

THE NETHERLANDS: RACIAL PROFILING, CORPORATE CRIMES AND DETENTION OF MIGRANTS

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SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of the Netherlands in November 2022. In it, Amnesty International evaluates the implementation of recommendations made to the Netherlands in its previous UPR in 2017, including in relation to racial/ethnic profiling, detention of undocumented migrants and rejected asylum seekers, human rights education, mass surveillance and business and human rights. It finds that important steps have been taken in relation to human rights education, but that little progress has been made in other areas.

It also assesses rape legislation, and the implementation of the Istanbul Convention's provisions on sexual violence.

With regard to the human rights situation on the ground, Amnesty International raises concerns about the solitary confinement and detention measures, forced returns of migrants to unsafe countries, racial/ethnic profiling and (online) surveillance.

It ends with a set of recommendations to the Netherlands which, if implemented, would contribute to improving the human rights situation in the country.

FOLLOW UP TO THE PREVIOUS REVIEW

1. In the 2017 review, the Netherlands supported various recommendations to combat racial/ethnic profiling by law enforcement agencies and strengthen policies to address racial discrimination,¹ including through improving mechanisms for monitoring cases of discrimination on the grounds of origin or ethnicity by State authorities.²
2. The government's approach to combat racial/ethnic profiling by the police is aimed at enhancing diversity, inclusion and improving professionalism during stop and checks.³ All measures are non-obligatory for officers as they are presented in guidelines and lack verifiable outcomes. For example, it is left to the discretion of the various individual police teams if the professional standard for preventive stops⁴ is introduced. Also, there are no consequences if this standard is not adhered to. This approach is not effective to end racial/ethnic profiling.⁵
3. Since the previous review, the Netherlands has created the institution of a National Coordinator on Discrimination and Racism for the coordination and enhancement of initiatives against discrimination. The institute has no mandate with powers to investigate, intervene or sanction racism or discrimination. It, therefore, lacks a proper mandate and capacity to effectively combat racial/ethnic profiling.⁶
4. Discriminatory stops by police and border patrol officers on the basis of race/ethnicity are well-documented by marginalized groups and advocacy groups.⁷ So far, the authorities have been unwilling to monitor the effectiveness and lawfulness of stop and searches.⁸
5. Law enforcement authorities develop and deploy algorithmic systems that use risk profiles that directly discriminate on the base of nationality and ethnicity, thereby strengthening the practice of racial/ethnic profiling in the Netherlands.⁹
6. The Netherlands supported two recommendations on the detention of undocumented migrants and rejected asylum seekers use of alternative measures to their detention.¹⁰ The new Repatriation and Detention of Aliens Bill,¹¹ which is currently pending in the Senate, describes detention as an ultimate measure,¹² but the bill does not include an obligation to arrange alternative measures to the detention of undocumented migrants and rejected asylum seekers. No changes to the practice of the detention of migrants have been made since the last review.
7. The Netherlands supported multiple recommendations to integrate human rights education into the national school curriculum.¹³ Since the last review, important steps have been taken by the legislature to include human rights education in the curriculum. Since 2021 human rights education is explicitly included in the law regulating 'civic education'.¹⁴ Simultaneously, human rights are stipulated in the curriculum reform for primary and secondary education.¹⁵
8. The Netherlands supported a recommendation to take necessary measures to ensure that the collection and maintenance of data for criminal purposes does not entail mass surveillance of innocent persons.¹⁶ These measures have not yet been implemented. On the contrary, there is an increase in the collection and maintenance of data by the police and security agencies for criminal and national security purposes which constitutes mass surveillance.¹⁷
9. The Netherlands supported recommendations to address human rights abuses perpetrated by Dutch companies abroad¹⁸ and to establish a regulatory framework and maintain oversight to guarantee that activities carried out by the enterprises under its jurisdiction do not have negative human rights impact abroad.¹⁹
10. In 2020 a study by the National Human Rights Institution found that the national action plan ("NAP") to implement the UN Guiding Principles on Business and Human Rights ("UNGPs") is insufficient.²⁰ This NAP is currently under revision.²¹ The first drafts of the revision do not protect victims when they attempt to get access to justice and remedy.²²
11. In December 2021, the Netherlands announced it will adopt legislation requiring companies to conduct human rights due diligence. Civil society organisations have raised concerns that the bill will be weak, due to the strong and successful lobby of corporations.²³

THE NATIONAL HUMAN RIGHTS FRAMEWORK

12. The Netherlands ratified the Istanbul Convention in 2016 but it has not fully implemented it to date. In the current penal law, rape is not based on the absence of consent, as required by the Istanbul Convention. The Minister for Justice has proposed a bill that defines all forms of involuntary sex as rape.²⁴ However, this welcome reform is not scheduled to be enacted until 2024.²⁵ This timeline fails to take into account the gravity and urgency of the situation and is not congruent with the state's obligations or with its verbal commitments to the elimination of discrimination and violence against women, including in the previous review.²⁶

THE HUMAN RIGHTS SITUATION ON THE GROUND

Detention, including solitary confinement, of undocumented migrants and rejected asylum seekers

13. The use of solitary confinement as a disciplinary and punitive measure increased since the last review.²⁷ The Repatriation and Detention of Aliens Bill broadens the power to invoke measures for solitary confinement even further.²⁸ The Secretary of State has put forward an amendment to this bill that would allow for incarceration of individuals for 23 hours a day in their cells, for up to four weeks at a time when there are serious order and security problems.²⁹ Even individuals who do not participate in any unrest are at risk of being isolated for 23 hours. This can amount to collective punishment in violation with the Mandela Rules.³⁰
14. There is no independent and judicial review of solitary confinement and detention practices and human rights standards,³¹ including the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the principles of proportionality, subsidiarity and efficiency.³² The National Prevention Mechanism includes government authorities, that often exclude the perspectives of the individuals who are detained, NGO's or lawyers.³³ The National Prevention Mechanism is also responsible for the handling of complaints from the detained individuals but Amnesty International has found this procedure to be ineffective. For example, complaints that were filed about confinement measures in 2019 have been dismissed and not reviewed at all.³⁴

Forced returns

15. Since the last review various cases of forced returns of refugees and migrants from the Netherlands to Bahrain, Sudan and Afghanistan have led to human rights violations.³⁵ For example, the forced return from the Netherlands of a Bahraini national to Bahrain led to him receiving a life sentence following an unfair trial in Bahrain.³⁶ The Inspection of Justice and Security has pointed out in a report that the Immigration and Naturalisation Service has made mistakes because they refused to examine new evidence the individual had presented and deported him nevertheless.³⁷ Forced return without assessment of possible persecution within the meaning of 3 ECHR results in a high risk of violating the non-refoulement principle, a risk also identified by Amnesty International in other cases.³⁸

Racial and ethnic profiling

16. Racial/ethnic profiling is a standing practice of various Dutch authorities. The national government has explicitly permitted risk profiling which includes race (ethnicity) and nationality for law enforcement operations against persons against whom there is no indication of any criminal wrongdoing.³⁹ This results in unequal treatment of individuals with a migrant background, people of colour with Dutch nationality, as well as non-Dutch individuals.
17. For example, during border patrols the Royal Netherlands Marechaussee, the national gendarmery force, uses a profile of "Nigerian money smugglers".⁴⁰ The Marechaussee approaches people who in their view have a "non-Dutch appearance, dress smart and walk fast" for additional checks, because these people fit the profile of a "Nigerian money smuggler".⁴¹

18. Throughout many branches of government, authorities are increasingly using data and algorithms to profile people and continue to use nationality and ethnicity in risk profiles as indicators of potential perpetrators.⁴²
19. For example, the Dutch police used an automated predictive policing system that focused specifically on people from Eastern European countries.⁴³ For years, the Dutch Tax authorities used a risk scoring system in its search of potential social benefits fraud cases, that automatically gave higher risk scores for potential fraud to non-Dutch individuals compared to Dutch individuals.⁴⁴ The use of these specific systems stopped in 2020. However, this is just the tip of the iceberg since the national government permits this type of discriminatory risk profiling. Currently, the government is indexing its other systems that use data and algorithms to profile people and investigates if nationality and ethnicity are being used in these risk profiles as indicators of potential perpetrators.⁴⁵ The progress is slow and the index will exclude the algorithms used by lower government, such as municipalities. This is troublesome as municipalities are responsible for the detection of welfare fraud and are increasingly using algorithms for this purpose.⁴⁶

Surveillance

20. The Coordinator for Counterterrorism and Security (*Nationaal Coördinator Terrorismebestrijding en Veiligheid*) deploys various means of surveillance in violation of international human rights law and standards.⁴⁷ The Coordinator does not fall under the legal framework for intelligence agencies, which includes specific human rights safeguards for the processing of data in the context of national security.
21. The Coordinator falls under general data protection law, which lacks the human rights safeguards for the national security context. The coordinator collects data online about people who are not suspected of any wrongdoing, including politicians, civil society organizations and activists⁴⁸ and subsequently analyses the information to assess risks on radicalization and threats to national security. The coordinator shares the analysis with other (sometimes foreign) authorities.⁴⁹
22. For years, the Coordinator paid for undercover investigations into national security threats in mosques.⁵⁰ Researchers from a private investigation agency were sent to Muslim organizations to illegally retrieve sensitive information without making themselves known as working for the government. The findings were compiled in a secret report.⁵¹
23. When these scandals came to light in 2021, the government did not halt this illegal activity; instead, it proposed a bill to broaden the powers of the Coordinator and to continue the covert surveillance.⁵² The bill lacks the necessary human rights safeguards that are needed for data processing in the context of national security. Neither does it include safeguards against discriminatory use of surveillance against stigmatized groups.

Business and human rights

24. Dutch companies operating internationally commit serious human rights abuses. Examples include Royal Dutch Shell destroying traditional livelihoods by contaminating land and polluting water supplies in Ogoniland, Nigeria;⁵³ and Trafigura causing serious health threats to over 100,000 civilians in Côte d'Ivoire after dumping 540,000 plus litres of toxic waste.⁵⁴ Noldus Information Technology sold emotion recognition software to Chinese parties affiliated with public security or law enforcement and human rights abuses in China and in the Xinjiang region.⁵⁵

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of the Netherlands to:

Detention, including solitary confinement, of undocumented migrants and rejected asylum seekers

25. Prohibit the use of solitary confinement as a punitive measure immediately; ensure that other forms of solitary confinement measures are limited and are used as a last resort for the shortest period as possible and are ultimately prohibited.

26. Refrain from collective punishment and opt for de-escalation and restorative conflict resolutions when there are order and security problems in detention facilities.
27. Make the 'right to liberty' a priority by including the 'ultimum remedium' principle in policies concerning the detention of migrants; ensure that the burden of proof of the necessity of the detention measure is with the government; provide for accessible alternatives to detention and refrain from detaining children and other vulnerable people.
28. Create an independent, external judicial review of detention measures and human rights, that complies with the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and provide a clear, simple, and effective complaints procedure.

Forced returns

29. Do not execute forced returns to destinations where there is a real risk of torture or other serious human rights violations.
30. Before a return takes place, assess whether the forced return or its method will cause a real of torture or other serious human rights violations and take such risks into account in asylum decisions and/or the return decision.

Racial and ethnic profiling

31. Establish a clear, unambiguous, and legally binding ban on the use of data regarding race, nationality and ethnicity, or proxies thereof, in risk-scoring in search of potential perpetrators, or crime or fraud suspects, and in the context of checks to verify immigration status.
32. Improve mechanisms for monitoring of discrimination on the grounds of race, origin, nationality or ethnicity by governmental entities by ensuring systematic monitoring of police stop-and-search operations and provide instructions and guidance to police officers on how to use stop-and-search powers, including the requirement that police officers explain their reasoning and the legal grounds for the stop-and-search to the affected individual.
33. Establish an effective, transparent, and accessible grievance mechanism, which is communicated to all persons subjected to stop-and-search, whereby they can obtain remedy for the discriminatory application of stop-and-search.
34. Put in place a framework that a) prevents human rights violations in relation to the use of algorithmic decision-making systems from taking place, b) establishes monitoring and oversight mechanisms as safeguards, c) holds those responsible for violations to account, and d) provides effective remedy to individuals and groups whose rights have been violated.

Surveillance

35. Take necessary measures to ensure that the collection and maintenance of data for crime prevention and national security purposes do not entail mass surveillance through, for instance, limiting the mandate of the Coordinator for Counterterrorism and Security so that their powers cannot be misused.
36. Bring the legal framework that regulates the office of the Coordinator for Counterterrorism and Security in line with international human rights law and ensure that all activities of the Coordinator are accompanied by human rights safeguards and are necessary and proportionate.

Business and human rights

37. Adopt human rights due diligence legislation in line with the UNGPs, that requires businesses to respect human rights in their own operations, in their global value chains and within their business relationships and that holds businesses accountable for negative impacts on human rights in their value chains.
38. Ensure access to remedy for victims of corporate human rights abuses linked to Dutch companies in the revised National Action Plan on Business and Human Rights, eliminating barriers to justice, such as the absence of grounds for jurisdiction and liability of Dutch parent and lead companies, and the high burden of proof, and limited access to information.

Sexual violence

39. Bring the legal definition of rape in line with international human rights law and standards, including the Istanbul Convention, so that it is based on the absence of consent.
40. Review the timeline for the implementation of the proposed law on sexual violence so it is congruent with the urgency of the situation. Do not postpone the implementation until 2024.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

Amnesty International, *Xenophobic Machines: Discrimination through unregulated use of algorithms in the Dutch Childcare Benefits Scandal* (Index: EUR 35/4686/2021), 25 October 2021, <https://www.amnesty.org/en/documents/eur35/4686/2021/en/>

Amnesty International, *The state of the world's human rights* (Index: POL 10/3202/2021), 7 April 2021, [amnesty.org/en/documents/pol10/3202/2021/en/](https://www.amnesty.org/en/documents/pol10/3202/2021/en/)

Amnesty International, *We sense Trouble: Automated discrimination and mass surveillance in predictive policing in the Netherlands* (Index: EUR 35/2971/2020), 29 September 2020 <https://www.amnesty.org/en/documents/eur35/2971/2020/en>

Amnesty International, *Criminalization and Prosecution of Rape in Europe, Submission to the UN Special Rapporteur on Violence Against Women, Its Causes and Consequences* (Index: IOR 40/2423/2020), 1 June 2020, [amnesty.org/en/documents/ior40/2423/2020/en](https://www.amnesty.org/en/documents/ior40/2423/2020/en)

Amnesty International Stichting LOS/Meldpunt Vreemdelingendetentie, *Dokters van de Wereld, Isolatie in vreemdelingendetentie*, September 2020, [amnesty.nl/content/uploads/2020/09/AMN_20_26_rapport-isolatie_digitaal.pdf?x39694](https://www.amnesty.nl/content/uploads/2020/09/AMN_20_26_rapport-isolatie_digitaal.pdf?x39694)

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Amnesty International, *Bewijsnood: wanneer nationaliteit en identiteit ongeloofwaardig worden bevonden*, November 2020, [amnesty.nl/content/uploads/2020/11/AMN_20_38_Rapport-Bewijsnood_digitaal-FINAL-17-november.pdf?x35427](https://www.amnesty.nl/content/uploads/2020/11/AMN_20_38_Rapport-Bewijsnood_digitaal-FINAL-17-november.pdf?x35427)

Amnesty International, *Risico's bij gedwongen terugkeer naar Sudan*, March 2019, https://www.amnesty.nl/content/uploads/2019/03/AMN_19_05_Rapport-gedwongen-terugkeer-Sudan.pdf?x43474

Amnesty International, *A toxic legacy: The case for a medical study of the long-term health impacts of the Trafigura toxic waste dumping* (Index: AFR 31/7594/2018), 30 January 2018, <https://www.amnesty.org/en/documents/afr31/7594/2018/en/>

Amnesty International, *Report 2017/18: The State of the world's human rights* (Index: POL 10/6700/2018), 22 February 2018, [amnesty.org/en/documents/pol10/6700/2018/en/](https://www.amnesty.org/en/documents/pol10/6700/2018/en/)

Amnesty International, *Het recht op vrijheid: Vreemdelingendetentie: het ultimatum remedium-beginsel*, February 2018, [amnesty.nl/content/uploads/2018/02/AMN_18_08_Rapport-het-recht-op-vrijheid_DEF_web.pdf?x73404](https://www.amnesty.nl/content/uploads/2018/02/AMN_18_08_Rapport-het-recht-op-vrijheid_DEF_web.pdf?x73404)

Amnesty International, *Uitgezet: Mensenrechten in het kader van gedwongen terugkeer en vertrek*, July 2017, <https://www.amnesty.nl/content/uploads/2017/07/Rapport-Uitgezet-Mensenrechten-in-het-kader-van-Gedwongen-Terugkeer-en-Vertrek.pdf?x79902>

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Amnesty International, *A criminal enterprise? Shell's involvement in human rights violations in Nigeria in the 1990s* (Index: AFR 44/7393/2017, [amnesty.org/en/documents/AFR44/7393/2017/en/](https://www.amnesty.org/en/documents/AFR44/7393/2017/en/))

Amnesty International, *Isolatie in Vreemdelingendetentie*, September 2020, [AMN 20 26 rapport-isolatie_digitaal.pdf](https://www.amnesty.nl/rapport-isolatie-digitaal.pdf) (amnesty.nl)

ANNEX 2

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Theme: A51 Human rights education - general			
131.138 Integrate human rights education into the national school curriculum, provide sufficient resources for human rights education and training of teachers and ensure that they receive training in topics such as sexual diversity, sexual rights, resilience, gender equality and consent (Slovenia); Source of position: A/HRC/36/15/Add.1	Supported	A51 Human rights education - general E51 Right to education - General B31 Equality & non-discrimination S04 SDG 4 - education Affected persons: - general - children	Partly implemented There is a new civic education law in place that strengthens the mandate for human rights education. However, the curriculum reform process is not finished.
131.137 Continue to promote human rights education with a particular focus on interfaith and intercultural dialogue (Pakistan); Source of position: A/HRC/36/15/Add.1	Supported	A51 Human rights education - general E51 Right to education - General S04 SDG 4 - education Affected persons: - general - children	Partly implemented There is a new civic education law in place that strengthens the mandate for human rights education. However, the curriculum reform process is not finished.

<p>131.139 Include human rights education in the curriculum (Sudan); Source of position: A/HRC/36/15/Add.1</p>	<p>Supported</p>	<p>A51 Human rights education - general E51 Right to education - General S04 SDG 4 - education Affected persons: - general - children</p>	<p>Partly implemented There is a new civic education law in place that strengthens the mandate for human rights education. However, the curriculum reform process is not finished.</p>
<p>Theme: B31 Equality & non-discrimination</p>			
<p>131.90 Continue efforts to combat discrimination and ethnic profiling (Morocco); Source of position: A/HRC/36/15/Add.1</p>	<p>Supported</p>	<p>B31 Equality & non-discrimination Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers - non-citizens - law enforcement / police officials</p>	<p>Not yet implemented The government has taken some policy initiatives. However, there is no proof that any of these measures indeed reduced the size and scale of the problem of racial and ethnic profiling. Also, race is still considered a legitimate criterion to stop and search people and make other law enforcement decisions against whom there is no suspicion of any criminal wrongdoing. As long as this is the case, any commitment that the government wants to stop ethnic profiling is false.</p>
<p>131.88 Strengthen measures to combat ethnic profiling and to further separate it from hate speech which targets certain minorities, and protect the exercise of freedom of expression (Indonesia); Source of position: A/HRC/36/15/Add.1</p>	<p>Supported</p>	<p>B31 Equality & non-discrimination D43 Freedom of opinion and expression Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers</p>	<p>Not yet implemented</p>
<p>Theme: B32 Racial discrimination</p>			
<p>131.93 Continue taking actions to curb racial profiling by law enforcement agencies (Namibia); Source of position: A/HRC/36/15/Add.1</p>	<p>Supported</p>	<p>B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers - law enforcement / police officials</p>	<p>Not yet implemented</p>

131.89 Adopt effective measures to eradicate racial and religious profiling and report on those measures in the next national report (Russian Federation); Source of position: A/HRC/36/15/Add.1	Supported	B32 Racial discrimination B31 Equality & non-discrimination Affected persons: - general - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers	Not yet implemented
131.50 Continue to improve mechanisms for monitoring cases of discrimination on the grounds of origin or ethnicity by governmental and private entities (Brazil); Source of position: A/HRC/36/15/Add.1	Supported	B32 Racial discrimination B31 Equality & non-discrimination S10 SDG 10 - inequality Affected persons: - general - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partly implemented. Some initiatives have been taken to better report hate crimes. However, no initiative has been taken to better monitor racial profiling by the government.
131.91 Step up its policies to address racial discrimination, racial profiling and hate speech, especially against Muslim women, minority group women and asylum seeking women (Maldives); Source of position: A/HRC/36/15/Add.1	Supported	B32 Racial discrimination G5 Refugees & asylum seekers D43 Freedom of opinion and expression Affected persons: - women - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers - non-citizens	Not yet implemented
Theme: B6 Business & Human Rights			
131.107 Address human rights abuses perpetrated by Netherlands companies abroad (Egypt); Source of position: A/HRC/36/15/Add.1	Supported	B6 Business & Human Rights Affected persons: - general	Not yet implemented
131.109 Consider the establishment of a clear regulatory framework to guarantee that the activities carried out by the enterprises under its jurisdiction do not have a negative impact on human rights abroad (Peru); Source of position: A/HRC/36/15/Add.1	Supported	B6 Business & Human Rights Affected persons: - general	Not yet implemented
131.112 Intensify its efforts to maintain oversight over Netherlands companies operating abroad with regard to any negative impact their activities may have on the enjoyment of human rights, particularly in conflict areas, which includes situations of foreign occupation where there is a heightened risk of human rights abuses (State of Palestine); Source of position: A/HRC/36/15/Add.1	Supported	B6 Business & Human Rights Affected persons: - general	Not yet implemented
Theme: D46 Right to private life, privacy			
131.121 Take necessary measures to ensure that the collection and maintenance of data for criminal purposes do not entail massive surveillance of innocent persons (Spain); Source of position: A/HRC/36/15/Add.1	Supported	D46 Right to private life, privacy A62 Statistics and indicators Affected persons: - general	
Theme: F12 Discrimination against women			

131.142 Prevent and combat all forms of discrimination and eliminate violence against women, including domestic violence (Philippines); Source of position: A/HRC/36/15/Add.1	Supported	F12 Discrimination against women D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Not yet implemented
131.140 Take further steps to eliminate discrimination against women (Georgia); Source of position: A/HRC/36/15/Add.1	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Not yet implemented
Theme: G4 Migrants			
131.188 Make progress in the use of alternative measures to the detention of migrants (Uruguay); Source of position: A/HRC/36/15/Add.1	Supported	G4 Migrants D33 Arbitrary arrest and detention Affected persons: - migrants	Not yet implemented
131.193 Introduce additional measures to reduce the practice of detaining individuals solely for immigration purposes and consider using alternatives when possible (Sweden); Source of position: A/HRC/36/15/Add.1	Supported	G4 Migrants D33 Arbitrary arrest and detention Affected persons: - migrants	Not yet implemented
Theme: B32 Racial discrimination			
131.92 Develop and implement specific measures and affirmative policies to eliminate racial profiling and discrimination faced by persons of African descent (Azerbaijan); Source of position: A/HRC/36/15/Add.1	Noted	B32 Racial discrimination Affected persons: - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers	Not yet implemented
Theme: B6 Business & Human Rights			
131.110 Ensure accountability for human rights violations and environmental damage resulting from the global or overseas operations of companies registered or headquartered in the Netherlands (Philippines); Source of position: A/HRC/36/15/Add.1	Noted	B6 Business & Human Rights Affected persons: - general	Not yet implemented
131.111 Ensure that transnational corporations headquartered in the Netherlands do not violate human rights in their operations abroad (South Africa); Source of position: A/HRC/36/15/Add.1	Noted	B6 Business & Human Rights Affected persons: - general	Not yet implemented
Theme: D29 Domestic violence			
131.115 Adopt measures to eliminate domestic violence, rape and sexual harassment, ensuring the safety of victims and the timely response to complaints, as well as access to free legal assistance (Bolivarian Republic of Venezuela); Source of position: A/HRC/36/15/Add.1	Noted	D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - general - women - children	Partly implemented Rape is still defined on the basis of use of force rather than the absence of consent, in violation of the Istanbul Convention.
Theme: D46 Right to private life, privacy			

131.128 Adopt and implement specific legislation on the collection, use and accumulation of metadata and individual profiles, including in security and anti-terrorist activities, guaranteeing the right to privacy, transparency and accountability and the right to decide on the use, correction and deletion of personal data (Mexico); Source of position: A/HRC/36/15/Add.1	Noted	D46 Right to private life, privacy A41 Constitutional and legislative framework B51 Right to an effective remedy B8 Human rights & counter-terrorism Affected persons: - general	Not yet implemented
Theme: G4 Migrants			
131.191 Ensure high transparency and oversight by civil society over detention conditions and in the treatment of migrants and asylum seekers (Russian Federation); Source of position: A/HRC/36/15/Add.1	Noted	G4 Migrants D26 Conditions of detention G5 Refugees & asylum seekers Affected persons: - migrants - persons deprived of their liberty - refugees & asylum seekers	Not yet implemented
131.186 Prioritize the use of alternative measures to detention of migrants and ensure that the detention of vulnerable persons is avoided (Guatemala); Source of position: A/HRC/36/15/Add.1	Noted	G4 Migrants D33 Arbitrary arrest and detention Affected persons: - migrants	Not yet implemented
131.187 Reduce immigration detention and promote alternatives to such detention (Kenya); Source of position: A/HRC/36/15/Add.1	Noted	G4 Migrants D33 Arbitrary arrest and detention Affected persons: - migrants	Not yet implemented
131.190 Consider reviewing policies on the detention of migrants that might imply their criminalization based on their migration status and promoting the creation of regular pathways for the admission and regularization of undocumented migrants (Brazil); Source of position: A/HRC/36/15/Add.1	Noted	G4 Migrants D33 Arbitrary arrest and detention Affected persons: - migrants	Not yet implemented
131.192 Stop arresting migrants in isolated cells and in solitary confinement (Syrian Arab Republic); Source of position: A/HRC/36/15/Add.1	Noted	G4 Migrants D33 Arbitrary arrest and detention Affected persons: - migrants	Not yet implemented
131.185 Consider the use of alternative measures to detention for migrants and refugees by ensuring that vulnerable persons and children never remain detained (Chile); Source of position: A/HRC/36/15/Add.1	Noted	G4 Migrants G5 Refugees & asylum seekers D33 Arbitrary arrest and detention Affected persons: - migrants - refugees & asylum seekers	Not yet implemented
Theme: G5 Refugees & asylum seekers			
131.189 Deepen measures so that unaccompanied children and asylum-seeking family groups are not deprived of liberty (Argentina); Source of position: A/HRC/36/15/Add.1	Noted	G5 Refugees & asylum seekers D33 Arbitrary arrest and detention Affected persons: - children - migrants - refugees & asylum seekers	Not yet implemented

- ¹ UN Working Group on the Universal Periodic Review, Report: *Netherlands*, 14 September 2017, UN Docs. A/HRC/36/15 and A/HRC/36/15/Add.1, Recommendations 131.88 [Indonesia], 131.90 [Morocco]; 131.93 [Namibia], 131.89 [Russian Federation], 131.91 [Maldives].
- ² UN Working Group on the Universal Periodic Review, Report: *Netherlands*, 14 September 2017, UN Docs. A/HRC/36/15 and A/HRC/36/15/Add.1, Recommendations Recommendation 131.50 [Brazil].
- ³ Minister van Justitie en Veiligheid, Schriftelijke antwoorden op vragen begrotingsbehandeling, 24 November 2021, see answers to questions 159-160, tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2021Z21448&did=2021D45747
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