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Summary record of the 3610th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 2 July 2019, at 10 a.m.

Chair: Mr. Fathalla

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Fifth periodic report of the Netherlands (continued) (CCPR/C/NLD/5;
CCPR/C/NLD/QPR/5)*

1. *At the invitation of the Chair, the delegation of the Netherlands took places at the Committee table.*

2. **Ms. Pazartzis** said that the delegation should provide more precise details about measures taken to reduce the use of pretrial detention, particularly among juveniles. With reports indicating that around three quarters of the occupants of youth detention centres had not been convicted, and that in some cases they might remain in pretrial detention for a period equal to the maximum sentence for the offence of which they stood accused, she would particularly like to know what was being done to ensure that judges gave due consideration to the non-custodial options for juveniles that the law provided, which included restorative justice and night detention. She would also like to know the extent to which the recently introduced requirement for judges to provide more extensive details of the reasoning behind any decision not to allow non-custodial alternatives was respected in practice, and the extent to which decisions as to whether or not to detain juveniles on remand were based on an individualized assessment.

3. Clarification as to the circumstances in which persons over 16 years of age could be held in police cells for up to 10 days would be appreciated, as would an indication as to how often that possibility was used. An update on the status of the bill that would apparently allow for pretrial detention to be extended by up to 17 days under certain conditions would likewise be useful. The situation in Aruba and Curaçao, where pretrial detention could apparently last for up to 116 days, or even longer in exceptional circumstances, being of particular concern, she would like to hear from the representatives of the two islands about any efforts to minimize the use of lengthy periods of detention without conviction.

4. She would like to know the rationale behind a 2016 amendment to the Urban Areas (Special Measures) Act that allowed Dutch municipalities to screen persons for antisocial or criminal behaviour and require prospective residents to provide a certificate of good conduct. Since the amendment appeared inconsistent with Covenant provisions upholding freedom of movement, the delegation should explain the basis for such restrictions. It should also provide clarification as to the status and scope of a bill apparently in development that would limit the freedom of movement of Dutch nationals born in Aruba, Curaçao or Sint Maarten by introducing settlement requirements, such as the need for a solid educational background, work experience and sufficient funds, which, if not met, would preclude their registration as residents in Dutch municipalities.

5. Expressing concern about reports that differing interpretations of the Public Assemblies Act at the local authority level gave some mayors far-reaching powers to impose restrictions on public gatherings, she invited the delegation to comment on the different types of restriction that might be imposed and whether they did indeed constitute interference with the right of peaceful demonstration. It appeared that procedures for giving notification of and receiving authorization for demonstrations varied across the country and that in some cases failure to give prior notification could result in gatherings being stopped altogether. She was particularly concerned about the ever-increasing degree of police surveillance and the use of identity checks; disproportionate use of such scrutiny could lead prospective organizers to abandon plans for assemblies and demonstrations altogether.

6. **Ms. Kran**, referring to reports that immigration detention had risen by more than 60 per cent between 2015 and 2018 and that asylum seekers arriving at Schiphol airport were routinely detained, said that, assuming those reports were accurate, she would like to know why non-custodial measures were not used more frequently. Were immigration officers not trained to ensure that detention was used as a last resort only? And was that not the guidance given in immigration directives? She would like to know what the State party was doing to ensure that the specific circumstances of each individual, including their physical

and mental health, were duly assessed before any detention decision was made. She also wished to know what steps were taken to ensure that immigration detention, when ordered, did not exceed the legal limits and was subject to review by effective oversight mechanisms. The delegation's comments on reports that such reviews often did not take place for up to six weeks, despite a legal requirement for review after no more than 28 days, would be appreciated, as would information about any plans to ensure more timely and effective access to judicial review.

7. The new law governing the repatriation and detention of foreign nationals, and the manner in which it was being applied, appeared to run counter to the Covenant provisions concerning cruel and inhuman treatment, deprivation of liberty and respect for human dignity. She would like to know of any plans to ensure that migrants and asylum seekers were not subjected to disproportionate and excessive restrictions and to move towards a less restrictive regime for new arrivals in the country. The State party should also describe the steps being taken to reduce the use of isolation or solitary confinement as a means of control and as a punitive measure and to guarantee the availability of effective, independent complaint mechanisms. In view of reports that children as young as 13 years old had on occasions been held in isolation, it should also explain how it intended to ensure that juveniles were not subjected to such treatment in future.

8. She would like to know whether the police officers sometimes called upon to deal with agitated patients in psychiatric establishments were trained in trauma prevention and encouraged to minimize or avoid the use of force. Since the need for police involvement was attributed to inadequate staffing levels, she wondered whether the authorities were taking steps to recruit staff who were specially trained to work with psychiatric patients in states of agitation and distress. She also wished to know what was being done to guarantee adequate protection for the rights of residents of psychiatric facilities and effective access to appropriate remedies; what safeguards were in place to regulate the use of involuntary measures of constraint, including physical restraints, in residential and outpatient care; and whether the 16 seclusion rooms mentioned in the State party report (para. 136) would indeed be closed by the end of 2020 as planned.

9. Turning lastly to conditions of detention in prison, she said that an update on progress towards ending the use of fixation beds in all Dutch prisons would be appreciated. With regard to conditions in the Zuyder Bos prison in particular, she would like to know whether prisoners subjected to disciplinary confinement had access to complaint and review mechanisms, and, if so, how many prisoners had challenged their treatment since 2016 and what results their challenges had achieved. She would also like to know what was being done to improve conditions at the Philipsburg police station in Sint Maarten, the Rio Canario police station in Curaçao and the Point Blanche prison, also in Sint Maarten. With regard to the latter, she would welcome information about efforts to address ill-treatment by prison officers and inter-prisoner violence in particular. She would also like to know whether independent complaints mechanisms were in place at the Centre for Correction and Detention in Curaçao; how the prison authorities ensured that adequate psychiatric assistance was available in all facilities; and what was being done to ensure that alternative assistance, including substitution programmes and educational programmes, was available for prisoners unable to stop taking drugs.

10. **Mr. Shany** said that he would appreciate clarification regarding the legal framework for the prevention of discrimination in place in the constituent parts of the Kingdom of the Netherlands. He wondered how effective the all-encompassing but non-specific definition of discrimination provided by the Dutch Constitution, coupled with the specific but narrow list of prohibited grounds established in the 1994 Equal Treatment Act, was in preventing discriminatory treatment. He was aware that Sint Maarten had a constitutional provision that mirrored those of the Covenant, but was unaware of any similar provision in place in Aruba and Curaçao. The delegation should therefore clarify whether those countries followed the Dutch Constitution, the Sint Maarten constitutional provision or some other instrument.

11. He would like to know how many prisoners sentenced to life imprisonment had successfully completed the review and reintegration process referred to in the report (para. 123); how many had become eligible for release as a result; and whether any had actually

been released. He also wished to know whether any specific categories of prisoner were not eligible for inclusion in the review programme.

12. In view of concerns about patient confidentiality and mandatory disclosure raised by the bill to amend the regulation of market access to health information, he invited the delegation to confirm whether the bill would include an opt-out mechanism for persons who did not consent to their medical information being shared with health insurance companies. Since employers working in the health insurance field were not subject to professional confidentiality requirements, it was important that privacy standards in the sector should be strengthened.

13. While he acknowledged that the ban on face-covering clothing envisaged in a bill currently before the Dutch Senate was narrower than similar restrictions introduced in France, a ban in public buildings and on public transport at all times and in all situations appeared unnecessary and disproportionate. Where interaction with an official was involved, he might accept the reasoning, but when no interaction was involved, for example, while seated in a hospital waiting room or on a train, he had doubts as to the need for restrictions. The fact that parliamentary debate on the issue had been disorganized and confusing had added to the lack of clarity regarding the grounds for the ban. Was it intended to prevent the coercion or oppression of women? And, if so, was the introduction of criminal penalties an appropriate response to oppression? He feared that, if adopted, the bill might exacerbate the marginalization of the Muslim community. He would also appreciate the delegation's comments on reports that, since few women in the Netherlands actually wore full head coverage, some municipalities had indicated that enforcement of the ban would not be high on their list of priorities.

14. **Mr. Zyberi** said that the State party's sustained efforts to provide free legal aid to persons in need of international protection at all stages of the asylum procedure were commendable. Could the delegation provide disaggregated data on the total number of persons granted international protection, including in the context of family reunification, and the number of victims of human trafficking who had been granted, or refused, asylum? If not, did the State party intend to collect and make available such data in future? It would be useful to learn more about the way in which the Dutch authorities intended to strengthen asylum procedures in the Caribbean Netherlands and introduce legislation or regulations governing asylum in Aruba, Curaçao and Sint Maarten. The Committee was concerned by reports of poor detention conditions and ill-treatment of asylum seekers and would appreciate information about the process for determining what constituted a "safe third country" and the procedure applied for safe third-country removals. It would also be helpful to learn about the safeguards available to individuals designated for removal and the type of assistance and support provided to persons whose application for asylum had been rejected.

15. It had come to the Committee's attention that the number of persons having recourse to the courts was declining. There was concern that the forthcoming reform of the Dutch legal aid system, including the proposal to offer so-called "legal aid packages" where citizens needed to make choices regarding the type of legal aid they might require, could further exacerbate that trend. The Committee was concerned that the added level of complexity could hamper access to justice, in particular for vulnerable groups, and wished to know what the Government intended to do to safeguard access to justice for all segments of the population.

16. He enquired as to whether the planned review of the DNA Testing (Convicted Persons) Act and the proposed changes relating to compulsory tissue sample collection and DNA testing of convicted minors would be in line with the Committee's Views concerning communications No. 2362/2014 and No. 2326/2013.

The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.

17. **Mr. Muhumuza** asked what measures were being taken to ensure that the deprivation of liberty of asylum seekers placed in family accommodation centres was used as a last resort, especially where it concerned family members of children holding Dutch nationality. It would be useful to know how the authorities ensured that those children were not subject to restrictions of movement, even if members of their family housed in the same facility were deprived of their liberty. Did the fact that a person was a family member of a

minor with Dutch nationality have any bearing on the decision regarding their migration status? It would be helpful to obtain data on the success rate of asylum applications from third-country nationals who were family members of minors holding Dutch nationality. Given the complex nature of situations where parents of minors were deprived of their liberty over long periods of time, he asked what mechanisms were in place to expedite such cases.

18. Commending the State party's efforts to curb trafficking in persons, he requested data on the prosecution of suspected perpetrators. It would also be useful to learn more about measures taken to discourage trafficking in persons from Poland and Hungary, which was reportedly on the rise; mechanisms in place to identify and target the criminal networks involved; and procedures set up to encourage victims to report. Given that the vast majority of victims were women trafficked for the purpose of sexual exploitation, information about specific policies and practices aimed at addressing the particular vulnerability of women would be appreciated. The delegation should also comment on the practice of human trafficking for the purpose of organ removal in the State party and provide relevant data, if available.

19. With regard to the State party's efforts to combat child abuse, it would be useful to learn more about the processes set up to operationalize the relevant administrative agreement signed between the Governments of the European and Caribbean Netherlands for the period 2017–2020. The Committee would welcome data on the prosecution of alleged perpetrators of child abuse, especially with regard to corporal punishment in Aruba, and the progress made with regard to the safe house on Bonaire and plans to extend the initiative to Sint Eustatius and Saba. Information about mechanisms to assess the effectiveness of the measures taken would also be helpful.

20. **Mr. Girigorie** (Netherlands) said that the justice system in Curaçao comprised a range of alternatives to pretrial detention: a system of fast-track justice ("*Hustisia Rapido*", or HuRa) introduced in 2012 that focused on out-of-court settlements; an expedited procedure for cases not requiring psychological or psychiatric assessments and carrying maximum prison sentences of one year; electronic surveillance; and bail.

21. In the light of complaints about detention conditions, the facility at the Rio Canario police station in Curaçao had been shut down in July 2018; it was being demolished and would be rebuilt. Two independent "supervisory committees" had been set up in 2015 to monitor detention conditions and receive complaints; inspections were performed on a bimonthly basis. All detainees were briefed about the complaint procedure on admission, but no complaints had been received to date.

22. Protection from discrimination on grounds of religion, belief, political opinion, race, sex or any other grounds was laid down in article 3 of the Constitution of Curaçao; the Criminal Code also contained anti-discrimination provisions.

23. The Government of Curaçao and the Dutch Government had been cooperating closely since September 2018 to improve asylum procedures and provide relevant training to public officials working with asylum seekers. New and improved asylum procedures had been put in place recently and financial resources had been made available to improve conditions in detention facilities for undocumented migrants. Detention was used as a last resort; most undocumented migrants entered Curaçao to work and did not necessarily report to the authorities. A recent complaint of excessive use of force by a prison guard was being duly investigated. Neither the authorities nor the medical staff or non-governmental organizations had received any complaints of sexual abuse of undocumented migrants by staff at immigration detention centres. The guards in those places were properly trained, including in the humane treatment of persons deprived of their liberty.

24. **Mr. Van Deutekom** (Netherlands) said that the system of pretrial detention in Aruba was the same as in Curaçao. In the juvenile justice system, pretrial detention was used as a last resort once all options for non-custodial alternatives had been exhausted. Public prosecutors had a statutory duty to suspend pretrial detention for juveniles unless there were compelling reasons for imposing it. Juvenile suspects were entitled to counsel at all stages of the proceedings. Each year, approximately 90 minors aged between 16 and 18 years were held in pretrial detention; pretrial detention of minors under 16 years of age was

virtually non-existent. A range of restrictions applied to pretrial detention of minors: the period of pretrial detention was limited to 10 days and would be reduced to 6 days in the new Code of Criminal Procedure. The statutory duty to explore all options for suspension of pretrial detention also applied to the investigating judge, who could choose from a wide range of non-custodial alternatives. Those alternatives included pretrial parole or release under supervision, on the condition that juveniles spent their time in a structured and meaningful way, such as at school or work. The decision to apply pretrial detention fell to the investigating judge, who must demonstrate the necessity thereof with clear and reasoned arguments in each case. Appeals under the juvenile criminal justice system were handled expeditiously.

25. The maximum term of pretrial detention in Aruba was 116 days, which could be extended by 30 days. The new Code of Criminal Procedure provided for an extension of pretrial detention of 70 days. Remand in police custody for a period exceeding 10 days was extremely rare and required an explicit decision of the investigating judge. Persons subjected to a prolonged period of remand in police custody were entitled to compensation, including in the form of a reduction of their sentence.

26. Persons with psychiatric disorders who were taken to a police station were given immediate access to a psychologist and medical support. Options for training staff at prison facilities and police officers in the management of persons with mental illness were currently being discussed.

27. The non-discrimination provisions contained in article 1 of the Constitution of Aruba mirrored those set forth in the Covenant.

28. Life sentences were subject to review after 20 years' imprisonment and every 5 years thereafter.

29. No disaggregated data on corporal punishment were available yet. However, the recently developed Social Crisis Plan to address domestic violence provided for data collection and the maintenance of a centralized record of child abuse, among other things. His delegation would thus be able to provide disaggregated data in future.

30. **Ms. Harewood** (Netherlands) said that Aruba had ratified the Protocol relating to the Status of Refugees in 1986, but had received very few applications for asylum prior to 2018. Since 2018, the number of protection requests filed had increased exponentially. In response, asylum processes had been reviewed and improved with the assistance of the Dutch Government, non-governmental organizations and the Office of the United Nations High Commissioner for Refugees. Training sessions had been organized and a multidisciplinary team had been established to process all asylum applications.

31. In Aruba, safe third countries were determined on the basis of a separate assessment conducted during the examination of the asylum application itself. Asylum assessments were carried out in accordance with the Protocol relating to the Status of Refugees and the international human rights agreements by which Aruba was bound. There was no border detention facility in Aruba and child migrants were not detained. The principle of non-refoulement was respected throughout the asylum procedure. Individuals who were denied protection and ordered to depart had access to legal remedies, including appeals. In such cases, an independent judge had the power to grant individuals the right to remain temporarily to ensure that the principle of non-refoulement was observed during the appeal process.

32. **Mr. Riedstra** (Netherlands) said that every decision to impose pretrial detention was critically assessed to ensure that it was strictly necessary. Under the proposed reform of the Code of Criminal Procedure, restraining orders, a duty to report and bail were specifically named as non-custodial alternatives to pretrial detention. All three alternatives were commonly imposed. In cases where no lawyer was available to attend the questioning of a juvenile suspect at a late hour, the suspect could be sent home and ordered to return the following morning. In that way, the State was endeavouring to reduce instances of pretrial night detention while still upholding juvenile suspects' right to State-funded legal aid.

33. The general principle applied in the Netherlands was that suspects should remain at liberty while awaiting trial. An exhaustive list of exceptions to that principle was set out in

the Code of Criminal Procedure. In a report covering the period from July to December 2015, the Netherlands Institute for Human Rights had emphasized the need to improve the reasoning behind court orders for pretrial detention. In 2016, the judiciary had gathered to share best practices and establish professional standards for pretrial detention. In cases where pretrial detention was imposed, courts were obliged to explain which alternatives had been considered and why they had been rejected. A comprehensive evaluation of the recent legislative amendments extending the grounds on which pretrial detention could be imposed would take place later in 2019.

34. Children between 12 and 18 years of age who were suspected of having committed crimes for which pretrial detention was permitted could be held at a police station or any other fit-for-purpose location. However, they must be brought before a judge within 3 days and 18 hours. During that period, the prosecutor and the police conducted the first phase of their investigations, including the interviewing of suspects and witnesses. The prosecutor could extend the suspect's stay at the police station by 3 days, renewable once, in the case of children under 16 years of age, and by up to 10 days in the case of minors between the ages of 16 and 18 years. However, extensions were only permitted if no space was available in a youth justice facility.

35. Under the Public Assemblies Act, the prohibition or termination of a demonstration by the authorities could only be justified if its particular circumstances gave rise to a justified fear for public order, traffic safety or public health. The mayor of the municipality was responsible for guaranteeing the right to peaceful assembly as well as for taking any action to restrict that right. The Government had spoken to various municipal authorities regarding the Committee's concern that demonstrations might be prohibited too quickly or too easily. However, the feedback received indicated that the vast majority of demonstrations and assemblies took place with no restrictions. The Government was convinced that mayors took well-founded decisions, taking into account all relevant information and the local circumstances. While mayors might sometimes fail to strike the right balance between upholding the right to freedom of assembly and safeguarding public safety, that was not for the Government to judge. Mayors remained accountable not to the Government but to municipal councils and, ultimately, the courts.

36. The Urban Areas (Special Measures) Act applied only to designated residential areas in which an accumulation of problems exerted a negative impact on quality of life. A particular area could be designated for a maximum period of four years and the designation could be renewed up to four times. The criteria for the allocation of housing were clearly listed in the Act. Individuals were not excluded on the basis of their income but rather for criminal records or antisocial behaviour.

37. The practice of using fixation beds in prisons had been ended. All individuals were screened upon entry to places of detention. If necessary, addiction specialists were called in. Drug-dependent inmates entered into specific agreements with the specialists, and incurred sanctions for breaking the terms of those agreements. Drug-dependent inmates were also given so-called lifestyle training and other support through programmes in place in all institutions.

38. The Compulsory Mental Health Care Bill, which was due to enter into force on 1 January 2020, would give professionals a wide range of possibilities for treating individuals with psychiatric disorders, whereas the current law focused mainly on institutionalization. Under the new legislation, involuntary measures, such as treatment with medication, would be possible outside institutions, provided that strict legal and medical criteria were observed. The goal was to provide the least restrictive and intrusive treatment possible, taking into account the individual's health needs and the duty to protect others from harm. Comprehensive psychiatric outpatient care would be made available, and registration would be improved and decentralized.

39. In general, nursing staff were perfectly able to cope with situations inside psychiatric institutions and the police were only brought in as a last resort. The Compulsory Mental Health Care Bill would give patients the right to receive assistance and advice on their rights at an early stage. Moreover, it would ensure that any measures to restrict the liberty of patients could not be imposed without the prior approval of a court.

40. Administrative immigration-related detention was only applied as a measure of last resort and in cases where the individual could be returned to his or her home country and risked absconding. Detention would be unlawful if the return of the individual could not be enforced. An individual could be placed in administrative detention with a view to his or her removal for a period of up to 6 months, which could be extended to 18 months only if the individual refused to cooperate or the required documents were not available. There had been no significant delays in reviewing the lawfulness of administrative immigration-related detention. Such reviews took place within the time frame stipulated by law.

41. Court orders for the administrative immigration-related detention of minors must stipulate the grounds on which alternative measures had been deemed insufficient. Families with children could only be detained as a last resort and if there was a prospect of their removal within two weeks. Unaccompanied minors could only be placed in detention if they were suspected or convicted of criminal activity, their departure could take place within 14 days, and they had previously left their reception centre for an unknown destination or failed to comply with the duty to report. They were only ever detained in child-friendly locations.

42. Regarding the detention of asylum seekers at the border, existing European Union provisions required European Union member States to refuse entry to persons who did not meet certain conditions and allowed for the detention of migrants in such cases. However, vulnerable groups were not detained automatically at the border. Unaccompanied minors who applied for asylum and families with children who applied for asylum were assessed immediately and only detained if doubts arose as to their alleged family ties. Such individuals received adequate medical attention in detention, and if their removal in a reasonable period of time was not possible, they were released.

43. Under proposed new legislation on administrative detention and returns, two detention regimes were envisaged. The standard regime offered some freedom of movement, while a more restrictive regime could be imposed for a short time – in principle no longer than a week – in cases where a foreign national posed a security risk. The decision to impose such a regime would be taken by a judge. For families with children, less restrictive detention in “closed family centres” was proposed. The new legislation would apply the same distinction between minors aged under and over 12 years as applied in other fields of law. The pending bill on administrative detention and returns was in conformity with European Union legislation and human rights norms.

44. The use of isolation cells as a punitive measure was restricted to situations in which migrants posed a severe threat to security. Children aged 12 years and over were only placed in isolation as a last resort. The situation of migrants placed in isolation was assessed every day to decide whether the measure was still necessary.

45. The Advisory Committee on Prisoners Serving Life Sentences examined whether prisoners should continue to serve life sentences. No independent judges had been appointed to rule on such matters. The Supreme Court had confirmed, on 19 December 2017, that the current review and reassessment practices regarding lifelong prisoners were compatible with the case law of the European Court of Human Rights. The necessary procedural guarantees applied, and the right to appeal was upheld.

46. The Government was considering extending both the Equal Treatment Act and article 1 of the Constitution to explicitly prohibit discrimination on grounds of sexual orientation. International treaties ratified by the Netherlands that contained equal treatment provisions were automatically binding in domestic law.

47. Health-insurance companies were granted access to patients’ medical files in respect of around 0.25 per cent of claims and only where absolutely necessary – for example, to verify that the right care was being provided at the right cost. Only medical advisers could access such records and they were governed by professional confidentiality rules. Thus, patients’ data were protected in line with European and international legislation.

48. The bill providing for a partial ban on face-covering clothing in public places had been approved by the Senate in June 2018 and would be enacted in August 2019. The Government held the view that the bill was necessary, proportional and compliant with the

Covenant. The argument that the bill restricted freedom of religion should be weighed against its legitimate aim to protect the rights and freedoms of all citizens. The ban would apply only to specific public places and not generally. Moreover, it was likely to concern only a few hundred women.

49. Steps had been taken to reform the legal aid system to ensure access to justice for all, including vulnerable persons. The new system was fully compliant with international law and did not restrict access to justice in any way.

50. The Minister of Justice was planning to review the DNA Testing (Convicted Persons) Act so that samples would no longer be collected from minors sentenced to 40 hours or less of community service, and the retention period for DNA profiles would be halved.

51. Asylum seekers were removed to safe third countries on a case-by-case basis, subject to the same rules, procedures and safeguards as applied to other individuals whose asylum applications had been rejected. Family accommodation centres were equipped with the same facilities as other asylum reception centres. Children accommodated in family reception centres benefited from education, medical care and the same financial support as children in asylum reception centres. Assistance provided to Dutch and European Union citizens and persons with residence permits was generally governed by different regulations; however, Dutch children could be housed in family accommodation centres if a parent with Dutch residency neglected to care for them. The movement of such children was not restricted.

52. To clear the backlog of family reunification cases, the Immigration and Naturalization Service had hired additional staff over the past two years.

53. The budget of the Labour Inspectorate up to 2021 had been increased by €50 million a year to help to tackle labour exploitation and increase the rate of prosecution of offenders.

54. The National Action Plan to Combat Trafficking in Human Beings contained a number of projects and actions to address concerns about the underreporting of trafficking in persons. The police had launched a pilot project aimed at removing barriers to reporting and were strengthening cooperation with youth services to that end. Projects had also been launched to improve the early detection of trafficking in persons. Moreover, caregivers, police officers and other professionals were being trained to recognize and report signs of human trafficking.

55. In March 2019, a safe house had been established on Sint Eustatius, like the one established on Bonaire in March 2015. While no such facility had been established on Saba, regular meetings were held by the professionals concerned to discuss cases of domestic violence and other forms of child abuse on the island.

56. **Mr. Gumbs** (Netherlands), speaking on behalf of the Government of Sint Maarten, said that written answers would be provided to the Committee's questions regarding the island within 48 hours.

57. **Mr. Shany** said that he had yet to receive a response to his question on euthanasia. He also wished to have more information on the "children's pardon" scheme, under which, as he understood it, the rejected asylum applications of 700 children would be re-examined. In particular, he would like to know which criteria children had to meet to have their cases reopened, whether the delegation deemed that the two-week re-examination period for children not in State-run facilities was long enough, and what happened to children who did not meet those criteria but had spent significant time in the Netherlands.

58. **Ms. Kran** said that, while grateful for the information provided on the legal, political and regulatory frameworks for asylum procedures, she wished to know what steps the Government would take to address any failures to follow official policies and regulations, particularly in the light of reports from reliable sources on the routine use of detention at the border and solitary confinement.

59. **Mr. Zyberi** said that he would welcome further information on the protection of refugees and asylum seekers. In particular, he wondered whether the application of the Convention relating to the Status of Refugees was extended to Aruba, Curaçao and Sint

Maarten and whether the Netherlands Government would be providing greater legal and human-resources support to the Governments of those islands to help them process applications from Venezuelan nationals for international protection. He would like to know how many of those applicants had been returned to Venezuela. He also wished to know whether persons were returned to Afghanistan, Bahrain and the Sudan and, if so, on what basis. Were undocumented migrants who reported to the authorities in the Netherlands returned, or could they have their situation regularized?

60. Given that a significant proportion of litigation concerned decisions made by public bodies, the reduction of legal aid affected the ability of individuals to challenge those decisions and defend their rights. He would be grateful for more data on the budgets of the individual Governments of the Kingdom of the Netherlands so that the Committee could ascertain whether funding for legal aid had increased or decreased in recent years. Lastly, he wondered whether plans were afoot to establish easily accessible offices providing free legal advice and referrals in Aruba, Curaçao and Sint Maarten, like those that already existed in the Netherlands.

61. **Ms. Tigroudja** said that she would like to know whether the Government planned to amend provisions in the draft legislation on statelessness that appeared to deprive stateless persons of the right to housing, which ran counter to the Convention relating to the Status of Stateless Persons. Also, could the delegation clarify the criteria for the acquisition of Dutch citizenship by children with stateless parents, which appeared to contravene article 24 of the Covenant?

62. **Mr. Muhumuza** said that he would appreciate further clarification on the right to free movement of Dutch children whose parents who did not have that right. He would also like to know whether the Government intended to take any steps to protect Mohamed al-Showaikh, who, since his deportation from the Netherlands to Bahrain, had reportedly been imprisoned without a fair trial and subjected to ill-treatment.

63. **Ms. Pazartzis** said that she had yet to receive information on the freedom of movement of Dutch nationals from Curaçao, Aruba and Sint Maarten who applied for residence permits in the Netherlands. She also wished to know whether the Government intended to strengthen its oversight of municipal authorities in an effort to uphold the right to freedom of assembly.

64. **Mr. Girigorie** (Netherlands) said that, since June 2017, of the 55 applications for international protection received from Venezuelan nationals in Curaçao, 10 had been rejected and 45 were being processed. None of the applicants had been returned to Venezuela. Curaçao would endeavour to continue meeting its international obligations with the support of the Government of the Netherlands.

65. **The Chair** said that he was grateful for the comprehensive information provided by the delegation, particularly on migration and asylum issues, and looked forward to receiving written answers to the outstanding questions in due course.

The meeting rose at 1 p.m.