



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

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Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the seventh periodic report of the Netherlands, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 65th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/NLD/CO/7, para. 58) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 12 (a) and (b), 14 (a) and (b) and 23 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 6 December 2019 providing your Government's response on the above-mentioned paragraphs (CAT/C/NLD/FCO/7) and to make the following comments:

Non-refoulement (paras. 12 (a) and (b))

While taking note of the information provided by the State party on the existing asylum procedures, the Committee would appreciate receiving additional clarifications on the measures taken to increase the time provided to asylum seekers in the fast-track procedure to indicate the reasons for their application and to obtain and present crucial evidence. It also regrets not having received any indication from the State party as to the measures taken to ensure that all appeals to courts against deportation orders have a suspensive effect. Furthermore, the Committee regrets the lack of up-to-date information on measures taken to establish mechanisms to ensure effective access to asylum procedures and protection from refoulement in all the constituent countries of the State party, particularly in Curaçao (2/C).

.../...

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Medical examinations as part of the asylum procedure (paras. 14 (a) and (b))

The Committee regrets that the follow-up reply does not indicate whether the State party has taken new specific measures to ensure the early identification of asylum seekers with specific needs, especially victims of torture and ill-treatment. According to the information provided by the State party, only asylum seekers who do not come from a safe country of origin and are not Dublin claimants are offered a medical intake assessment at the beginning of the asylum procedure with the primary aim of establishing the applicant's ability to be interviewed, although, if deemed necessary, a more extensive medical examination in line with the Istanbul Protocol may be performed at a later stage (2/B2)

National Agency for the Prevention of Torture (para. 23)

While taking note of the information provided by the State party with regard to the applicability of the Optional Protocol to the Convention against Torture, the Committee remains concerned that the State party maintains its reservation on territorial exclusion. Moreover, the Committee regrets that the State party has not provided information on the concrete measures taken to ensure the complete financial and operational independence of the National Agency for the Prevention of Torture. Lastly, the follow-up report does not indicate clearly whether this national preventive mechanism is empowered to monitor military detention facilities (2/C).


Implementation plans (para. 58)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of the Netherlands is encouraged to provide additional information, if available, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in a subsequent report by the State party pursuant to the Committee's request in its concluding observations on the seventh periodic report of the Netherlands.

The Committee looks forward to a continued constructive dialogue with the authorities of the Netherlands on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Bakhtiyar Tuzmukhamedov
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Committee against Torture