



## Dutch Court allows racial profiling

September 22<sup>nd</sup> 2021

This morning, the District Court of The Hague ruled that the use of ethnicity in stop and searches by the Dutch border police is not discriminatory. A coalition of civil society organizations and two non-white Dutch citizens had called on the Dutch State to end these discriminatory controls.

Dionne Abdoelhafiezkhan from Controle Alt Delete: “Today’s ruling is highly disappointing. The harmful practice of racial profiling will remain a day-to-day reality. Every time non-white Dutch citizens return home, they run the risk of being singled out because of the color of their skin.”

### Today’s ruling

During border control operations, the border police select people on the basis of their appearance, skin color or origin (ethnicity), amongst other things. This selection determines whether or not the authorities will stop an individual against whom there is no individual suspicion of any wrongdoing. The Dutch border police also apply general risk profiles that incorporate ethnicity, such as “men who walk fast, are well-dressed and don’t ‘look Dutch’”.

Today, the Dutch Court ruled that this practice is allowed. According to the Court, ethnicity is allowed to be used for stop-and-search practices during border controls, even if ethnicity is the decisive criterion for the stop.

Dagmar Oudshoorn, Director of Amnesty International The Netherlands, says: “Today’s ruling that the Dutch border police can continue the practice of ‘ethnic profiling’ not only throws international human rights law out the window, but also tramples on Article 1 of the Dutch Constitution.” Jelle Klaas, one of the claimants’ lawyers, calls the ruling “incomprehensible”, stating: “We will appeal the decision.”

### Implications

Racial profiling is harmful because it contributes to stigmatizing non-white citizens. The Court has now ruled that non-white Dutch citizens may continue to be singled out as potentially “non-Dutch” just because of the color of their skin. Mpanzu Bamenga, one of the individual claimants, refers to this as “very painful, not only for myself and for the coalition, but for all Dutch people. Selecting and stopping people on the basis of their assumed origin misjudges the diversity of the Netherlands. This is a great injustice.”

*The case has been brought by two Dutch citizens, together with Amnesty International, Controle Alt Delete, anti-discrimination organization RADAR, and the Dutch section of the International Commission of Jurists (NJCM). The coalition is represented by lawyers from Houthoff and from the Public Interest Litigation Project (PILP).*

//////////END OF PRESS RELEASE, MORE INFORMATION BELOW\\

### Procedural documents

The subpoena can be found here: <https://pilpnjcm.nl/wp-content/uploads/2014/10/dagvaarding-anoniem-etnisch-profileren.pdf> The plea notes can be found here: <https://pilpnjcm.nl/wp->

AMNESTY  
INTERNATIONAL



CONTROLE  
ALT DELETE

NJC  
M

PI  
LP



<content/uploads/2021/06/2021.06.15-pleitaantekeningen-def-anoniem-007A-WEBSITE.pdf>. Both are in Dutch.

### Media articles

A small sample of published articles regarding the June 15, 2021 hearing:

- Trouw: [Citizens want ethnic profiling at the border to stop: 'Unfair and humiliating'](#)
- RTL News: [Royal Marechaussee in court for ethnic profiling at controls](#)
- EU Observer: [The Dutch politician suing the Dutch state for ethnic-profiling](#)

### Videos with English subtitles

- Short informative video about the lawsuit:  
<https://www.youtube.com/watch?v=ZzudXp84qEo>
- Talk Show about the law suit:  
<https://www.youtube.com/watch?v=sml2NbMmIAM>
- Interview Mpanzu Bamenga at Aljazeera (starts at 3:00 min):  
<https://liberties.aljazeera.com/en/a-un-report-set-out-a-four-point-plan-of-action-to-tackle-systemic-racism/>

### Contact

Contact with the plaintiffs is coordinated by Jair Schalkwijk of Controle Alt Delete (jair@izi-solutions.nl; 0624595580). Visual material can also be requested through Controle Alt Delete.