prejudice to the responsibility of the Minister.

#### **Article 47**

All Acts of Parliament and Royal Decrees shall be signed by the King and by one or more Ministers or State Secretaries.

#### **Article 48**

The Royal Decree appointing the Prime Minister shall be countersigned by the latter. Royal Decrees appointing or

dismissing Ministers and State Secretaries shall be countersigned by the Prime Minister.

#### **Article 49**

Upon accepting office Ministers and State Secretaries shall swear an oath or make an affirmation and promise in the presence of the King, in the manner prescribed by Act of Parliament, that they have not done anything which may legally debar them from holding office, and shall also swear or promise allegiance to the Constitution and that they will faithfully discharge their duties.

### **Chapter 3 Parliament**

#### **Section 1 Organization and composition**

#### **Article 50**

The Parliament shall represent the entire people of the Netherlands.

#### **Article 51**

- (1) The Parliament shall consist of a Second Chamber and a First Chamber.
- (2) The Second Chamber shall consist of one hundred and fifty members.
- (3) The First Chamber shall consist of seventy-five members.
- (4) The two Chambers shall be deemed a single entity when they meet in joint session.

#### **Article 52**

- (1) The duration of both Chambers shall be four years.
- (2) The duration of the First Chamber shall be amended accordingly if the duration of the provincial councils is altered by Act of Parliament to a term other than four years.

#### **Article 53**

- (1) The members of both Chambers shall be elected by proportional representation within the limits to be laid down by Act of Parliament.
- (2) Elections shall be by secret ballot.

#### **Article 54**

- (1) The members of the Second Chamber shall be elected directly by the Dutch nationals who have attained the age of eighteen, with the exception of any Dutch nationals who may be excluded by Act of Parliament by virtue of the fact that they are not resident in the Netherlands.
- (2) The following persons shall not be entitled to vote:
  - (a) anyone who has committed an offence designated by Act of Parliament and has been sentenced as a result by irrevocable judgement of a court of law to a custodial sentence of not less than one year and simultaneously disqualified from voting;
  - (b) anyone who has been deemed legally incompetent by irrevocable judgement of a court because of mental disorder.

#### **Article 55**

The members of the First Chamber shall be chosen by the members of the provincial councils. The election shall take place not more than three months after the election of the members of the provincial councils except in the event of the dissolution of the Chamber.

#### **Article 56**

To be eligible for membership of the Parliament, a person must be a Dutch national, must have attained the age of eighteen years and must not have been disqualified from voting.

#### **Article 57**

- (1) No one may be a member of both Chambers.
- (2) A member of the Parliament may not be a Minister, State Secretary, member of the Council of State, member of the General Chamber of Audit, member of the Supreme Court, or Procurator General or Advocate General at the Supreme Court.
- (3) Notwithstanding the above, a Minister or State Secretary who has offered to tender his resignation may combine the said office with membership of the Parliament until such time as a decision is taken on such resignation.
- (4) Other public functions which may not be held simultaneously by a person who is a member of the Parliament or of one of the Chambers may be designated by Act of Parliament.

#### **Article 58**

Each Chamber shall examine the credentials of its newly appointed members and shall decide with due reference to rules to be established by Act of Parliament any disputes arising in connection with the credentials or the election.

#### **Article 59**

All other matters pertaining to the right to vote and to elections shall be regulated by Act of Parliament.

#### **Article 60**

Upon accepting office, members of the Chambers shall swear an oath or make an affirmation and promise before the Chamber in the manner prescribed by Act of Parliament that they have not done anything which may legally debar them from holding office, and shall also swear or promise allegiance to the Constitution and that they will faithfully discharge their duties.

#### **Article 61**

- (1) Each Chamber shall appoint a President from among its members.
- (2) Each Chamber shall appoint a Clerk who, like the other officials of the two Chambers, may not be a member of the Parliament.

#### **Article 62**

The President of the First Chamber shall preside when the two Chambers meet in joint session.

### **Article 63**

Financial remuneration for members and former members of the Parliament and their dependents shall be regulated by Act of Parliament. The Chambers may pass a Bill on the matter only if at least two-thirds of the votes cast are in favor.

### **Article 64**

- (1) Each of the Chambers may be dissolved by Royal Decree.
- (2) A decree for dissolution shall also require new elections to be held for the Chamber which has been dissolved and the newly elected Chamber to meet within three months.
- (3) The dissolution shall take effect on the day on which the newly elected Chamber meets.
- (4) The duration of a Second Chamber that meets following a dissolution shall be determined by Act of Parliament; the term may not exceed five years. The duration of a First Chamber that meets following a dissolution shall end at the time at which the duration of the dissolved Chamber would have ended.

## **Section 2 Procedure**

### **Article 65**

A statement of the policy to be pursued by the Government shall be given by or on behalf of the King before a joint session of the two Chambers of the Parliament that shall be held every year on the third Tuesday in September or on such earlier date as may be prescribed by Act of Parliament.

### **Article 66**

- (1) The sittings of the Parliament shall be held in public.
- (2) The sittings shall be held in camera if one tenth of the members present so require or if the President considers it necessary.
- (3) The Chamber, or the two Chambers meeting in joint session, shall then decide whether the deliberations are to continue and the decisions to be taken in camera.

### **Article 67**

- (1) The two Chambers may deliberate or take decisions, either separately or in joint session, only if more than half of the members are present.
- (2) Decisions shall be taken by majority.
- (3) The members shall not be bound by a mandate or instructions when casting their votes.
- (4) Voting on items of business not relating to individuals shall be oral and by roll call if requested by one member.

### **Article 68**

Ministers and State Secretaries shall provide orally or in writing the Chambers either separately or in joint session, with any information requested by one or more members, provided that the provision of such information does not conflict with the interests of the State.

### **Article 69**

- (1) Ministers and State Secretaries shall have the right to

attend sittings of the Parliament and may take part in the deliberations.

(2) They may be invited to be present at sittings of the Chambers of the Parliament meeting either separately or in joint session.

(3) They may be assisted at the sittings by persons nominated by them.

#### **Article 70**

The two Chambers shall jointly and separately have the right of inquiry to be regulated by Act of Parliament.

#### **Article 71**

Members of the Parliament, Ministers, State Secretaries, and other persons taking part in deliberations may not be prosecuted or otherwise held liable in law for anything they say during the sittings of the Parliament or of its committees or for anything they submit to them in writing.

#### **Article 72**

Each Chamber of the Parliament and the two Chambers in joint session shall draw up rules of procedure.

### **Chapter 4 Council of State, Chamber of Audit, Advisory Bodies**

#### **Article 73**

(1) The Council of State or a section of the Council shall be consulted on Bills and draft general administrative orders as well as proposals for the approval of treaties by the Parliament. Such consultation may be dispensed with in cases to be laid down by Act of Parliament.

(2) The Council or a section of the Council shall be responsible for investigating administrative disputes where the decision has to be given by Royal Decree, and for advising on the ruling to be given in the said dispute.

(3) The Council or a section of the Council may be required by Act of Parliament to give decisions in administrative disputes.

#### **Article 74**

(1) The King shall be President of the Council of State. The heir presumptive shall be legally entitled to have a seat on the Council on attaining the age of eighteen. Other members of the Royal House may be granted a seat on the Council by or in accordance with an Act of Parliament.

(2) The members of the Council shall be appointed for life by Royal Decree.

(3) They shall cease to be members of the Council on resignation or on attaining an age to be determined by Act of Parliament.

(4) They may be suspended or dismissed from membership by the Council in instances specified by Act of Parliament.

(5) Their legal status shall in other respects be regulated by Act of Parliament.

#### **Article 75**

(1) The organization, composition and powers of the Council of State shall be regulated by Act of Parliament.

(2) Additional duties may be assigned to the Council or a section of the Council by Act of Parliament.

#### **Article 76**

The General Chamber of Audit shall be responsible for examining the State's revenues and expenditures.

#### **Article 77**

(1) The members of the General Chamber of Audit shall be appointed for life by Royal Decree from a list of three persons per vacancy drawn up by the Second Chamber of the Parliament.

(2) They shall cease to be members on resignation or on attaining an age to be determined by Act of Parliament.

(3) They may be suspended or dismissed from membership by the Supreme Court in cases to be laid down by Act of Parliament.

(4) Their legal status shall in other respects be regulated by Act of Parliament.

#### **Article 78**

(1) The organization, composition and powers of the General Chamber of Audit shall be regulated by Act of Parliament.

(2) Additional duties may be assigned to the General Chamber of Audit by Act of Parliament.

#### **Article 79**

(1) Permanent bodies to advise on matters relating to legislation and administration of the State shall be established by or pursuant to Act of Parliament.

(2) The organization, composition and powers of such bodies shall be regulated by Act of Parliament.

(3) Duties in addition to advisory ones may be assigned to such bodies by or pursuant to Act of Parliament.

#### **Article 80**

(1) The recommendations made by the bodies referred to in the present chapter shall be made public according to rules to be laid down by Act of Parliament.

(2) Other than in cases to be laid down by Act of Parliament, recommendations made in respect of Bills presented by or on behalf of the King shall be submitted to the Parliament.

### **Chapter 5 Legislation and Administration**

#### **Section 1 Acts of Parliament and other regulations**

#### **Article 81**

Acts of Parliament shall be passed jointly by the Government and the Parliament.

#### **Article 82**

(1) Bills may be presented by or on behalf of the King or by

the Second Chamber of the Parliament.

(2) Bills which require consideration by a joint session of the Parliament may be presented by or on behalf of the King or by a joint session of the Parliament insofar as this is consistent with the relevant articles of Chapter [2](#).

(3) Bills to be presented by the Second Chamber or by a joint session of the Parliament shall be introduced in the Chamber or the joint session as the case may be by one or more members.

#### **Article 83**

Bills presented by or on behalf of the King shall be sent to the Second Chamber or to the joint session if consideration by a joint session of the Parliament is required.

#### **Article 84**

(1) A Bill presented by or on behalf of the King that has not yet been passed by the Second Chamber or by a joint session of the Parliament may be amended by the Chamber or the joint session as the case may be on the proposal of one or more members or by the Government.

(2) Any Bill being presented by the Second Chamber or a joint session of the Parliament that has not yet been passed may be amended by the Chamber or joint session as the case may be on the proposal of one or more members or by the member or members introducing the Bill.

#### **Article 85**

As soon as the Second Chamber passes a Bill or resolves to present a Bill, it shall send it to the First Chamber which shall consider the Bill as sent to it by the Second Chamber. The Second Chamber may instruct one or more of its members to defend a Bill presented by it in the First Chamber.

#### **Article 86**

(1) A Bill may be withdrawn by or on behalf of the proposer until such time as it is passed by the Parliament.

(2) A Bill which is to be presented by the Second Chamber or by a joint session of the Parliament may be withdrawn by the member or members introducing it until such time as it is passed.

#### **Article 87**

(1) A Bill shall become an Act of Parliament once it has been passed by the Parliament and ratified by the King.

(2) The King and the Parliament shall inform each other of their decision on any Bill.

#### **Article 88**

The publication and entry into force of Acts of Parliament shall be regulated by Act of Parliament. They shall not enter into force before they have been published.

#### **Article 89**

(1) General administrative orders shall be established by Royal Decree.

(2) Any regulations to which penalties are attached shall be embodied in such orders only in accordance with an Act of Parliament. The penalties to be imposed shall be determined by Act of Parliament.

(3) Publication and entry into force of general administrative orders shall be regulated by Act of Parliament. They shall not enter into force before they have been published.

(4) Paragraph (2) shall apply by analogy to other generally binding regulations laid down on behalf of the State for five years or until a time to be determined by or pursuant to Act of Parliament. These regulations shall not enter into force until they have been published.

## **Section 2 Miscellaneous Provisions**

### **Article 90**

The Government shall promote the development of the international rule of law.

### **Article 91**

(1) The Kingdom shall not be bound by treaties, nor shall such treaties be denounced without the prior approval of the Parliament. The cases in which approval is not required shall be specified by Act of Parliament.

(2) The manner in which approval shall be granted shall be laid down by Act of Parliament, which may provide for the possibility of tacit approval.

(3) Any provisions of a treaty that conflict with the Constitution or which lead to conflicts with it may be approved by the Chambers of the Parliament only if at least two-thirds of the votes cast are in favor.

### **Article 92**

Legislative, executive, and judicial powers may be conferred on international institutions by or pursuant to a treaty, subject, where necessary, to the provisions of [Article 91 \(3\)](#).

### **Article 93**

Provisions of treaties and of resolutions by international institutions, which may be binding on all persons by virtue of their contents shall become binding after they have been published.

### **Article 94**

Statutory regulations in force within the Kingdom shall not be applicable if such application is in conflict with provisions of treaties that are binding on all persons or of resolutions by international institutions.

### **Article 95**

Rules regarding the publication of treaties and decisions by international institutions shall be laid down by Act of Parliament.

### **Article 96**

(1) A declaration that the Kingdom is in a state of war shall

not be made without the prior approval of the Parliament.

(2) Such approval shall not be required in cases where consultation with Parliament proves to be impossible as a consequence of the actual existence of a state of war.

(3) The two Chambers of the Parliament shall consider and decide upon the matter in joint session.

(4) The provisions of the first and third paragraphs shall apply by analogy to a declaration that a state of war has ceased.

#### **Article 97**

(1) All Dutch nationals who are capable of doing so shall have a duty to cooperate in maintaining the independence of the State and defending its territory.

(2) This duty may also be imposed on residents of the Netherlands who are not Dutch nationals.

#### **Article 98**

(1) To protect its interests, the State shall maintain Armed Forces consisting of volunteers and conscripts.

(2) The Government shall have supreme authority over the armed forces.

(3) Compulsory service in the armed forces shall be regulated by Act of Parliament. The obligations which may be imposed on persons not belonging to the armed forces in relation to the defence of the country shall also be regulated by Act of Parliament.

#### **Article 99**

The conditions on which exemption is granted from military service because of serious conscientious objections shall be specified by Act of Parliament.

#### **Article 100**

Foreign troops shall not be employed other than pursuant to an Act of Parliament.

#### **Article 101**

If all or any of the persons liable for compulsory military service but not actually serving in the armed forces at the time are called up by Royal Decree in time of war or threat of war or in other exceptional circumstances, a Bill shall be presented to the Parliament forthwith to regulate where necessary their continued service in the armed forces.

#### **Article 102**

(1) All expenses in connection with the armies of the State shall be met from central government funds.

(2) No inhabitant or municipality may be required to assist with the billeting or maintenance of troops, or with transports or supplies of any description whatsoever requisitioned by the State for the armies or defenses of the country, other than in accordance with general rules laid down by Act of Parliament and upon payment of compensation.

(3) Exceptions to the general rules shall be laid down by Act of Parliament for application in time of war or threat of war

or in other exceptional circumstances.

#### **Article 103**

(1) The cases in which a state of emergency, as defined by Act of Parliament, may be declared by Royal Decree in order to maintain internal or external security shall be specified by Act of Parliament. The consequences of such a declaration shall be governed by Act of Parliament.

(2) Such a declaration may depart from the provisions of the Constitution relating to the powers of the executive bodies of the provinces, municipalities, and water control boards, the basic rights laid down in Article [6](#), insofar as the exercise of the right contained in this article other than in buildings and enclosed places is concerned, Articles [7](#), [8](#), [9](#), [12 \(2\)](#), [13](#) and [113 \(1\) and \(3\)](#).

(3) Immediately after the declaration of a state of emergency and whenever it considers it necessary, until such time as the state of emergency is terminated by Royal Decree, the Parliament shall decide the duration of the state of emergency. The two Chambers of the Parliament shall consider and decide upon the matter in joint session.

#### **Article 104**

Taxes imposed by the State shall be levied pursuant to Act of Parliament. Other levies imposed by the State shall be regulated by Act of Parliament.

#### **Article 105**

(1) The estimates of the State's revenues and expenditures shall be laid down by Act of Parliament.

(2) Bills containing general estimates shall be presented by or on behalf of the King every year on the date specified in Article [65](#).

(3) A statement of the State's revenues and expenditures shall be presented to the Parliament in accordance with the provisions of the relevant Act of Parliament. The balance sheet approved by the General Chamber of Audit shall be presented to the Parliament.

(4) Rules relating to the management of the State's finances shall be prescribed by Act of Parliament.

#### **Article 106**

The monetary system shall be regulated by Act of Parliament.

#### **Article 107**

(1) Civil law, criminal law and civil and criminal procedure shall be regulated by Act of Parliament in general legal codes without prejudice to the power to regulate certain matters in separate Acts of Parliament.

(2) The general rules of administrative law shall be laid down by Act of Parliament.

#### **Article 108**

(1) The establishment, powers and procedures of any general independent bodies for investigating complaints relating to actions of the authorities shall be regulated by Act of

Parliament.

(2) Appointment to such bodies shall be made by the Second Chamber of the Parliament if their jurisdiction covers the actions of the central authorities. Members may be dismissed in cases prescribed by Act of Parliament.

#### **Article 109**

The legal status of public servants shall be regulated by Act of Parliament. Rules regarding employment protection and co-determination for public servants shall also be laid down by Act of Parliament.

#### **Article 110**

In the exercise of their duties government bodies shall observe the right of public access to information in accordance with rules to be prescribed by Act of Parliament.

#### **Article 111**

Honors shall be established by Act of Parliament.

### **Chapter 6 The Administration of Justice**

#### **Article 112**

(1) The judgement of disputes involving rights under civil law and debts shall be the responsibility of the judiciary.

(2) Responsibility for the judgement of disputes which do not arise from matters of civil law may be granted by Act of Parliament either to the judiciary or to courts that do not form part of the judiciary. The method of dealing with such cases and the consequences of decisions shall be regulated by Act of Parliament.

#### **Article 113**

(1) The judgement of offenses shall also be the responsibility of the judiciary.

(2) Disciplinary proceedings established by government bodies shall be regulated by Act of Parliament.

(3) A sentence entailing deprivation of liberty may be imposed only by the judiciary.

(4) Different rules may be established by Act of Parliament for the trial of cases outside the Netherlands and for martial law.

#### **Article 114**

Capital punishment may not be imposed.

#### **Article 115**

Appeal to a higher administrative authority shall be admissible in the case of the disputes referred to in [Article 112 \(2\)](#).

#### **Article 116**

(1) The courts which form part of the judiciary shall be specified by Act of Parliament.

(2) The organization, composition and powers of the judiciary

shall be regulated by Act of Parliament.

(3) In cases provided for by Act of Parliament, persons who are not members of the judiciary may take part with members of the judiciary in the administration of justice.

(4) The supervision of members of the judiciary responsible for the administration of justice of the manner in which such members and the persons referred to in the previous paragraph fulfil their duties shall be regulated by Act of Parliament.

#### **Article 117**

(1) Members of the judiciary responsible for the administration of justice and the Procurator General at the Supreme Court shall be appointed for life by Royal Decree.

(2) Such persons shall cease to hold office on resignation or on attaining an age to be determined by Act of Parliament.

(3) In cases laid down by Act of Parliament such persons may be suspended or dismissed by a court that is part of the judiciary and designated by Act of Parliament.

(4) Their legal status shall in other respects be regulated by Act of Parliament.

#### **Article 118**

(1) The members of the Supreme Court of the Netherlands shall be appointed from a list of three persons drawn up by the Second Chamber of the Parliament.

(2) In the cases and within the limits laid down by Act of Parliament, the Supreme Court shall be responsible for annulling court judgements which infringe the law (cassation).

(3) Additional duties may be assigned to the Supreme Court by Act of Parliament.

#### **Article 119**

Present and former members of the Parliament, Ministers, and State Secretaries shall be tried by the Supreme Court for offenses committed while in office. Proceedings shall be instituted by Royal Decree or by a resolution of the Second Chamber.

#### **Article 120**

The constitutionality of Acts of Parliament and treaties shall not be reviewed by the courts.

#### **Article 121**

Except in cases laid down by Act of Parliament, trials shall be held in public and judgements shall specify the grounds on which they are based. Judgements shall be pronounced in public.

#### **Article 122**

(1) Remission of sentence shall be granted by Royal Decree upon the recommendation of a court designated by Act of Parliament and with due regard to regulations to be laid down by or pursuant to Act of Parliament.

(2) Pardons shall be granted by or pursuant to Act of Parliament.

## **Chapter 7 Provinces, Municipalities, and Other Public Bodies**

### **Article 123**

(1) Provinces and municipalities may be dissolved and new ones established by Act of Parliament.

(2) Revisions to provincial and municipal boundaries shall be regulated by Act of Parliament.

### **Article 124**

(1) The powers of provinces and municipalities to regulate and administer their own internal affairs shall be delegated to their administrative organs.

(2) Provincial and municipal administrative organs may be required by or pursuant to Act of Parliament to provide regulation and administration.

### **Article 125**

(1) The provinces and municipalities shall be headed by provincial and municipal councils respectively. Their meetings shall be public except in cases provided for by Act of Parliament.

(2) In addition, the administration of a province shall consist of the provincial executive and the King's Commissioner; the administration of a municipality shall consist of the municipal executive and the Mayor.

(3) King's Commissioners and Mayors shall preside over the meetings of provincial councils and municipal councils respectively.

### **Article 126**

The King's Commissioner may also be charged by Act of Parliament with the execution of official instructions to be given by the Government.

### **Article 127**

Provincial and municipal by-laws shall be enacted by the provincial or municipal councils respectively, except in cases specified by Act of Parliament or by them pursuant to an Act of Parliament.

### **Article 128**

Except in cases laid down in Article [123](#), the powers referred to in Article [124 \(1\)](#) may be assigned to bodies other than those specified in Article [125](#) only by the provincial or municipal councils respectively.

### **Article 129**

(1) The members of provincial and municipal councils shall be directly elected by Dutch nationals resident in the province or municipality as the case may be who satisfy the requirements laid down for elections to the Second Chamber of the Parliament. The same conditions apply to membership.

(2) The members shall be elected by proportional representation within the boundaries to be laid down by Act of

Parliament.

(3) Articles [53 \(2\)](#) and [59](#) shall apply.

(4) The duration of provincial and municipal councils shall be four years unless otherwise provided for by Act of Parliament.

(5) The positions which may not be held simultaneously with membership shall be specified by Act of Parliament. The Act may also provide that obstacles to membership will arise from family ties or marriage and that the commission of certain acts designated by Act of Parliament may result in loss of membership.

(6) The members shall not be bound by a mandate or instructions when casting their votes.

#### **Article 130**

The right to elect members of a municipal council and the right to be a member of a municipal council may be granted by Act of Parliament to residents who are not Dutch nationals provided they fulfil at least the requirements applicable to residents who are Dutch nationals.

#### **Article 131**

The King's Commissioners and the Mayors shall be appointed by Royal Decree.

#### **Article 132**

(1) Both the organization of provinces and municipalities and the composition and powers of their administrative organs shall be regulated by Act of Parliament.

(2) Supervision of the administrative organs shall be regulated by Act of Parliament.

(3) Decisions by the administrative organs shall be subject to prior supervision only in cases specified by or pursuant to Act of Parliament.

(4) Decisions by the administrative organs may be quashed only by Royal Decree and on the ground that they conflict with the law or the public interest.

(5) Provisions in the event of non-compliance in matters of regulation and administration required under Article [124 \(2\)](#), shall be regulated by Act of Parliament. Provisions may be made by Act of Parliament notwithstanding Articles [125](#) and [127](#) in cases of gross neglect of duty by the administrative organs of a province or municipality.

(6) The taxes which may be levied by the administrative organs of provinces and municipalities and their financial relationships with the central government shall be regulated by Act of Parliament.

#### **Article 133**

(1) Insofar as it is not otherwise provided by or pursuant to Act of Parliament, the establishment or dissolution of water control boards, the regulation of their duties and organization together with the composition of their administrative organs shall be effected by provincial by-law according to rules laid down by Act of Parliament.

(2) The legislative and other powers of the administrative organs of water control boards and public access to their meetings shall be regulated by Act of Parliament

(3) Supervision of these administrative organs by provincial and other bodies shall be regulated by Act of Parliament. Decisions by the administrative organs may be quashed only if they conflict with the law or the public interest.

#### **Article 134**

(1) Public bodies for the professions and trades and other public bodies may be established and dissolved by or pursuant to Act of Parliament.

(2) The duties and organization of such bodies, the composition, and powers of their administrative organs and public access to their meetings shall be regulated by Act of Parliament. Legislative powers may be granted to their administrative organs by or pursuant to Act of Parliament.

(3) Supervision of the administrative organs shall be regulated by Act of Parliament. Decisions by the administrative organs may be quashed only if they are in conflict with the law or the public interest.

#### **Article 135**

Rules pertaining to matters in which two or more public bodies are involved shall be laid down by Act of Parliament. These may provide for the establishment of a new public body, in which case Article [134 \(2\) and \(3\)](#), shall apply.

#### **Article 136**

Disputes between public bodies shall be settled by Royal Decree unless they fall within the competence of the judiciary or decisions are referred to other bodies by Act of Parliament.

### **Chapter 8 Revision of the Constitution**

#### **Article 137**

(1) An Act of Parliament shall be passed stating that an amendment to the Constitution in the form proposed shall be considered.

(2) The Second Chamber may divide a Bill presented for this purpose into a number of separate Bills, either upon a proposal presented by or on behalf of the King or otherwise.

(3) The two Chambers of the Parliament shall be dissolved after the Act referred to in the first paragraph has been published.

(4) The newly elected Chambers shall consider the Bill and it shall be passed only if at least two thirds of the votes cast are in favor.

(5) The Second Chamber may divide a Bill for the amendment of the Constitution into a number of separate Bills, either upon a proposal presented by or on behalf of the King or otherwise, if at least two-thirds of the votes cast are in favor.

#### **Article 138**

(1) Before Bills to amend the Constitution which have been given a second reading have been ratified by the King, provisions may be introduced by Act of Parliament whereby:

(a) the proposals adopted and the unamended provisions of the Constitution are adjusted to each other as required;  
(b) the division into chapters, sections, and articles and the headings and numbering thereof are modified.  
(2) A Bill containing provisions as referred to under Paragraph (1)(a) shall be passed by the two Chambers only if at least two-thirds of the votes cast are in favor.

#### **Article 139**

Amendments to the Constitution passed by the Parliament and ratified by the King shall enter into force immediately after they have been published.

#### **Article 140**

Existing Acts of Parliament and other regulations and decrees which are in conflict with an amendment to the Constitution shall remain in force until provisions are made in accordance with the Constitution.

#### **Article 141**

The text of the revised Constitution shall be published by Royal Decree in which the chapters, sections and articles may be renumbered and references to them altered accordingly.

#### **Article 142**

The Constitution may be brought into line with the Charter for the Kingdom of the Netherlands by Act of Parliament. Articles [139](#), [140](#) and [141](#) shall apply by analogy.

### **[Chapter 9] Additional Articles**

#### **Article 1**

Article [2 \(4\)](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament.

#### **Article 2**

Article [4](#) shall not apply to general representative bodies existing at the time of the entry into force of Article [4](#) whose members are not elected in accordance with the provisions of that article until such time as the election of the members of the body in question is arranged in accordance with Article [4](#).

#### **Article 3**

Insofar as it relates to the exercise other than in buildings or enclosed areas of the right referred to in Article [6 \(1\)](#), Article [6](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament.

#### **Article 4**

The following provision shall remain in force until such time as statutory measures provide otherwise:  
'The stipends, pensions and other forms of income of any sort

received by various religious denominations or their ministers shall continue to be paid to the said denominations. Ministers who do not receive a stipend from public funds, or who receive one that is insufficient, may be awarded a stipend or their existing stipend may be increased.'

#### **Article 5**

Insofar as it relates to the right of demonstration, Article [9](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament.

#### **Article 6**

Article [10 \(1\)](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament. This period may be extended by Act of Parliament for not more than five years. Different dates may be set for the entry into force of the various areas of application of Article [10 \(1\)](#).

#### **Article 7**

Article [11](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament. This period may be extended by Act of Parliament for not more than five years. Different dates may be set for the entry into force of the various areas of application of Article [11](#).

#### **Article 8**

Except insofar as it relates, with respect to privacy of correspondence, to the mail or such other public body as may be entrusted with the carriage of mail, Article [13](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament.

#### **Article 9**

Article [16](#) shall not apply to offenses made punishable under the Wartime Offenses Decree.

#### **Article 10**

Article [19 \(3\)](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament.

#### **Article 11**

The wording of the oaths and affirmations laid down in Articles [44](#), [53](#), and [54](#) of the 1972 text of the Constitution shall remain in force until provision is made by Act of Parliament.

#### **Article 12**

Article [86 \(5\) and \(6\)](#) of the 1972 text of the Constitution shall remain in force until the Act of Parliament referred to in Article [49](#) has entered into force.

#### **Article 13**

Persons who are members of the Second Chamber when Article [52](#)

enters into force shall vacate their seats at the beginning of the session of the Chamber elected under Article [55](#) unless the Chamber is dissolved earlier. Anyone replacing a member who dies or ceases to hold office before that date shall also vacate his seat at the start of the aforementioned period.

#### **Article 14**

(1) As long as the right of Dutch nationals who are not residents of the Netherlands to vote in elections to the Second Chamber of the Parliament is not compatible with the Charter for the Kingdom of the Netherlands, Article [54 \(1\)](#) shall read:

'The members of the Second Chamber shall be directly elected by Dutch nationals who are resident in the Netherlands and have attained the age of eighteen'.

(2) The time at which Article [54 \(1\)](#) shall enter into force in the version referred to above shall be laid down by Royal Decree.

#### **Article 15**

An Act of Parliament shall determine which of those persons disqualified from voting when the Act of Parliament adjusting the statutory provisions relating to disqualification from voting in accordance with Article [54](#) entered into force shall continue to be disqualified thereafter.

#### **Article 16**

Article [56](#) shall read twenty-one years in place of eighteen years until such time as the statutory age of majority is lowered to eighteen years. The time at which the first mentioned version shall enter into force shall be laid down by Royal Decree.

#### **Article 17**

Article [106 \(4\)](#) of the 1972 version of the Constitution shall remain in force until an Act of Parliament containing the relevant provisions has been passed.

#### **Article 18**

Articles [97](#) and [101 \(2\)](#) of the 1972 version of the Constitution shall remain in force until the Act of Parliament referred to in Article [60](#) has entered into force.

#### **Article 19**

The wording of the proclamation of Acts of Parliament as laid down in Article [81](#) of the 1972 version of the Constitution, the wording of messages accompanying bills sent from one Chamber to the other or to the King and of the King's message to the Parliament containing his decision on the Bill, as laid down in Articles [123, 124, 127, 128, and 130](#) of the 1972 version of the Constitution, shall remain in force until such time as other arrangements are made.

#### **Article 20 {...}**

#### **Article 21**

The provisions of the following articles of the 1972 version of the Constitution shall remain in force until a relevant Act of Parliament has been passed:

- (a) Articles [61](#) and [64](#), with reference to tacit approval;
- (b) Article [62](#).

The provisions of Articles [61](#) and [64](#) of the 1972 version of the Constitution shall remain in force with regard to the tacit approval of agreements affecting the Netherlands Antilles as long as Article 24 of the 1975 version of the Charter for the Kingdom of the Netherlands applies.

#### **Article 22**

Article [201 \(4\)](#) of the 1972 version of the Constitution shall remain in force for five years or for a shorter period to be laid down by or pursuant to Act of Parliament.

#### **Article 23**

Article [15 \(2\)](#) may be disregarded by Acts of Parliament as referred to in Article [103 \(1\)](#) for a period of five years after the entry of the latter article into force.

#### **Article 24**

Generally binding provisions regarding the legal status of public servants that do not derive from an Act of Parliament may be amended in the same way as they were established until the entry into force of an Act regulating the said legal status.

#### **Article 25**

Article [74 \(1\)](#) of the 1972 version of the Constitution shall remain in force until an Act of Parliament containing the relevant provisions has been passed.

#### **Article 26**

Article [122 \(1\)](#) shall enter into force after five years or on such earlier date as may be prescribed by or pursuant to Act of Parliament. Until then, the provisions of Article [77 \(1\) and \(2\)](#) of the 1972 version of the Constitution shall remain in force.

#### **Article 27**

As long as the age at which statutory minority ends has not been lowered to eighteen years, members of provincial and municipal councils shall be required, notwithstanding Article [129 \(1\)](#), to have attained the age of twenty-one. The point at which the exception to Article [129](#) referred to in the previous sentence shall cease to apply shall be laid down by Royal Decree.

#### **Article 28**

Article [130](#) shall not enter into force as long as the grant of the right to vote and to stand for election in elections to municipal councils to residents who are not Netherlands nationals is not compatible with the Charter of the Kingdom of the Netherlands. The time at which the article shall enter into force shall be laid down by Royal Decree.

**Article 29**

Provisions in other regulations than the Act of Parliament under whose provisions disputes between public bodies are settled other than by Royal Decree shall remain in force for five years provided that settlement of such disputes has not been provided for by Act of Parliament within this period.