



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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29 August 2016

Excellency,

In our respective capacities as Chairperson of the Committee against Torture and Rapporteur of the Committee for Follow-up to Concluding Observations, we have the honor to refer to the follow-up to the examination of the combined fifth and sixth periodic reports of the Netherlands, in accordance with the Guidelines for Follow-Up to Concluding Observations (CAT/C/55/3).

At the end of its 50th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/NLD/CO/5-6, para. 35) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 10, 14-17, 21, 23 and 30 of the concluding observations.

On behalf of the Committee, allow us to express appreciation for your letter of 31 July 2014, providing your Government's response on the above-mentioned paragraphs (CAT/C/NLD/CO/5-6/Add.1), and to make the following comments:

Access to a lawyer (para. 10)

The Committee appreciates the extensive information provided but considers the recommendation as implemented only in part in view of the exceptions to the right to legal counsel introduced by recent legislation, as well as the legislation that is currently under preparation (3/B2).

Detention of asylum and foreigners based on the migration law (para.14-17)

The information provided by the State party is considered extensive and thorough, and the Committee considers that initial steps have been taken –legislative initiatives and policy changes– toward the implementation of these recommendations (3/B2).

Forced internment in mental health care institutions (para. 21)

The Committee appreciates the information provided and the substantive steps taken by the State party to implement this recommendation (3/B1).

.../...

H.E. Mr. Roderick van Schreven
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Netherlands
to the United Nations Office at Geneva
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Data collection (para. 30)

While the Committee appreciates the State party's review of this issue and the extensive information provided, which includes statistics, it remains concerned that the State party appears to be unable to generate statistics of complaints of torture and ill-treatment allegedly committed by its law enforcement officers as well as on the investigation and prosecution of such cases (3/B2).

Prompt, independent and thorough investigations (para. 23)

The Committee appreciates the thorough and extensive information provided and considers that the recommendation has been addressed by the initial steps taken by the State party, thus rendering it partially implemented, in particular through improving access to filing complaints in Curacao. The Committee would therefore appreciate receiving updates on the impact of the steps taken, including on the outcome of any investigations. The Committee would also appreciate receiving information on any additional steps taken to improve the situation in Aruba (3/B2).

The Government of the Netherlands is encouraged to provide additional information, if any, 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 any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the combined fifth and sixth periodic reports 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 our highest consideration.

Jens Modvig
Chairperson

Committee against Torture

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture