

## 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,<sup>1</sup> including through improving mechanisms for monitoring cases of discrimination on the grounds of origin or ethnicity by State authorities.<sup>2</sup>
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.<sup>3</sup> 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 stops<sup>4</sup> is introduced. Also, there are no consequences if this standard is not adhered to. This approach is not effective to end racial/ethnic profiling.<sup>5</sup>
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.<sup>6</sup>
4. Discriminatory stops by police and border patrol officers on the basis of race/ethnicity are well-documented by marginalized groups and advocacy groups.<sup>7</sup> So far, the authorities have been unwilling to monitor the effectiveness and lawfulness of stop and searches.<sup>8</sup>
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.<sup>9</sup>
6. The Netherlands supported two recommendations on the detention of undocumented migrants and rejected asylum seekers use of alternative measures to their detention.<sup>10</sup> The new Repatriation and Detention of Aliens Bill,<sup>11</sup> which is currently pending in the Senate, describes detention as an ultimate measure,<sup>12</sup> 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.<sup>13</sup> 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'.<sup>14</sup> Simultaneously, human rights are stipulated in the curriculum reform for primary and secondary education.<sup>15</sup>
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.<sup>16</sup> 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.<sup>17</sup>
9. The Netherlands supported recommendations to address human rights abuses perpetrated by Dutch companies abroad<sup>18</sup> 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.<sup>19</sup>
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.<sup>20</sup> This NAP is currently under revision.<sup>21</sup> The first drafts of the revision do not protect victims when they attempt to get access to justice and remedy.<sup>22</sup>
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.<sup>23</sup>

## 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.<sup>24</sup> However, this welcome reform is not scheduled to be enacted until 2024.<sup>25</sup> 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.<sup>26</sup>

## 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.<sup>27</sup> The Repatriation and Detention of Aliens Bill broadens the power to invoke measures for solitary confinement even further.<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup>
14. There is no independent and judicial review of solitary confinement and detention practices and human rights standards,<sup>31</sup> 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.<sup>32</sup> The National Prevention Mechanism includes government authorities, that often exclude the perspectives of the individuals who are detained, NGO's or lawyers.<sup>33</sup> 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.<sup>34</sup>

### 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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup>

### 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.<sup>39</sup> 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".<sup>40</sup> 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".<sup>41</sup>
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.<sup>42</sup>
19. For example, the Dutch police used an automated predictive policing system that focused specifically on people from Eastern European countries.<sup>43</sup> 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.<sup>44</sup> 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.<sup>45</sup> 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.<sup>46</sup>

## Surveillance

20. The Coordinator for Counterterrorism and Security (*Nationaal Coördinator Terrorismedebestrijding en Veiligheid*) deploys various means of surveillance in violation of international human rights law and standards.<sup>47</sup> 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 activists<sup>48</sup> 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.<sup>49</sup>
22. For years, the Coordinator paid for undercover investigations into national security threats in mosques.<sup>50</sup> 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.<sup>51</sup>
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.<sup>52</sup> 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,<sup>53</sup> and Trafigura causing serious health threats to over 100,000 civilians in Côte d'Ivoire after dumping 540,000 plus litres of toxic waste.<sup>54</sup> 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.<sup>55</sup>

## 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.

- <sup>1</sup> 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].
- <sup>2</sup> 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].
- <sup>3</sup> 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
- <sup>4</sup> Politie Nederland, Politie voor iedereen: Veilige, competente en effectieve teams, 26 Augustus 2020, politie.nl/informatie/politie-voor-iedereen-diversiteit-en-inclusie.html
- <sup>5</sup> Nationale Politie, Handelingskader professioneel controleren v.2.0, 13 November 2020, <https://www.politie.nl/binaries/content/assets/politie/onderwerpen/proactief-etnisch-profileren/handelingskader-voor-de-politie-over-professioneel-controleren-versie-2020.pdf>
- <sup>6</sup> Politie Academie, Professioneel controleren: Een onderzoek naar het effect van de pilot Proactief controleren, December 2020, p. 32, rijksoverheid.nl/documenten/rapporten/2021/04/12/tk-bijlage-professioneel-controleren
- <sup>7</sup> Minister van Binnenlandse Zaken en Koninkrijksrelaties, Start Nationaal Coördinator tegen Discriminatie en Racisme, 28 September 2021, rijksoverheid.nl/documenten/kamerstukken/2021/09/28/kamerbrief-start-nationaal-coordinator-tegen-discriminatie-en-racisme
- <sup>8</sup> Amnesty International, *We sense Trouble: Automated discrimination and mass surveillance in predictive policing in the Netherlands* (Index: EUR 35/2971/2020), 29 September 2020, pp. 35-36, <https://www.amnesty.org/en/documents/eur35/2971/2020/en>
- <sup>9</sup> Written answers to questions by Parliament, 22 November 2017, ah-tk-20172018-485, <https://zoek.officielebekendmakingen.nl/ah-tk-20172018-485.html>
- <sup>10</sup> Amnesty International, *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/>
- <sup>11</sup> 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>
- <sup>12</sup> 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, Recommendation 131.188 [Uruguay], 131.193 [Sweden].
- <sup>13</sup> Netherlands, Wet terugkeer en vreemdelingenbewaring (34.309), [eerstekamer.nl/wetsvoorstel/34309\\_wet\\_terugkeer\\_en](http://eerstekamer.nl/wetsvoorstel/34309_wet_terugkeer_en)
- <sup>14</sup> Netherlands, Regels met betrekking tot de terugkeer van vreemdelingen en vreemdelingenbewaring (Wet terugkeer en vreemdelingenbewaring), Amendement van de leden voordewind en groothuizen, 8 June 2018, [eerstekamer.nl/behandeling/20180608/amendement\\_van\\_de\\_leden\\_voordewind/document3/f=/vkl4d058apzp.pdf](http://eerstekamer.nl/behandeling/20180608/amendement_van_de_leden_voordewind/document3/f=/vkl4d058apzp.pdf)
- <sup>15</sup> 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 131.137 [Pakistan], 131.139 [Sudan], 131.138 [Slovenia].
- <sup>16</sup> Netherlands, Wet van 23 juni 2021 tot wijziging van een aantal onderwijswetten in verband met verduidelijking van de burgerschapsopdracht aan scholen in het funderend onderwijs, 23 juni 2021, [eerstekamer.nl/behandeling/20210702/publicatie\\_wet\\_2/document3/f=/vkl4d058apzp.pdf](http://eerstekamer.nl/behandeling/20210702/publicatie_wet_2/document3/f=/vkl4d058apzp.pdf)
- <sup>17</sup> Curriculum.nu, curriculum.nu/voorstellen (Accessed on 3 March 2022)
- <sup>18</sup> 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, Recommendation 131.121 [Spain].
- <sup>19</sup> 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>
- See also Netherlands, Wet gegevensverwerking Samenwerkingsverbanden (35.447), [eerstekamer.nl/wetsvoorstel/35447\\_wet\\_gegevensverwerking\\_door](http://eerstekamer.nl/wetsvoorstel/35447_wet_gegevensverwerking_door)
- <sup>20</sup> 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, Recommendation 131.107 [Egypt].
- <sup>21</sup> 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, Recommendation 131.109 [Peru], 131.112 [State of Palestine].
- <sup>22</sup> Rijksoverheid, Herziening Nationaal Actieplan Bedrijfsleven en Mensenrechten, [rijksoverheid.nl/onderwerpen/internationaal-maatschappelijk-verantwoord-ondernemen-imvo/nationaal-actieplan-bedrijfsleven-en-mensenrechten](http://rijksoverheid.nl/onderwerpen/internationaal-maatschappelijk-verantwoord-ondernemen-imvo/nationaal-actieplan-bedrijfsleven-en-mensenrechten) (Accessed on 3 March 2022)
- <sup>23</sup> College voor de Rechten van de Mens, *Bedrijfsleven & mensenrechten: een onderzoek naar de stand van de implementatie van de United Nations Guiding Principles on Business and Human Rights in Nederland*, August 2022, [rijksoverheid.nl/documenten/publicaties/2020/08/03/bedrijfsleven-mensenrechten](http://rijksoverheid.nl/documenten/publicaties/2020/08/03/bedrijfsleven-mensenrechten)
- <sup>24</sup> Rijksoverheid, Herziening Nationaal Actieplan Bedrijfsleven en Mensenrechten, [rijksoverheid.nl/onderwerpen/internationaal-maatschappelijk-verantwoord-ondernemen-imvo/nationaal-actieplan-bedrijfsleven-en-mensenrechten](http://rijksoverheid.nl/onderwerpen/internationaal-maatschappelijk-verantwoord-ondernemen-imvo/nationaal-actieplan-bedrijfsleven-en-mensenrechten) (Accessed on 3 March 2022)
- <sup>25</sup> Shared during a consultation with Amnesty and other stakeholders in January 2022.
- <sup>26</sup> Jasper van Teeffelen, "De lobby van VNO-NCW saboteert wetgeving voor maatschappelijk verantwoord ondernemen", 21 May 2021, SOMO, [somo.nl/nl/de-lobby-van-vno-ncw-saboteert-wetgeving-voor-maatschappelijk-verantwoord-ondernemen](http://somo.nl/nl/de-lobby-van-vno-ncw-saboteert-wetgeving-voor-maatschappelijk-verantwoord-ondernemen)
- <sup>27</sup> Jasper van Teeffelen "Verhinderen, vertragen, verzwakken", 21 May 2021, SOMO, [somo.nl/nl/verhinderen-vertragen-verzwakken](http://somo.nl/nl/verhinderen-vertragen-verzwakken)
- <sup>28</sup> 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/)
- <sup>29</sup> Minister van Justitie en Veiligheid, Financiële gevolgen wetsvoorstel seksuele misdrijven, 21 September 2021, [https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2021Z15990&did=2021D34336](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2021Z15990&did=2021D34336)
- <sup>30</sup> 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, Recommendation 131.142 [Philippines], 131.140 [Georgia].
- <sup>31</sup> 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](http://amnesty.nl/content/uploads/2020/09/AMN_20_26_rapport-isolatie_digitaal.pdf?x39694)
- <sup>32</sup> [https://www.eerstekamer.nl/wetsvoorstel/34309\\_wet\\_terugkeer\\_en](https://www.eerstekamer.nl/wetsvoorstel/34309_wet_terugkeer_en)
- <sup>33</sup> Kamerstukken II, 34 309 Rules regarding the return of aliens and migration detention, art 49. 2. Amnesty International, *Isolatie in Vreemdelingendetentie*, September 2020, [AMN\\_20\\_26\\_rapport-isolatie\\_digitaal.pdf](http://AMN_20_26_rapport-isolatie_digitaal.pdf) (amnesty.nl), p. 59-63.
- <sup>34</sup> Netherlands, Wet terugkeer en vreemdelingenbewaring (34.309), [eerstekamer.nl/wetsvoorstel/34309\\_wet\\_terugkeer\\_en](http://eerstekamer.nl/wetsvoorstel/34309_wet_terugkeer_en)
- <sup>35</sup> Collective punishment is a violation of article 43 (paragraph 1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and Paragraph 126 of the 24th General Report of the European Committee for the Prevention of Torture and art. 60 (paragraph 3) of the European Prison Rules and article 51 (paragraph 5) Penitentiaire Beginselenwet.
- <sup>36</sup> Kamerstukken I, 34 309 Rules regarding the return of aliens and migration detention, C, p. 31, [eerstekamer.nl/behandeling/20181213/memorie\\_van\\_antwoord\\_2/document3/f=/vku9lek5p0ki\\_opgemaakt.pdf](http://eerstekamer.nl/behandeling/20181213/memorie_van_antwoord_2/document3/f=/vku9lek5p0ki_opgemaakt.pdf)
- <sup>37</sup> Amnesty International, *Uitgezet: Mensenrechten in het kader van gedwongen terugkeer en vertrek*, July 2017 p. 50-53 <https://www.amnesty.nl/content/uploads/2017/07/Rapport-Uitgezet-Mensenrechten-in-het-kader-van-Gedwongen-Terugkeer-en-Vertrek.pdf?x79902>
- <sup>38</sup> 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](https://www.amnesty.nl/content/uploads/2019/03/AMN_19_05_Rapport-gedwongen-terugkeer-Sudan.pdf?x43474)
- <sup>39</sup> The National Prevention Mechanism includes de Inspectie voor Veiligheid en Justitie, Inspectie Jeugdzorg, de Inspectie voor de Gezondheidszorg, de Commissies van Toezicht Arrestantenzorg and de Commissie van toezicht Detentieplaatsen KMar).

<sup>34</sup> Amnesty International, Reactie van Amnesty International bij de 'Wijziging van de Wet terugkeer en vreemdelingenbewaring met het oog op handhaven van de mogelijkheden om

maatregelen te nemen ten aanzien van overlast gevende vreemdelingen', 18 August 2020, p. 8-9, [https://www.parlementairemonitor.nl/9353000/1/j4nvgs5kkg27kof\\_j9vvi5epmj1ey0/vlg6jwbkziwi/f=/blg968412.pdf](https://www.parlementairemonitor.nl/9353000/1/j4nvgs5kkg27kof_j9vvi5epmj1ey0/vlg6jwbkziwi/f=/blg968412.pdf)

<sup>35</sup> Amnesty International, "Door Nederland uitgezette vluchteling krijgt zonder eerlijk proces levenslang in Bahrein", 4 June 2020, [amnesty.nl/actueel/nederland-uitgezette-vluchteling-oneerlijk-proces-levenslang-bahrein#:~:text=Ali%20Mohammed%20al%2DShowaikh%2C%20een,proces%20een%20levenslange%20gevangenisstraf%20gekregen](https://www.amnesty.nl/actueel/nederland-uitgezette-vluchteling-oneerlijk-proces-levenslang-bahrein#:~:text=Ali%20Mohammed%20al%2DShowaikh%2C%20een,proces%20een%20levenslange%20gevangenisstraf%20gekregen)  
Amnesty International, *Risico's bij gedwongen terugkeer naar Sudan*, March 2019, [amnesty.nl/content/uploads/2019/03/AMN\\_19\\_05\\_Rapport-gedwongen-terugkeer-Sudan.pdf?x43474](https://www.amnesty.nl/content/uploads/2019/03/AMN_19_05_Rapport-gedwongen-terugkeer-Sudan.pdf?x43474)

Amnesty International, "Uitzettingen naar Afghanistan volstrekt onverantwoord", 22 March 2018, [amnesty.nl/uitzettingen-naar-afghanistan-volstrekt-onverantwoord](https://www.amnesty.nl/uitzettingen-naar-afghanistan-volstrekt-onverantwoord)

Amnesty International, "Afghanistan: bescherm burgers tegen schendingen", 29 January 2019, [amnesty.nl/actueel/afghanistan-bescherm-burgers](https://www.amnesty.nl/actueel/afghanistan-bescherm-burgers)

Amnesty International, *Afghanistan: Forced back to danger: Asylum-seekers returned from Europe to Afghanistan* (INDEX: ASA 11/6866/2017), 5 October 2017, [amnesty.org/en/documents/asa11/6866/2017/en/](https://www.amnesty.org/en/documents/asa11/6866/2017/en/)

<sup>36</sup> Amnesty International, "Door Nederland uitgezette vluchteling krijgt zonder eerlijk proces levenslang in Bahrein", 4 June 2020, [amnesty.nl/actueel/nederland-uitgezette-vluchteling-oneerlijk-proces-levenslang-bahrein#:~:text=Ali%20Mohammed%20al%2DShowaikh%2C%20een,proces%20een%20levenslange%20gevangenisstraf%20gekregen](https://www.amnesty.nl/actueel/nederland-uitgezette-vluchteling-oneerlijk-proces-levenslang-bahrein#:~:text=Ali%20Mohammed%20al%2DShowaikh%2C%20een,proces%20een%20levenslange%20gevangenisstraf%20gekregen)

<sup>37</sup> This report was confidentially shown to the journalist Kasper van Laarhoven, "In Nederland was Ali al-Showaikh niet welkom, in Bahrein zit hij nu levenslang vast", NRC, 4 October 2020, [nrc.nl/nieuws/2020/10/04/hier-niet-welkom-in-bahrein-levenslang-a4014640](https://www.nrc.nl/nieuws/2020/10/04/hier-niet-welkom-in-bahrein-levenslang-a4014640)

<sup>38</sup> Amnesty International, *Bewijsnood: wanneer nationaliteit en identiteit ongelooftwaardig 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)

<sup>39</sup> Minister van Binnenlandse Zaken en Koninkrijksrelaties, Kamerbrief over juridisch toetsingskader etnisch profileren, 14 December 2021, [rijksoverheid.nl/documenten/kamerstukken/2021/12/14/kamerbrief-over-juridisch-toetsingskader-etnisch-profileren](https://rijksoverheid.nl/documenten/kamerstukken/2021/12/14/kamerbrief-over-juridisch-toetsingskader-etnisch-profileren)

<sup>40</sup> Amnesty vs. the State of the Netherlands/Royal Netherlands Marechaussee, Plea notes Houthoff PILP, Court of The Hague, 15 June 2021, C/09/589067 / HA ZA 2020-35, para. 4.7, [amnesty.nl/content/uploads/2021/09/20210615\\_Pleadings\\_Amnesty-Netherlands-vs-Koninklijke-Marechaussee-anonimised.pdf?x39694](https://www.amnesty.nl/content/uploads/2021/09/20210615_Pleadings_Amnesty-Netherlands-vs-Koninklijke-Marechaussee-anonimised.pdf?x39694) and [amnesty.nl/content/uploads/2021/09/20200224-Summons\\_Amnesty-Netherlands-c.s.-vs-Koninklijke-Marechaussee-anonimised.pdf?x32645](https://www.amnesty.nl/content/uploads/2021/09/20200224-Summons_Amnesty-Netherlands-c.s.-vs-Koninklijke-Marechaussee-anonimised.pdf?x32645)

<sup>41</sup> Amnesty vs. the State of the Netherlands/Royal Netherlands Marechaussee, Plea notes Houthoff PILP, Court of The Hague, 15 June 2021, C/09/589067 / HA ZA 2020-35, para. 90, [amnesty.nl/content/uploads/2021/09/20210615\\_Pleadings\\_Amnesty-Netherlands-vs-Koninklijke-Marechaussee-anonimised.pdf?x39694](https://www.amnesty.nl/content/uploads/2021/09/20210615_Pleadings_Amnesty-Netherlands-vs-Koninklijke-Marechaussee-anonimised.pdf?x39694) and [amnesty.nl/content/uploads/2021/09/20200224-Summons\\_Amnesty-Netherlands-c.s.-vs-Koninklijke-Marechaussee-anonimised.pdf?x32645](https://www.amnesty.nl/content/uploads/2021/09/20200224-Summons_Amnesty-Netherlands-c.s.-vs-Koninklijke-Marechaussee-anonimised.pdf?x32645)

<sup>42</sup> 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, *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/>

<sup>43</sup> 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>

<sup>44</sup> 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/>

<sup>45</sup> Tweede Kamer der Staten-Generaal, Motie van het lid Klaver c.s., 19 January 2021, [www.tweedekamer.nl/kamerstukken/moties/detail?id=2021Z00984&did=2021D02426](https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2021Z00984&did=2021D02426), Tweede Kamer der Staten-Generaal, Motie van het lid Marijnissen c.s., 19 January 2021, [www.tweedekamer.nl/kamerstukken/moties/detail?id=2021Z00989&did=2021D02431](https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2021Z00989&did=2021D02431)

Ministerie van VWS, Plan van Aanpak Uitvoering van motie 21 Marijnissen en motie 16 Klaver nav de POK, 6 January 2022, <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2022/01/06/plan-van-aanpak-vws-uitvoering-motie-marijnissen-en-motie-klaver/bijlage-7-plan-van-aanpak-vws.pdf>

<sup>46</sup> Joost Schellevis, "Fraude opsporen of gevaar van discriminatie? Gemeenten gebruiken 'slimme' algoritmes", NOS, 1 February 2021, [nos.nl/artikel/2366864-fraude-opsporen-of-gevaar-van-discriminatie-gemeenten-gebruiken-slimme-algoritmes](https://www.nos.nl/artikel/2366864-fraude-opsporen-of-gevaar-van-discriminatie-gemeenten-gebruiken-slimme-algoritmes)

<sup>47</sup> Andreas Kouwenhoven, Esther Rosenberg, Romy van der Poel, "NCTV volgt heimelijk burgers op sociale media", NRC, 9 April 2021, [nrc.nl/nieuws/2021/04/09/nctv-volgt-heimelijk-burgers-op-sociale-media-a4039223?t=1632385187](https://www.nrc.nl/nieuws/2021/04/09/nctv-volgt-heimelijk-burgers-op-sociale-media-a4039223?t=1632385187)

<sup>48</sup> Andreas Kouwenhoven, Esther Rosenberg, Romy van der Poel, "NCTV volgt heimelijk burgers op sociale media", NRC, 9 April 2021, [nrc.nl/nieuws/2021/04/09/nctv-volgt-heimelijk-burgers-op-sociale-media-a4039223?t=1632385187](https://www.nrc.nl/nieuws/2021/04/09/nctv-volgt-heimelijk-burgers-op-sociale-media-a4039223?t=1632385187)

<sup>49</sup> Andreas Kouwenhoven, Esther Rosenberg & Romy van der Poel, "Linkse activist werd jaren online gevolgd door de NCTV", 23 July 2021, [nrc.nl/nieuws/2021/07/23/linkse-activist-werd-jaren-online-gevolgd-door-de-nctv-a4052095](https://www.nrc.nl/nieuws/2021/07/23/linkse-activist-werd-jaren-online-gevolgd-door-de-nctv-a4052095)

<sup>50</sup> Andreas Kouwenhoven, Esther Rosenberg & Romy van der Poel, "Undercover naar de moskee: geheim onderzoek naar islamitische organisaties", NRC, 15 October 2021, [nrc.nl/nieuws/2021/10/15/undercover-naar-de-moskee-hoe-gemeenten-al-jaren-een-bedrijf-inhuren-om-heimelijk-islamitische-organisaties-te-onderzoeken-a4061964](https://www.nrc.nl/nieuws/2021/10/15/undercover-naar-de-moskee-hoe-gemeenten-al-jaren-een-bedrijf-inhuren-om-heimelijk-islamitische-organisaties-te-onderzoeken-a4061964)

<sup>51</sup> Minister van Justitie en Veiligheid, Vragen van het lid Azarkan (DENK) aan de Minister en Staatssecretaris van Justitie en Veiligheid over het bericht «Undercover naar de moskee: geheim onderzoek naar islamitische organisaties», 13 December 2021, [zoek.officielebekendmakingen.nl/ah-tk-20212022-1049.html](https://zoek.officielebekendmakingen.nl/ah-tk-20212022-1049.html)

<sup>52</sup> Netherlands, Regels ten behoeve van de verwerking van persoonsgegevens in het kader van de coördinatie en analyse in verband met terrorismebestrijding en bescherming van de nationale veiligheid door het versterken van de weerbaarheid van de samenleving (Wet verwerking persoonsgegevens coördinatie en analyse terrorismebestrijding en nationale veiligheid), 9 November 2021, [rijksoverheid.nl/actueel/nieuws/2021/11/09/wetsvoorstel-wettelijke-grondslag-voor-verwerking-persoonsgegevens-nctv-naar-tweede-kamer](https://www.rijksoverheid.nl/actueel/nieuws/2021/11/09/wetsvoorstel-wettelijke-grondslag-voor-verwerking-persoonsgegevens-nctv-naar-tweede-kamer)

<sup>53</sup> 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/)

<sup>54</sup> Amnesty International, *Côte d'Ivoire: The toxic truth: About a company called Trafigura, a ship called the Probo Koala, and the dumping of toxic waste in Côte d'Ivoire* (INDEX: AFR 31/002/2021), 25 September 2021, [amnesty.org/en/documents/afr31/002/2021/en/](https://www.amnesty.org/en/documents/afr31/002/2021/en/)

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/>

<sup>55</sup> Amnesty International, *Out of Control: Failing EU laws for Digital Surveillance Export* (INDEX: EUR 01/2556/2020), [amnesty.org/en/documents/eur01/2556/2020/en/](https://www.amnesty.org/en/documents/eur01/2556/2020/en/)

INDEX: EUR 35/5404/2022

MARCH 2022

LANGUAGE: ENGLISH

**amnesty.org**

