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REFERENCE: cc/jmnf/jli/follow-up/CAT

19 November 2010

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the fourth periodic report of the Netherlands (CAT/C/67/Add.4) on 7 and 8 May 2007. The Committee adopted its concluding observations (CAT/C/NET/CO/4), in which it requested further comments by the State party in relation to specific concerns listed in paragraphs 11 and 12.

On behalf of the Committee, allow me to thank you for your response of 10 June 2008 providing comments by your Government on those paragraphs. I have reviewed it with care and the additional information provided assists the Committee in its ongoing analysis of the issues identified for follow-up in the paragraphs above. As Rapporteur on Follow-up, I would be grateful for clarification on the following matters, where sufficient information is not yet provided to complete an analysis of the progress made regarding implementation of the recommendations of the Committee.

In paragraph 11 of the concluding observations, the Committee expressed concern over the lack of separate units and educational programmes in for juvenile detainees, and the slow classification process and allocation of cells where prisoners are placed regardless of their age, length of sentence or legal status in the Netherlands Antilles. The Committee is grateful for the information provided on the efforts undertaken in Curacao, Bonaire, Sint Maarten, and Sint Eustatius and Saba to separate juvenile offenders from adults, wherever possible. In this regard, please provide updated information on the status of plans to expand the detention facility in Sint Maarten and Sint Eustatius and Saba, as mentioned in your reply.

The Committee is concerned over the Netherlands Government's reporting that in Curacao, juveniles are "generally kept in the Government Youth Offender's Institution under an indefinite detention order" and that similarly the 10 minors convicted of robbery who are currently held in the Brasami drug rehabilitation centre are also under indefinite detention orders. Please clarify the reason why these individuals are held under indefinite detention orders and are not serving appropriate fixed sentences for their convictions. Please include information on the total number of juveniles currently detained in the Netherlands Antilles, and how many are held under indefinite detention orders. Please also clarify whether the use of the Brasami drug rehabilitation centre to house convicted juvenile offenders has meant that juveniles in need of drug rehabilitation treatment have faced obstacles in accessing such treatment as a result of the Brasami Centre's youth wing being filled by convicted juvenile offenders for whom the State has not provided necessary drug rehabilitation treatment within the prison system. The Committee would welcome information on the plans or measures underway to ensure that all convicted offenders in Curacao are held in appropriate facilities to serve their sentences.

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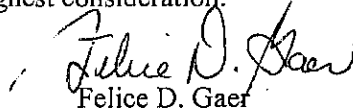
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The Committee would also appreciate receiving further information on the educational programmes in place for juvenile offenders in detention, not only for Curacao but for Sint Maarten, Bonaire and Sint Eustatius and Saba as well. Please include the number of juveniles that participated in these educational programmes during 2009 and 2010, as well as detailed information on the programmes themselves and their content.

With regard to the Committee's concerns in paragraph 12 over the lack of a complaints mechanism for victims of sexual abuse in detention in Aruba, we welcome the information that a Code of Conduct was adopted addressing this issue and commend the State party for its effort on this matter. The Committee would be grateful for clarification as to who is the contact person mandated to receive these complaints—if it is an official of the prison system, please clarify how inmates are able to access the complaints mechanism without fear of reprisal, particularly in cases where the complaint is against a prison official. In addition, please provide information on the number of complaints of sexual abuse that have been reported via this new complaints mechanism, how many of these were investigated and by whom, how many led to prosecutions, convictions, and with what outcomes?

The Committee looks forward to pursuing a constructive dialogue it has started with the government of the Netherlands on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions.

Accept, Excellency, the assurances of my highest consideration.



Felice D. Gaer

Rapporteur for Follow-up on Conclusions and Recommendations  
Committee against Torture