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The State of the World's Human Rights; Netherlands 2023

The government continued to enter into third-country agreements on migration despite human rights concerns. Border police were found guilty of racial profiling. Peaceful protesters faced harsh charges and were subjected to unlawful surveillance measures. Parliament voted in favour of a consent-based definition of rape.

Refugees' and migrants' rights

In July, the Netherlands was one of the leading parties to an EU agreement on migration with Tunisia, despite mounting evidence of human rights abuses.¹

The government still failed to automatically recognize Afghan women and girls as refugees.

In March, the Inspectorate of Justice and Security (IJS) concluded that there was no legal basis for using force against asylum seekers in the Hoogeveen reception centre, where people can only leave on their own initiative if they waive their rights to, among other things, accommodation, medical care and counselling. In 2022 the IJS found that staff had used "disproportionate violence" against people held at the centre, including children. The minister for migration disputed the report of disproportionate violence and noted that staff were authorized to use force.

In spite of minor improvements, the Curaçao authorities continued to detain Venezuelans seeking safety and deny them protection.²

Discrimination

In February, the Hague Court of Appeal banned ethnic profiling by the border police, ruling that the use of ethnicity in selection decisions and risk profiles led to discrimination.³

Freedom of peaceful assembly

Throughout the year police used unlawful identity checks, as well as social media monitoring, drones and unannounced home visits, as surveillance tools against peaceful protesters.⁴

In August, seven climate protesters were convicted for online posts calling on people to join peaceful demonstrations in the form of a roadblock on the A12 motorway. In March, May and September, police used water cannons against protesters on the A12 and reported people attending with young children to a child safety hotline.⁵

In November, the IJS reported that authorities had failed to address serious threats and subsequent violence in 2022 directed by a hostile audience at anti-racism protesters in the municipality of Staphorst. The protesters were demonstrating against people dressing as the folkloric figure known as "Black Pete".⁶

Gender-based violence

In July, parliament passed a new sexual offences law including a consent-based definition of rape. The bill was pending before the senate at the end of the year.

Right to a healthy environment

Although the government stressed the need to phase out fossil fuel production and use ahead of COP28, new plans for gas extraction remained under discussion. Tax breaks continued for companies using oil, gas and coal, amounting to annual fossil fuel subsidies of up to EUR 46 billion. In October, parliament called on the government to draw up scenarios for phasing out all fossil fuel subsidies. In December, at COP28, the government launched an international coalition to phase out such subsidies.

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1. "EU/Tunisia: Agreement on migration 'makes EU complicit' in abuses against asylum seekers, refugees and migrants", 17 July
 2. Curaçao: Little Improvement in Protection of Venezuelans, 7 February
 3. "Netherlands; Court of Appeal bans ethnic profiling", 14 February (Dutch only)

4. [Netherlands: Unchecked Power: ID Checks and Collection of Data from Peaceful Protesters in the Netherlands, 31 May](#)
5. ["Netherlands: A week of climate demonstrations: five striking cases", 18 September \(Dutch only\)](#)
6. ["Netherlands: Municipality of Staphorst falls seriously short in tackling St Nicholas' arrival", 11 May \(Dutch only\)](#)

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