

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture  
(Extracts for follow-up of CAT/C/NLD/CO/7)**

**Netherlands**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Non-refoulement**

(...)

12. **The Committee recommends that the State party adopt all the necessary legislative, administrative and other measures to ensure compliance with the principle of non-refoulement set out in article 3 of the Convention. In particular, the State party should:**

(a) **Allow sufficient time for asylum seekers, especially those in the fast-track procedure, to fully indicate the reasons for their application, obtain and present crucial evidence in order to guarantee fair and efficient asylum procedures and ensure the right to appeal, with a suspensive effect, in order to ensure that the legitimacy of applications for protection by refugees and other persons in need of international protection is duly recognized, and refoulement and collective return are prevented;**

(b) **Promptly establish a national asylum determination procedure in Aruba, Curaçao and Sint Maarten that permits a thorough assessment of whether there is a substantial risk that the applicant would be subjected to torture in the country of destination, and ensure that the European Netherlands provides the necessary assistance in establishing such procedures, fully in accordance with article 43 of the Charter for the Kingdom of the Netherlands providing that promotion and protection of human rights is a Kingdom affair;**

(...)

**Medical examinations as part of the asylum procedure**

(...)

14. **Recalling the Committee's previous recommendations (CAT/C/NLD/CO/5-6, para. 12), the State party should take measures to:**

(a) Identify asylum seekers with specific needs, especially victims of torture and ill-treatment, as early as possible by ensuring that in all the constituent countries of the State party, during the medical examination as part of the asylum procedure applicants are assessed not only for their capacity to be interviewed but also their health condition and need of treatment and support as a result of torture, ill-treatment or other trauma suffered;

(b) Ensure the application of the Istanbul Protocol in the asylum procedure and provide training to all relevant professionals on monitoring, documenting, reporting and investigating torture and ill-treatment, with a view to providing redress to the victims.

(...)

#### **National Agency for the Prevention of Torture**

(...)

23. The State party should take all necessary measures to withdraw its declaration on the exclusive territorial application of the Optional Protocol to the European Netherlands and ensure the applicability thereof throughout the State party, including in the Caribbean Netherlands. Recalling the Committee's previous recommendations (CAT/C/NLD/CO/5-6, para. 28), it should ensure the complete financial and operational independence of the national preventive mechanism, both factual and perceived, including by ensuring it has a separate specifically earmarked budget, and consider reviewing the current formation of the mechanism with a view to bringing it fully in line with the guidelines on national preventive mechanisms of the Subcommittee on Prevention on Torture and the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It should also ensure that all aspects of detention facilities leased to foreign countries and military detention facilities, including those managed overseas, are effectively monitored.

(...)

#### **Follow-up procedure**

58. The Committee requests the State party to provide, by 7 December 2019, information on follow-up to the Committee's recommendations on non-refoulement, medical examinations as part of the asylum procedure and the National Agency for the Prevention of Torture (see paras. 12 (a) and (b), 14 (a) and (b) and 23 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)

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