

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Netherlands must curb immigration detention and counter-terrorism measures**

#### ***Human Rights Council adopts Universal Periodic Review outcome on the Netherlands***

In the Netherlands, the number of people in immigration detention is on the rise after years of decline, in a detention regime that maintains its punitive character, routinely depriving irregular migrants of their rights.

Amnesty International therefore regrets the Netherlands' rejection of recommendations to reduce immigration detention, to prioritize the use of alternative measures, and to ensure that vulnerable individuals and children are excluded from detention.<sup>1</sup> The Netherlands must put an immediate end to the use of isolation and solitary confinement as disciplinary measures.

The Netherlands is increasingly resorting to administrative control measures on individuals, including restrictions on movement and contact with certain persons, and travel bans, in its counterterrorism policy, without allowing for meaningful and effective reviews or appeals. It has also adopted a law that grants sweeping surveillance powers to the intelligence and security services, threatening the rights to privacy, freedom of expression and non-discrimination. Amnesty International is concerned about the possible sharing of information with intelligence agencies in countries that might use such information to target human rights defenders and others who oppose government policies.

Amnesty International is disappointed to note the Netherlands' rejection of recommendations to ensure adequate safeguards against human rights violations in measures intended to counter terrorism, and to minimize any possible stigmatizing effects.<sup>2</sup>

Amnesty International welcomes the Netherlands' support of recommendations to strengthen measures to combat ethnic and racial profiling.<sup>3</sup> Studies show that ethnic profiling by the police is a structural problem in the Netherlands, affecting a significant number of people.<sup>4</sup> To

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<sup>1</sup> *Response of the Kingdom of the Netherlands to the 3<sup>rd</sup> Cycle UPR recommendations*, recommendations 131.185 (Chile), 131.186 (Guatemala) and 131.187 (Kenya).

<sup>2</sup> *Response of the Kingdom of the Netherlands to the 3<sup>rd</sup> Cycle UPR recommendations*, recommendations 131.113 (Canada) and 131.114 (Malaysia).

<sup>3</sup> *Response of the Kingdom of the Netherlands to the 3<sup>rd</sup> Cycle UPR recommendations*, recommendations 131.88 (Indonesia), 131.89 (Russia), 131.90 (Morocco), 131.91 (Maldives) and 131.93 (Namibia).

<sup>4</sup> Key studies on ethnic profiling in the Netherlands include Svensson et al., *Proactieve handhaven en gelijk behandelen*, 2012; Cankaya, *De controle van marsmannetjes en ander schorriemorrie*, 2012; Van der Leun et al., *Etnisch profileren in Den Haag? Een verkennend onderzoek naar beslissingen en opvattingen op straat*, 2014; Mustaers, *A Public Anthropology of Policing: Law Enforcement and Migrants in the Netherlands*, 2015. Van der Woude et al., *Beslissen in grensgebieden, een onderzoek naar het Mobiel Toezicht Veiligheid zoals uitgevoerd door de Koninklijke Marechaussee*, 2016. Amnesty International Netherlands, *Proactief politiewerk een risico voor mensenrechten: etnisch profileren onderkennen en aanpakken*, 2013. Summary in English: Stop and Search Powers Pose a Risk to Human Rights:

[http://www.amnesty.nl/sites/default/files/public/amnesty\\_stopandsearchpowersposearisktohumanrights.pdf](http://www.amnesty.nl/sites/default/files/public/amnesty_stopandsearchpowersposearisktohumanrights.pdf).

meaningfully address this, Amnesty International calls for systematic monitoring of police stop-and-search operations.

Amnesty International is pleased to note the Netherlands' acceptance of recommendations underlining the importance of human rights education.<sup>5</sup> Amnesty International calls for its inclusion in the mandatory core curriculum of both primary and secondary schools, as well as in teacher training courses.

The Netherlands should set timeframes and establish a monitoring mechanism for the implementation of the recommendations accepted in this review, preferably within the framework of a strengthened National Action Plan on Human Rights.

### **Background**

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of the Netherlands on 22 September 2017 during its 36<sup>th</sup> session. Prior to the adoption of the report of the review Amnesty International delivered the above oral statement. Amnesty International also contributed to the information basis of the review through its submission on country: <https://www.amnesty.org/en/documents/eur35/5462/2016/en/>

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<sup>5</sup> *Response of the Kingdom of the Netherlands to the 3<sup>rd</sup> Cycle UPR recommendations*, recommendations 131.136 (Belgium), 131.137 (Pakistan), 131.138 (Slovenia) and 131.139 (Sudan).