



NETHERLANDS 2020

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ANNUAL REPORT

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Prison-like migration detention remained a concern. The Minister of Justice and Security announced changes to rape legislation to bring it more in line with human right standards. Ethnic profiling by police continued to be a concern. Predictive policing methods used artificial intelligence without safeguards against mass surveillance and discrimination.

Rights of refugees, asylum-seekers and migrants

The use of punitive measures such as isolation in migration detention remained a concern, with its use more than doubling in the past few years.

In June, a pending bill on migration detention was amended to give the directors of detention centres powers to respond to unrest by imposing a lockdown and restricting all detainees to their cells in a way akin to isolation for a period of up to four weeks.

Some asylum-seekers remained at risk of deportation as documents which could not be verified were not taken into account in asylum applications. In December 2019, a preliminary ruling had been requested by

the District Court of The Hague challenging this situation, but no decision was handed down by year's end.

Violence against women and girls

In May, the Minister of Justice and Security published a preliminary draft bill of the Sexual Offences Act which proposed no amendments to the legal definition of rape, retaining “forcible coercion” and “violence” as its central elements. It introduced a new, lesser crime of “sexual acts against the person’s will” which would carry half the sentence for the current crime of rape.

The definition of rape proposed was not in line with international human rights law and did not offer sufficient protection for victims of sexual violence. After criticism from civil society organizations, survivors and Parliament, the Minister announced in November that he would amend the proposal so that all forms of involuntary sex would be defined as rape.

During the COVID-19 lockdown measures in March and April, a specialist helpline reported the number of people calling to seek support due to sexual violence went up.

Excessive use of force

During the year the Minister of Justice and Security worked on the introduction of electro-shock weapons in policing, with the aim of equipping some 17,000 patrol officers with a Taser X2. Contrary to international standards, electro-shock weapons may be used against persons who do not pose an imminent threat to life or risk of serious injury.

Discrimination

Despite mass demonstrations in May and June in reaction to the Black Lives Matter movement, no measures to combat discrimination were taken. In 2014 the authorities had acknowledged ethnic profiling in law enforcement and introduced interventions such as professional standards, training modules and software applications supporting officers to use their stop and search powers fairly and effectively. However, evaluations showed their implementation continued to be inconsistent.

Mass surveillance

Law enforcement agencies increasingly used algorithmic risk profiles. Police in the city of Roermond conducted an ongoing predictive policing experiment designed to prevent and detect alleged thefts committed by people from Eastern Europe. In September, an investigation revealed that the project violates the rights to non-discrimination, privacy and data protection.¹

1. [Netherlands: We sense trouble: Automated discrimination and mass surveillance in predictive policing in the Netherlands \(EUR 35/2971/2020\)](#)

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