

# Press Release

## Office of the Commissioner for Human Rights

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## Netherlands: "Progress made but more efforts needed to ensure the implementation of human rights standards" says Commissioner Hammarberg's report

Strasbourg, 11.03.2009 – "The policies towards migrants and asylum-seekers require further review". This was emphasised by Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, when presenting today his [report on the Netherlands](#). The report addresses also issues on children's rights, integration, actions against discrimination and intolerance, and anti-terrorism measures.

While recognizing progress, the report calls for an improvement of the safeguards for asylum-seekers. The Commissioner voiced also concern about the plans to process more applications through an enhanced accelerated procedure. "A fast procedure is certainly suitable for clear-cut cases, but it can be detrimental to all others and is clearly unsuitable for vulnerable groups such as victims of violence and unaccompanied children."

The Commissioner recommends assessing the current immigration laws regarding the provisions for family reunification and formation, stressing that "tests, fees and age requirements must not amount to a disproportionate obstacle."

On children's rights the report focuses on the juvenile justice system. "It is unacceptable that young offenders and children in need of protection, notably because they are victims of crimes, share the same institutions" he states, regarding the detention of children with civil protection orders in custodial institutions. Moreover, he criticises the low age of 12 years for criminal responsibility and the application of adult criminal law to minors who can be detained in adult prisons.

On protection against discrimination and intolerance, Commissioner Hammarberg recommends better coordination and a holistic approach. He expresses concerns about the risks of ethnic profiling and recommends enhancing the protection of minority rights, in particular of Roma and Sinti. He underlines that discrimination in the labour market "is one of the most pressing problems, especially for young people from certain ethnic minority communities and women."

"Racist and intolerant tendencies also raise serious concerns" added the Commissioner. "The debate on 'integration' should be based on careful and precise use of language and an evaluation of measures taken to combat segregation on the housing market is needed."

Furthermore, the Commissioner recommends reviewing anti-terrorism measures to ensure full compliance with international human rights standards, judicial oversight and effective procedural guarantees. He also expresses his concerns about the use of administrative law and sanctions to address terrorism, as this could lead to circumventing the fundamental safeguards offered by criminal law.

Based on a visit to the European part of the Kingdom of the Netherlands carried out in September 2008, the report, together with the authorities' comments, is available on the Commissioner's web site.

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation.

Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006