

SUGGESTED QUESTIONS FOR THE LIST OF ISSUES PRIOR TO REPORTING FOR THE 8TH PERIODIC REPORT OF THE NETHERLANDS UNDER THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The following questions are suggestions based on the substantive analysis:

2. REFOULEMENT (ART. 3, 14)

Amnesty International suggests to the Committee to ask the Netherlands to clarify:

- Which measures has the government of the Netherlands taken to ensure that at all stages in the asylum procedure, including during the returns process, risk of refoulement, including the risk of torture and other acts of cruel, inhuman or degrading treatment and punishment, are prevented?
- How is the government of the Netherlands investigating allegations of ill treatment following forced returns from the Netherlands?
- What steps has the government of the Netherlands made to provide redress and rehabilitations to those asylum seekers that suffered refoulement and torture and inhuman treatment as a result?

3. DETENTION OF ASYLUM SEEKERS AND OTHER FOREIGNERS BASED ON MIGRATION LAW (ARTICLES 11 AND 16)

Amnesty International suggests to the Committee to ask the Netherlands:

- Which (legislative and policy) measures have been taken to prevent the use of isolation cells and solitary confinement?
- Whether it will consider ending the use of isolation and solitary confinement as a punitive measure in migration detention?
- Which measures it intends to take to more clearly distinguish migration detention from penal detention?
- Which steps have been taken to prevent collective punishment and access to justice in the migration detention centre for migrants that are sanctioned?

4. CURAÇAO (ARTICLES 2, 3, 16)

Amnesty International suggests to the Committee to ask the Netherlands:

- Which measures will be taken in order to ensure that the human rights of migrants, asylum-seekers and refugees are guaranteed in all its constituent countries?
- Amnesty International therefore suggests to the Committee to ask the Government of Curaçao:
- Which (legislative and policy) measures will be taken in order to guarantee the rights of asylum-seekers and refugees in need of international protection?
- Which measures has the government of the Curaçao taken to ensure that at all stages in the asylum procedure, including during the return process, the risk of refoulement, including the risk of torture and other acts of cruel, inhuman or degrading treatment and punishment, are prevented?

5. MIGRATION DETENTION IN CURAÇAO (ARTICLES 4, 11 AND 16)

Amnesty International suggests to the Committee to ask the Netherlands:

- Which measures will be taken in order to ensure that the human rights of migrants, asylum-seekers and refugees are guaranteed in all its constituent countries?
- Amnesty International therefore suggests to the Committee to ask the Government of Curaçao:
- Which (legislative and policy) measures will be taken in order to guarantee the rights of asylum-seekers and refugees in need of international protection?
- Which (legislative and policy) measures will be taken in order to ensure that the detention of asylum seekers is exceptional and only used as a last resort, as set out in international human rights law and standards?

- Which legislative and policy measures has the government of Curaçao taken to ensure that each detention order is assessed on its individual merits?
- Which measures it intends to take to more clearly distinguish migration detention from penal detention and ensure basic rights of detained migrants including the right to air and access to legal aid?
- Which (legislative and policy) measures will be taken in order to ensure that in all decisions relating to children, the best interests of the child is a primary consideration? Children must not be separated from their parents and/or legal guardians unless it is for their own safety or otherwise in their best interest. Alternatives to detention must be applied to the entire family.
- Which (legislative and policy) measures will be taken in order to ensure that allegations of ill-treatment, including excessive use of force or any other human right violations are investigated promptly, thoroughly and impartially by an independent body?

6. UNLAWFUL AND EXCESSIVE POLICE USE OF FORCE (ARTICLE 1, 2, 11 AND 16)

6.1 TASER

Amnesty International suggests to the Committee to ask the Netherlands to:

- Refrain from the further introduction of the electro-shock weapons in day to day policing;
- Revise the instructions for the use of electro-shock weapons, in particular: to prohibit the use in drive-stun mode and to limit the use of electro-shock weapons to situations of serious threats to life or of serious injury;

6.2 USE OF FORCE INSTRUCTIONS

Amnesty International suggests to the Committee to ask the Netherlands to:

- Revise the training and instructions for police officers, in particular to give much more consideration to alternative means and methods that do not imply the use of force, such as de-escalation, mediation, negotiation and alternative tactical options such as putting an operation on hold or even temporary withdrawal when there is no imminent risk of death or serious injury to anybody.

7. COUNTERTERRORISM

7.1 ADMINISTRATIVE MEASURES CAUSE OF CONCERN (ARTICLE 2)

Amnesty International suggests to the Committee to ask the Netherlands to:

- Abolish the Temporary Powers Act. Do not give this act a permanent status. The act violates human rights and creates a fertile environment for discrimination and hostility towards particular groups who are unfairly associated with terrorism-related acts.

7.2 PROPOSED BILL TO CRIMINALIZE PERSONS TRAVELLING TO AREAS CONTROLLED BY TERRORIST ORGANIZATIONS

Amnesty International suggests to the Committee to ask the Netherlands to:

- Withdraw the proposed bill to criminalize persons travelling to areas controlled by terrorist organizations because it is not an effective legislative measure to counter terrorism and it criminalizes people who do not have any motives linked to terrorism.

7.3 STRUCTURAL FLAWS IN THE DUTCH NATIONAL PREVENTIVE MECHANISMS (NPM) (ARTICLE 7)

Amnesty International suggests to the Committee to ask the Netherlands:

- Which steps have been taken, or are foreseen, to ensure the complete independence and effective functioning of the NPM?
- Is the government of the Netherlands considering increasing the human rights expertise of the NPM network to ensure that it adequately and proactively reviews the compliance of Dutch law, policy and practice with the Convention and its Optional Protocol?