



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Seventh periodic report of the Netherlands (CAT/C/NLD/7; CAT/C/NLD/QPR/7)

1. *At the invitation of the Chair, the delegation of the Netherlands took places at the Committee table.*
2. **Mr. Girigorie** (Netherlands) said that, since 2010, the Kingdom of the Netherlands had consisted of four autonomous countries, namely, the Netherlands — itself made up of the European part and the special municipalities of Bonaire, Sint Eustatius and Saba in the Caribbean — and the islands of Aruba, Curaçao and Sint Maarten.
3. Speaking on behalf of the Government of Curaçao, he said that equality, fair treatment and self-determination were the core principles on which Curaçao was founded, and the prevention and prosecution of torture and inhuman or degrading treatment were part of the domestic legal framework. Illustrations of the country's commitment to upholding national and international obligations to prevent and eradicate torture and ill-treatment included: the requirement for the Public Prosecutor's Office and judges to inspect the country's prison twice a year; the establishment of the Detainee Care Supervisory Commission to ensure independent and impartial oversight and investigation of the treatment of people in detention facilities, including police cells, foreigner detention centres, addiction facilities and youth detention centres; the cooperation agreement recently signed between the Public Prosecutor's Office and the Ministry of Justice to improve the treatment of victims of sexual assault by establishing a service that provided legal, psychological and medical assistance; and the distribution in migrant detention centres of booklets on rights and obligations in Papiamentu, Dutch, Spanish and English.
4. In addition, an awareness-raising campaign about trafficking in persons, including the exploitation of bar hostesses known as "trago girls", had been conducted and three trafficking investigations were ongoing. In cooperation with the International Organization for Migration, trafficking victims who were witnesses in those cases were housed in a secure location, received counselling and could choose whether they wanted to stay on the island or be relocated after the trial. Curaçao was seeing an enormous influx of Venezuelans, which posed many challenges given resource and capacity constraints; therefore, the authorities continuously sought cooperation and assistance from inside and outside the Kingdom to handle the crisis.
5. **Mr. de Weever** (Netherlands), speaking on behalf of the Government of Sint Maarten, said that the Government had introduced training to improve the conduct of law enforcement personnel and had adopted a new Criminal Code and legislation on abuse by public officials. It proposed to establish a fund for the victims of such abuse, but in the meantime subsidized non-governmental organizations and other social partners who provided support for victims. Regarding the correctional system, significant improvements had been made during the reporting period; for example, a separate youth detention centre had been built and electronic monitoring reintroduced. Unfortunately, in September 2017, Hurricane Irma had caused severe damage to various detention facilities, requiring the transfer of prisoners to other parts of the Kingdom. Police equipment and vehicles had also been damaged, further hampering efforts to improve the justice system. Furthermore, owing to its constitutional status, Sint Maarten was unable to access funding on the global market and, despite receiving no financial support from the Netherlands, was required to present a balanced budget. Following the recent ruling of the European Court of Human Rights in *Corallo v. The Netherlands* that the plaintiff's detention violated article 3 of the European Convention on Human Rights, the parliament of Sint Maarten had called for a review of the justice system. The uppermost priority was to repair the prison in Sint Maarten to ensure healthy and decent conditions of detention.
6. With regard to asylum seekers, individuals could apply for a temporary residence permit on humanitarian grounds. The principle of non-refoulement was respected in cases where applications were denied.

7. **Mr. van Dam** (Netherlands), speaking on behalf of the Government of Aruba, said that recent developments in the implementation of the Convention against Torture included the introduction of a new Criminal Code, which included a provision that allowed for a period of treatment following a prison sentence for mentally disordered offenders. In response to the judgment of the European Court of Human Rights in *Murray v. The Netherlands*, an inter-country task force had been established in the Caribbean parts of the Kingdom with a view to establishing a care facility for detainees with mental disorders. In addition, the Minister of Justice intended to sign a memorandum of understanding on a joint mental health-care programme for the Kingdom's Caribbean countries. Special attention was being paid to the infrastructure of a planned new correctional facility. The directors of the correctional facilities in the Caribbean Netherlands had recently begun to discuss possible collaboration in areas such as the transfer of detainees between the islands, detention regimes, the treatment of detainees and educational programmes for detainees.

8. Regarding anti-trafficking efforts, the Human Trafficking and Migrant Smuggling Task Force had been set up and the National Counter-Trafficking Coordinator appointed, their focus was on running a multilingual awareness campaign and a national hotline. A dedicated law enforcement team with a special prosecutor for human trafficking and migrant smuggling had been established in 2017. The team's successful investigation and prosecution of several cases had led to Aruba receiving Tier 1 ranking in the 2018 Trafficking in Persons Report by the United States Department of State. Like other countries in the region, Aruba was seeing an increasing number of migrants and asylum seekers from Venezuela. The refugee status determination procedure had recently been revised to bring it into line with international standards, and Aruba was in dialogue within the Kingdom and with international organizations to deal with the regional migration crisis.

9. **Mr. Riedstra** (Netherlands) said that each country within the Kingdom was autonomous in its implementation of the obligations stemming from the Convention. The absolute ban on torture was fundamental to the legal order of the Netherlands, whose strong commitment to the treaty body system was illustrated by the country's annual contribution to the Office of the United Nations High Commissioner for Human Rights. Combating torture globally was a key objective of Dutch human rights policy and the Netherlands continued to reaffirm the absolute ban on torture through resolutions in human rights forums and its support for the work of the Committee against Torture and the Special Rapporteur on torture. It also provided support to organizations that aimed to prevent torture and assist its victims. Many domestic priorities were directly related to Convention standards, including efforts to combat human trafficking and exploitation, domestic violence, sexual abuse and other forms of violence against children.

10. In the area of migration, a bill on return and immigration detention had been passed by parliament in June 2018 and was currently before the Senate. It reflected the principle that administrative detention should be a last resort and provided for alternatives to detention. Once the bill was enacted, administrative detention would no longer fall under the Custodial Institutions Act and would therefore be better tailored to the situation of the migrants concerned. Another positive development was the opening of a state-of-the-art correctional institution in Bonaire that met all international regulations and standards. It had a capacity of 113 and could cater for different regimes and categories of inmates, as well as provide mental health services. Social reintegration was now a correctional objective, so all detainees were given the chance to learn to read and write and, where appropriate, undertake studies to improve their chances in the labour market. Every effort was made to organize meaningful daily activities, with the aim of reducing recidivism.

11. With regard to trafficking in persons, the Government had very recently adopted a new national action plan developed in consultation with municipalities, the police, the Public Prosecutor's Office, the Immigration and Naturalization Service, schools, non-governmental organizations, the private sector and international entities. One of the lines of action was to strengthen local efforts to combat trafficking. Campaigns and programmes to tackle domestic violence had been launched in Bonaire and the European Netherlands.

12. The Government was aware of its duty to protect public security and the rule of law without jeopardizing human rights, and had taken note of the criticism levelled against its practice of separating terrorists from other inmates.

13. **Mr. Hani** (Country Rapporteur) said that the State party's constitutional structure had an impact on the implementation of the Convention, since not all provisions were applied equally across the constituent countries and special municipalities. Nevertheless, under the Charter for the Kingdom of the Netherlands, the Kingdom had ultimate responsibility for the protection and promotion of human rights, including when there were shortcomings in any of its component entities. He welcomed the positive developments enumerated in the State party's opening statements, as well as its participation in the launch of the Alliance for Torture-Free Trade, and was grateful for its continued objections to other States parties' interpretative declarations and reservations aimed at limiting the scope of the Convention.

14. The International Crimes Act was not entirely in line with the definition of torture contained in the Convention inasmuch as it did not mention the use of torture as a means of exerting pressure on a third party. He welcomed the fact that the Act assigned responsibility for acts of torture to a wider range of individuals than the Convention did, but he would appreciate the delegation's comments on whether the range of penalties, especially the "fifth-category fine", was considered commensurate with the seriousness of the offence. While the Act was very clear that the order of a superior did not make an act of torture lawful, he wondered how section 11 (2) of the Act was applied by the courts, given that it appeared to open the door to impunity. Would the State party consider adding a reference to torture in section 11 (3) in order to remove the hierarchy among crimes against humanity and acts of torture? It would be interesting to know whether the other parts of the Kingdom had laws that were equivalent to the Act, and whether there were plans to harmonize them, including the legislation on ill-treatment, reparation and the inadmissibility of evidence obtained under torture. It would be useful to know how often the Convention had been invoked by the courts in all parts of the Kingdom and whether it would be possible to set up a system to record such instances and the related statistics.

15. He wished to know whether the measures to improve access to a lawyer, which had been devised in response to the concern raised by the Committee during its previous review of the State party, had entered into force and whether the provision allowing for the suspension of access in certain situations had been applied in the year since the submission of the report. Was access to a lawyer guaranteed for persons placed in isolation in Aruba, Curaçao and Sint Maarten? It would be useful to know how many lawyers there were in Bonaire and Sint Maarten. The lack of lawyers in Saba and Sint Eustatius highlighted the need to harmonize procedures across the constituent parts of the State party; had the authorities made any progress in that regard?

16. He would like to know how many times the Public Prosecution Service had suspended a detainee's right to inform a third party of his or her detention, and which authority had judicial oversight of such cases. He would be grateful for information on the number of complaints recorded in relation to non-respect of fundamental legal safeguards and on any judicial or administrative sanctions that had been applied as a result. In particular, was the instruction that interviews could not begin without a lawyer present respected in practice, including in the case of migrants detained by the police?

17. He would welcome an update on the agreement between the European and Caribbean Netherlands aimed at strengthening policies to combat domestic violence, and on how the authorities ensured that budget constraints did not hinder the fight against human trafficking. In paragraph 37 of the State party's report, it was unclear whether the organizations that had deemed it unnecessary to conduct a further independent investigation into trafficking in Bonaire, Saba and Sint Eustatius were State agencies or civil society organizations. An update would be appreciated on the information gathered in the crime pattern analysis carried out in 2013 and on any additional analyses conducted since then. The Committee would welcome recent statistics and information on the work of the National Rapporteur in the area of human trafficking, including in relation to any new trends or countries of origin that had been identified and any new sanctions imposed. It would be useful to have the results of the campaign to encourage anonymous reporting of cases of human trafficking and exploitation, including information on the number of reports received and related investigations conducted as a result of the campaign, as well as on reparations made to victims. In connection with the so-called Victoria investigation into

trafficking for the purposes of sex in Curaçao, he would like to hear the delegation's views on the seemingly lenient treatment of the only one of the three suspects who had been a police employee. Had the outcome of that case had an effect on human trafficking in Curaçao? He would be grateful for information on the outcome of the FLAGGS investigation, including any sanctions imposed on the perpetrators and any reparations made to the victims.

18. With regard to the State party's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it was unclear whether it had entered into force in Bonaire, Sint Eustatius and Saba or only in the European Netherlands. The Committee would be interested to hear about any evaluation conducted since 2010 of the national preventive mechanism, particularly with regard to its independence and effectiveness. It was unclear whether the mechanism was mandated to carry out visits to prisons in the State party that were leased to other countries, or whether such facilities were inspected by the authorities of the leasing State. Clarification would also be welcome as to whether the mechanism conducted visits to overseas detention centres managed by the Armed Forces in the context of military or peacekeeping operations, particularly in Mali and Afghanistan.

19. He would like to know whether the Health Care Inspectorate in Curaçao was obliged to respect the principles of external monitoring as defined in the Optional Protocol to the Convention and whether the national human rights institution and non-governmental organizations were able to conduct unannounced visits to places of detention in all four constituent parts of the State party. Did the State party intend to lift its territorial exclusions with regard to the application of the Optional Protocol?

20. The Committee welcomed the initiative to establish a human rights institution in Curaçao and would be grateful for any updated information on it. It would be interested to hear about any follow-up action the authorities had taken other than the establishment of the inter-country task force as a result of the *Murray* case, particularly with regard to the introduction of a system to review life sentences after 25 years.

21. He would appreciate details of the pilot project involving the use of Tasers by the police. It was unclear whether the use of such weapons was authorized only in certain situations. He would also like to know whether the use of pepper spray was regulated and whether its use on minors, older persons and pregnant women had been prohibited.

22. Information would be welcome on any measures taken to regulate the practice of invasive body searches, particularly when conducted by officers of the opposite sex, and to ensure that they were conducted only when it was necessary and proportionate to do so.

23. It would be useful to hear about any training on the Convention provided for military personnel serving overseas, including in relation to the principle of non-refoulement. The Committee would appreciate a full account of any complaints of sexual abuse, ill-treatment or torture filed against military personnel in the context of peacekeeping operations. Were private security companies who applied for a licence in the State party provided with any training on the application of the Convention?

24. He would welcome details of any decisions taken by the judiciary or the executive to suspend the return of asylum seekers to other European Union member States out of concern over systemic flaws in asylum procedures. He would also welcome information on the number of cases falling under the Dublin III Regulation that had actually resulted in the person's return to his or her first point of entry into the European Union, as well as on the number of people who had been returned to the Netherlands under the Regulation. How did the authorities ensure that the dignity of individuals was respected when the Regulation was applied? And how was the right to an appeal with suspensive effect applied in asylum cases processed under the eight-day fast-track procedure? He would be grateful for details of the number of people present in the State party who could not be subjected to refoulement, in line with article 3 of the Convention, and how many of them had been refused refugee status under the exclusion clauses of the 1951 Convention relating to the Status of Refugees. The Committee had received reports that more than 180 nationals of Afghanistan who had been refused asylum on those grounds, but who could not be returned because of article 3 of the Convention, were living in deplorable conditions. Did the State party follow

the guidelines issued by the Office of the United Nations High Commissioner for Refugees regarding the application of the exclusion clauses?

25. There were serious concerns about the refugee crisis in the Dutch Caribbean, particularly in view of the arrival of large numbers of Venezuelans. The autonomous status of some of the islands that made up the State party did not relieve the Government of its international obligations to provide assistance to migrants and asylum seekers arriving there and to ensure full respect for the provisions of the Convention, including in relation to non-refoulement. He wished to receive updated figures on the number of people who had arrived from Venezuela, and details of any collective expulsions that had taken place.

26. He noted that an assessment had been conducted of the potential risk that an extradition request might violate article 3 of the European Convention on Human Rights. Noting that the Minister of Security and Justice could ask the requesting State for guarantees that torture would not take place, he asked whether any diplomatic guarantees had been signed with other States before the individuals concerned had been returned. He would appreciate specific examples of cases in which extradition had been refused because the poor conditions of detention in the requesting State had been considered tantamount to torture or cruel, degrading or inhuman treatment. With reference to the State party's assertion that a total of more than 400 extradition requests had been received between 2013 and 2016, he would like to know precisely how many of those requests had been granted and how many had been rejected. He also wished to know whether the State party had signed any new bilateral or multilateral extradition agreements during the reporting period or amended any existing ones to incorporate the provisions of the Convention. Lastly, he wondered whether the State party planned to resume its voluntary contributions to the United Nations Voluntary Fund for Victims of Torture.

27. **Ms. Zhang** (Country Rapporteur), referring to the training required under article 10 of the Convention, said that the State party's reply to the questions raised in paragraphs 12 and 13 of the list of issues, in which it said there was no information available on the overall size of the target group for training, or on the percentage of State agents trained, was unsatisfactory. For Curaçao and Aruba, the State party had limited itself to presenting information on training provided for police officers and prison staff, including medical staff: she would like to know if specific training was provided for other public servants, such as judges, prosecutors, immigration officials and staff at the Central Agency for the Reception of Asylum Seekers. While the State party had asserted that no information was available in relation to Sint Maarten, she stressed that such information was vital and must be provided.

28. As for the content of the training, she reiterated the Committee's request for details on how training covered the following areas: the provisions of the Convention; all the relevant international instruments; and violence against ethnic minorities, as well as against individuals on the basis of their sexual orientation or gender. It appeared that such violence was not covered in the training provided in Curaçao, Aruba or Sint Maarten: she would be grateful for more information in that respect. She would also like to have more information on how victims of trafficking, torture and sexual violence were identified among asylum seekers. Noting that the State party said it was not aware of any specific methodologies for evaluating the effectiveness of training in relation to the prevention of torture, she wondered if it intended to introduce a specific methodology for that purpose and, if so, when?

29. She wondered what lay behind the significant increase in the number of involuntary admissions to psychiatric institutions over the past decade, and what the State party was doing to reduce the number of such admissions. She would like to have updated information on the status of the Compulsory Mental Health Care Bill and the partially amended Care and Compulsion Bill, which the State party said had been passed to the Senate for consideration. She repeated the Committee's question as to what the legal grounds were for placing a person under involuntary confinement in a psychiatric or other institution. She asked for further details on the multidisciplinary guidelines aimed at minimizing the use of isolation and the changes that they would bring to current practice. She would appreciate details of the situation in Aruba in relation to the questions raised in paragraph 14 (c), (e) and (g) of the list of issues.

30. Regarding the numbers of deaths in custody and persons injured as a result of violence or the excessive use of restrictive measures inside places of detention, and noting that the data given for Curaçao in tables 10 and 11 of the annex applied up to 2016 only, she asked for updated information in that regard from 2017 to the present, specifying whether the perpetrator was a State official or a fellow detainee. She also requested detailed information on the outcome of investigations into such deaths or injuries, including penalties imposed on the perpetrators of torture, ill-treatment or negligence that had caused the death or the injuries.

31. Noting that the Committee had received reports in 2018 that Venezuelan women had been sexually assaulted and abused by police and immigration officers during detention in Curaçao, she wished to know why it was that the accusations brought against the officers alleged to be responsible were still unknown. She reiterated the Committee's request for information on whether the alleged incidents involving the illegal use of force, insults and mistreatment in the Koraal Specht prison in Curaçao, and in police cells in Aruba, Bonaire and Sint Maarten, had been investigated, the outcome of the investigation, and what information and remedies had been provided to the victims and their families.

32. With regard to pretrial detention, not enough use was made in the State party of alternatives to detention such as cautions and electronic tagging, and the number of pretrial detainees was high in relation to other countries of the European Union. Was pretrial detention truly used only as a last resort? She would like to have details of the legal rules governing the use of pretrial detention in the fight against terrorism: was it still the case that a judge could order pretrial detention and extend it by another 30 days, to a total of 44 days, on the basis of reasonable suspicion only? Similarly, she would like updated details on the status of the new Code of Criminal Procedure in Curaçao and Aruba, which she hoped would shorten the length of pretrial detention. She wished to know what measures were in place in Curaçao and Aruba to safeguard the right to be brought before a judge within 24 to 48 hours of arrest, and in Aruba and Sint Maarten to promote alternatives to pretrial detention.

33. With regard to the detention of asylum seekers, undocumented migrants and unaccompanied children, she would like to know how many asylum seekers had been held at Amsterdam Schiphol airport since 2015. Had the State party taken any measures to ensure that asylum seekers arriving at Schiphol were not automatically detained and to avoid the unnecessary detention of asylum seekers at border crossings? What action was the State party taking to avoid the detention of vulnerable individuals such as victims of torture and those with serious physical or mental health problems? In particular, was the State party considering introducing a screening procedure to determine whether it was necessary to detain each asylum seeker?

34. Despite the Committee's insistence on the importance of drawing a clear distinction between the regimes of administrative detention and criminal detention, the information provided revealed that very few measures had been taken in that regard. The Committee wished to know if the bill introducing a separate framework for the detention of undocumented migrants under administrative law had been adopted and, if so, what changes had been made to the old regime and what provisions were in place to distinguish the two forms of detention.

35. The Committee was extremely concerned at the frequent use of isolation for up to 22 hours a day as a punitive measure for undocumented migrants. The Committee considered the use of isolation as a punishment to be a violation of detainees' rights. The State party should supply statistical data on the number of undocumented migrants placed in isolation. There were reports that such migrants had limited access to medical care, education and legal assistance, and that the authorities were under no obligation to provide lawyers for them. She repeated the Committee's request for details of any measures taken to avoid the use of restraints on undocumented migrants and to prevent suicide in places of detention, and for information on the number of investigations initiated since 2013 into the alleged excessive use of force during forced returns. The Committee would also like to know if the legislation on the use of handcuffs, which had been at the draft stage in 2017, had been adopted. She reiterated the Committee's request for the State party to indicate any other measures taken to ensure that undocumented migrants were detained only as a last resort.

36. The Committee was concerned about the repeated detention of migrants and the average length of their detention, and would like to have updated statistics in that respect. While the State party had noted that no third-country nationals were detained for longer than 18 months in administrative detention, there were reports of individual cases of repeated detention in which the periods cumulatively exceeded that limit. What measures were being taken to avoid the repeated detention of migrants and reduce the average length of detention linked to migration? Noting the State party's assertion that strip searches and body cavity searches could be conducted in exceptional circumstances only, she wondered how those circumstances were defined. She repeated the Committee's requests for information on the number of investigations initiated regarding alleged incidents of abusive behaviour during searches and the outcome of those investigations; on the occupancy rate of reception and alien detention centres, for each part of the State party and disaggregated by place of detention; and on the measures taken to facilitate access to visits and contact with the outside world in detention centres and to ensure that the conditions in reception centres and detention centres were adequate for children.

37. Regarding the protection of children under the age of 18 years, the Committee was concerned about the cases in which children aged 16 and 17 years were subject to ordinary criminal law, rather than a system of juvenile justice. She was dismayed that children could be detained and questioned in the absence of a lawyer or their parents; measures must be taken to ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the proceedings. There had been reports that children who had been arrested, questioned and detained were treated in the same way as adults. Noting that the legislation of the Netherlands had been criticized for failing to ensure the best interests of children, she reiterated the Committee's request for measures to be taken to promote the use of alternatives to detention for children in conflict with the law and to ensure that the deprivation of liberty of any child below the age of 18 years was a last resort and as short as possible. It was reported that 2,710 children under the age of 18 years had been confined in health facilities in 2017: could the delegation confirm that figure? She would welcome comments by the delegation on reports that force, coercive measures and isolation were used in those facilities.

38. Noting that the information provided in response to paragraphs 18, 19 and 20 of the list of issues related only to the Netherlands, she reiterated the Committee's request for information in relation to the other three countries in the Kingdom. Likewise, she would like to have statistics on complaints relating to torture from 2013 onwards for all four parts of the State party.

39. Additional information would be welcome on the composition of the Prison Supervisory Board tasked with responding to complaints of prisoners in Aruba and on how its independence was ensured. She would like to know whether any criminal investigations had been initiated *ex officio* with regard to instances of inter-prisoner violence in Aruba and Curaçao and, if so, whether information was available on their outcome and whether the victims and their families had obtained compensation. The Committee would welcome information on the number cases of inter-prisoner violence that had occurred since 2013 in Aruba and Curaçao, on any measures taken to reduce that number and on the duration of periods of solitary confinement imposed on prisoners as a punishment in Aruba.

40. She welcomed the measures taken by the State party to guarantee the confidentiality of complaints and the use, in a detention facility in Curaçao, of mailboxes to lodge complaints. She wished to know what measures had been taken elsewhere in the State party to ensure that the complaints received by the relevant supervisory bodies were satisfactorily addressed and that allegations of torture, ill-treatment or poor detention conditions were systematically investigated.

41. With regard to the period 2014–2018, it would be useful to have information on the number of requests for compensation that had been submitted, the number granted and the amounts awarded and paid out in each case. The Committee wished to know what measures had been taken in all parts of the State party to provide victims of torture and ill-treatment with restitution, satisfaction and guarantees of non-repetition. The Committee also wished to know whether any victim rehabilitation programmes had been set up and, if so, whether they had a medical and psychological component. Had any plans been drawn up to

overcome the economic difficulties that prevented the authorities in Sint Maarten from providing victims with redress? Could the delegation provide any information on redress in Aruba?

42. She wished to know why no officials had been held accountable for the deaths of several migrants during a fire at the immigration detention centre at Amsterdam Schiphol airport in 2005. Information would be welcome on the amounts of compensation paid, and other forms of redress granted, to the victims and their families. She wondered whether an overarching plan had been drawn up for the fair and effective use of stop-and-search powers. The launching, by the Netherlands police, of “The power of difference”, a three-year programme to prevent ethnic profiling, was a welcome development. She would like to know whether the duration of the programme would be extended and whether information was available on measures taken by other official bodies to monitor and prevent ethnic profiling and verbal and physical abuse based on ethnic origin. The Committee would be grateful if the State party could provide the data requested in paragraph 26 (a) of the list of issues for the period 2016–2018.

43. Information would be welcome on the number and nature of complaints lodged by detainees suspected or convicted of terrorist offences and held in a specialized high-security facility. Details of the types of solitary confinement employed in that facility, the grounds for their use and their duration would also be welcome.

44. While she found the responses set out in paragraphs 153–157 of the State party report to be extremely encouraging, the information provided covered only the European Netherlands and Curaçao. She would appreciate a response from the authorities in Sint Maarten to the requests for information in paragraphs 15, 18–20, 22, 23, 26 (c) and 27–32 of the list of issues. She would also appreciate information on measures taken to implement article 15 of the Convention.

45. **Ms. Belmir** said that migrants awaiting expulsion and asylum seekers awaiting a decision on their status in Curaçao, Sint Maarten, Bonaire and Aruba were detained for long periods in conditions worse than those experienced by convicted prisoners, and were subjected to excessive use of force. Like the migrants detained in Sint Eustatius and Saba, they had difficulty obtaining access to legal counsel. She would like to know if the State party considered those migrants and asylum seekers to have committed criminal offences.

46. She would also like to know if the State party intended to raise the minimum age of criminal responsibility and to ensure that minors aged 16 or 17 years were not treated as adults by the justice system. The State party should take steps to ensure that minors in conflict with the law were not systematically detained for long periods of time and that they had access to legal counsel. It appeared that requests for asylum submitted by unaccompanied minors were not being dealt with effectively.

47. **Ms. Gaer** said that, in light of the 2014 visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, she would be interested to know if the prison authorities in Aruba and Sint Maarten had developed a strategy to better monitor and prevent inter-prisoner violence and whether they and their counterparts in Curaçao had punished any prison staff found guilty of excessive use of force on detainees who had been handcuffed.

48. Information would be welcome on the number of protection orders requested and granted in cases of domestic violence. How many prosecutions had been brought for honour-related violence in the State party and how many perpetrators were currently serving sentences for such violence? It would be useful to hear more about the types of sanctions imposed on individuals found guilty of domestic violence and any reparations made to their victims. She wished to know whether the study on domestic violence and child abuse referred to in the annex to the State party’s report had been completed, whether the results of the study had been released and whether any figures were available on complaints of domestic violence registered by the police. Updated information would be welcome on the number of male victims of domestic violence who had taken advantage of protective measures and shelters and on the number of victims of sexual violence.

49. **Ms. Racu** said that the Committee would appreciate receiving additional information on the status and number of the special intervention teams deployed in penitentiary psychiatric centres. She asked whether any complaints had been lodged against any of those teams and, if so, whether they had been investigated. Information would be welcome on any specific training on the use of force provided to the staff of penitentiary psychiatric centres.

50. **Mr. Rodríguez-Pinzón** asked what measures had been put in place to ensure that the urgent mental and physical health-care needs of asylum seekers and refugees who were the victims of torture, ill-treatment or sexual abuse were met. Had the national system of individual victim assessments referred to in paragraph 169 of the State party report been set up?

51. **The Chair** asked whether the State party had any plans to comply with the recommendations contained in the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment regarding the need to ensure that nurses did not wear prison administration uniforms, the need for medical doctors to engage in public health monitoring in prisons, the strengthening of medical screening for HIV and other infectious diseases on admission to prison, the proper recording of traumatic injuries arising from inter-prisoner violence and other violence, and the placement of prison health-care services under the control of the Ministry of Health.

52. **Mr. Hani** said that he would like to know whether the medical examination carried out on asylum seekers was in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), or whether it was merely designed to determine whether asylum seekers were capable of being interviewed. He also wished to know whether asylum seekers had the right to submit, as part of their asylum application, the results of a medical examination carried out in line with the Istanbul Protocol by an independent Netherlands medical institution and, if so, whether those results were taken into account during both the ordinary and the accelerated asylum procedures.

53. He wondered if the judgment of the Court of Justice of the European Union in the *Mehrdad Ghezelbash v. Staatssecretaris van Veiligheid en Justitie* case, and the Advocate General's related comment that it seemed to her overly-simplistic to describe the Dublin III Regulation purely as an inter-State instrument, had influenced the development of the asylum procedure in the State party.

54. An update would be welcome on the status of the bill to establish a procedure for determining statelessness. He wondered if a new act had been adopted to replace the Medical Research (Human Subjects) Act, whether the opinions of experts working to fight against torture and other cruel, inhuman or degrading treatment or punishment and relevant case law had been taken into account in that regard, and whether an ethics committee had been set up to deal with such issues.

55. He asked whether an investigation had been carried out into claims made by Amnesty International and Open Society Foundations in a 2017 report that the authorities in the Netherlands had placed persons suspected or convicted of terrorist offences in solitary confinement for prolonged periods of time, in contravention of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Information would be welcome on how the State party ensured full compliance with those Rules.

56. Statistics on the number of admissions to psychiatric health-care facilities would be welcome. He would be interested to know what measures had been taken to reduce the number of such admissions and to respect the dignity of the individuals concerned.

57. The Committee had been informed that the Eurodac system was immediately triggered whenever a new asylum seeker was registered, with the third country being requested to accept the return of the person concerned. He asked whether, in cases where a positive response from the third country was received in a short time, an individual assessment of the asylum seeker was carried out, or whether he or she was simply expelled.

The meeting rose at 12.50 p.m.