



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE FOURTH PERIODIC REPORT OF THE NETHERLANDS
(CCPR/C/NET/4; CCPR/C/NET/4/Add.1; CCPR/C/NET/4/Add.2)**

Constitutional and legal framework within which the Covenant is implemented (art.2)

1. Does the State party envisage withdrawing its reservations to Article 10, paragraph 2 and paragraph 3, and Article 20, paragraph 1, of the Covenant? Has the State party also considered withdrawing or limiting the scope of its other reservations and interpretative declarations?
2. Please cite examples, if any, of cases in which the provisions of the Covenant have been invoked before and by the courts, and to what effect.

Counterterrorism measures and respect for rights guaranteed in the Covenant

3. Please describe the counter-terrorism legislation adopted or proposed by the State party, including the statute adopted in the European part of the Kingdom in February 2007 (*Wet ter verruiming van de mogelijkheden tot opsporing en vervolging van terroristische misdrijven*) and the Act on Administrative Measures for National Security. Is there a definition of terrorism, and are there any derogations from ordinary criminal law and procedure in existing or proposed legislation? Does any part of the anti-terrorism legislation amount to a derogation from rights guaranteed by the Covenant? In particular, please explain how the custodial remand of terrorism suspects for up to two years during the criminal investigation is compatible with articles 9 and 14 of the Covenant.

Equality between men and women, and principle of non discrimination (arts. 3 and 26)

4. Please provide information, including up-to-date disaggregated statistical data, on the differences in the employment rate of men and women, and the discrepancy between men and women with regard to wages. How does the State party plan to overcome the obstacles to women's full participation and advancement in the workplace? Why are women over-

represented in temporary and part-time employment, and does the State party have any way to assure that women have full access to full-time and steady positions? (CCPR/C/NET/4, paras. 320-321; CCPR/C/NET/4/Add.1, paras. 11-13; CCPR/C/NET/4/Add.2, paras. 24-26)

Right to life (art. 6)

5. Please provide updated information on the “Termination of Life on Request and Assisted Suicide (Review Procedures) Act,” and the recent evaluation study undertaken in 2007. How is the statute consistent with the right to life and the human dignity of the elderly and infirm? How does it guard against the possibility that a person may have diminished capacity in making decisions or may be unduly influenced by caretakers or others? (CCPR/C/NET/4, paras. 54-55)

Prohibition of torture and inhuman and degrading treatment and punishment (art. 7)

6. Please comment on the reported difficulties faced by asylum-seekers in presenting their claims, under the accelerated procedure provided in the Aliens Act 2000, and explain how such a procedure is compatible with the rule of *non-refoulement* mandated by article 7 of the Covenant. Please indicate how the State party will assure enforcement of the duty of *non-refoulement* in the case of the Somali refugee, Salah Sheekh, as recently decided by the European Court on Human Rights. To what extent, if at all, are sexual or domestic violence and the fear of honour killings recognized as grounds for granting refugee status? (CCPR/C/NET/4, paras. 172-191)

Prohibition of slavery or forced or compulsory labour (arts. 3, 8 and 24)

7. Please provide detailed information on the implementation of measures to combat sexual exploitation and trafficking in human beings, in particular women and children, and to assist and protect the victims of trafficking. Please also provide recent statistical data, disaggregated on the basis of gender, age and country of origin, on persons trafficked for the purpose of sexual exploitation, as well as information on prosecutions and convictions, and on the sanctions imposed on perpetrators. (CCPR/C/NET/4, paras. 100-120; CCPR/C/NET/4/Add.1, para. 39; CCPR/C/NET/4/Add.2, para. 39)

Liberty and security of the person and right to a fair trial (arts. 9 and 14)

8. Please explain whether persons in police custody have access to a lawyer during the initial period of interrogation, as provided for in articles 9 and 14 of the Covenant. Please also comment on the reported excessive length of custody in police cells and pre-trial detention, and on the allegedly high number of non-convicted detainees in Aruba and in the Netherlands Antilles.

9. Please comment on the reported use of racial profiling by the police and other law enforcement authorities, particularly in the context of counter-terrorism activities. Does this affect certain groups in a disproportionate and unfair way, such as Muslims and persons of Antillean and Moroccan origin? Please provide recent statistical data disaggregated by race, ethnic origin and nationality on persons subjected to stops, questioning, searches, arrests and other law enforcement investigative procedures, and indicate which measures the State party has adopted to prevent the improper use of racial profiling.

Treatment of persons deprived of liberty (arts. 7 and 10)

10. What measures has the State party taken to prevent the ill treatment of inmates by prison staff in Aruba and the Netherlands Antilles, and to promptly investigate inmate complaints concerning the unlawful conduct of members of the penitentiary system?. Please provide detailed information on their implementation and measurable results. How many complaints have been recorded by the Independent Police Complaints Committee in Aruba and the office referred to in paragraph 48 of the Netherlands Antilles report? How many complaints resulted in a civil or criminal investigation? Were any findings of misconduct reached, and what were the penalties imposed or compensation granted to the victims or their families? (CCPR/C/NET/4/Add.2, paras. 4 and 41-50)

11. Both prisons and administrative detention centres for undocumented foreign nationals in Aruba and the Netherlands Antilles are reportedly overcrowded, resulting in poor conditions and increased incidence of violence in prisons and suicides. Please provide detailed information on the measures adopted by the State party to reduce overcrowding, renovate prison buildings and improve the quality of prison infrastructure.

12. Please provide detailed statistical data, disaggregated on the basis of gender, age, country of origin and reason for detention on the undocumented foreign nationals and asylum-seekers held in administrative detention centres. Are individuals promptly notified of the reasons for their detention? How are they assured of effective access to legal assistance, as well as access to interpretation services and prompt medical assistance? Please provide information on the average length of detention in each of these facilities. Please also comment on the reported increase in detention of children, travelling with their families or unaccompanied, in administrative detention centres for aliens, and provide information on steps needed to ensure that detention of children is used only as a measure of last resort. How is the detention of children consistent with their special needs? (CCPR/C/NET/4, paras. 128-130, 165 and 185-187)

Protection against arbitrary expulsion of aliens (art. 13)

13. How many applications for asylum and refugee status have been received and processed under the normal and accelerated procedures, since the entry into force of the Aliens Act of 2000? How many of them were accepted, and how many were rejected? Please supply information, disaggregated by country of origin, race or ethnicity, gender, and, where applicable, the grounds for rejection. Please also provide detailed information on the legislation and policies adopted in Aruba and in the Netherlands Antilles with regard to asylum-seekers and refugees, and indicate which measures the State party has adopted and implemented to protect the rights of asylum-seekers during the refugee status determination process, including the necessity of preventing their deportation prior to the conclusion of this process. (CCPR/C/NET/4, paras. 172-191)

Juvenile justice (arts. 9, 10, 14 and 24)

14. Please provide detailed information on the legal framework for the administration of juvenile justice. Please comment, in particular, on the reported increase in the number of 16-18 year-old children who have been tried and sentenced as adults and detained in adult prisons, and provide information on the measures adopted to ensure that detention of children is limited to cases where it is strictly necessary. Please also provide additional information on the measures adopted by the State party to eliminate the practice of detaining children and juveniles with behavioural problems in youth custodial institutions, pending the placement in a youth treatment centre. (CCPR/C/NET/4, paras. 144-148; CCPR/C/NET/4/Add.1, paras. 44-47)

Violence against women (arts. 3, 7 and 26)

15. Please provide updated information on the legal framework to combat violence against women, including domestic violence. Has the State party adopted specific legislation to prevent and punish this? Please provide recent statistical data, disaggregated by ethnic origin, age, type of violence and relationship between aggressor and victim, describing how many complaints have been received and registered, civil or criminal investigations conducted, penalties imposed, and compensation awarded to the victims or their families. What are the number of shelter facilities available in the State party for victims of domestic violence, and how many women have been hosted in such facilities? (CCPR/C/NET/4, paras. 271-272).

Freedom of religion and belief, freedom of expression, and protection of religious minorities (arts. 7, 18, 19 and 26)

16. Please discuss how the State party acts to prevent discrimination against persons of Muslim origin. Are there any restrictions on the wearing of religious symbols or clothing, including headscarves, in educational institutions and public places? If so, what is the justification, and how is it compatible with the Covenant? (CCPR/C/NET/4, paras. 238-246)

17. Is there any proposal to broaden the crime of blasphemy, incorporated in article 147 of the Criminal Code? If there is such a proposal, how is it compatible with the freedoms of thought, opinion, and expression guaranteed by articles 18 and 19 of the Covenant?

18. What measures has the State party taken to prosecute anti-Semitic incidents?

Protection of the family (arts. 2, 23 and 26)

19. Please comment on the new restrictions to family reunification introduced in immigration and naturalization legislation, including new income requirements and age limits. How are these measures compatible with articles 2, 23 and 26 of the Covenant? (CCPR/C/NET/4, paras. 179, 190, 330-333)

Protection of children (arts. 2, 3, 24 and 26)

20. Please provide detailed information on measures to combat child abuse. Please describe how many children are the victims of child abuse, with data disaggregated on the basis of gender, age and racial, ethnic or national origin. What are the rates of prosecution and conviction, and the average sentences, as well as compensation to the victims? (CCPR/C/NET/4, paras. 275-280; CCPR/C/NET/4/Add.2, para. 111)

21. Please provide updated information on the measures the State party has adopted or intends to adopt to eliminate – in line with the recommendation formulated by the Committee in paragraph 21 of the previous Concluding observations – the distinctions existing in the Netherlands Antilles in the field of inheritance law between children born within wedlock and those born out of wedlock and not recognized by their father. Please also provide updated information on efforts to amend the law on names, which currently provides that children born within wedlock or recognised by their father can only take the surname of the father, in order to bring it in line with the requirements of articles 2, 3, 24 and 26 of the Covenant. (CCPR/C/NET/4/Add.2, paras. 8, 107 and 110)

Political participation of women (arts. 2, 3, 19, 25 and 26)

22. Please provide current data on: (a) the political participation of women, including representation in parliament, government, and other public positions, such as mayors and Queen's Commissioners; (b) women in managerial and high-ranking posts in the public service, including the judiciary, the police and academia; and (c) the representation of women in managerial and high-ranking posts in the private sector. Does the State contemplate any measures to increase the representation of women in publicly-elected and appointed bodies, as well as in high-level and managerial positions in the public and private sectors? (CCPR/C/NET/4, para. 287; CCPR/C/NET/4/Add.1, paras. 12-13)

23. Please provide updated information on the measures adopted by the State party to comply with the judgement of the District Court of The Hague of 7 September 2005 (No. AU2088), which considered the provision of State subsidies to a political party that excludes women from its membership to be in violation of the State party's obligations to equal treatment of women. Please also explain how the exclusion of women from leadership posts in a political party can be considered to be in compliance with the State party obligations under articles 2, 3, 25 and 26 of the Covenant. (CCPR/C/NET/4, paras. 268-269)

**Non-discrimination and equality, and protection of minorities
(arts. 2, 12, 18, 19, 20, 26 and 27)**

24. Please give a detailed description of the application of the State party's prohibition of public statements concerning racial superiority or hatred, both in political discourse and on the Internet, as well as the prohibition of incitement to racial discrimination. How does the State party balance the need of minorities for full protection and the freedom of expression guaranteed by the Covenant?

25. Please provide detailed information on the employment/unemployment rate of persons belonging to racial, ethnic or national minorities, and comment on the obstacles faced by persons of Turkish, Moroccan and Antillean origin in the field of employment. What measures have been adopted to combat ethnic discrimination, as well as discrimination on the basis of religion, in the field of employment, and to increase employment opportunities for persons belonging to minority groups? (CCPR/C/NET/4, paras. 338-341)

26. Please provide detailed information on the disproportionate concentration of persons belonging to racial, ethnic or national minorities in *de facto* racially segregated neighbourhoods, and the measures taken to combat this. Please describe the implementation of the Urban Areas (Special Measures) Act, which reportedly would prevent persons who do not meet certain income requirements from residing in certain areas characterized by a high concentration of 'disadvantaged persons'. How is this law compatible with articles 2, 12 and 26 of the Covenant? (CCPR/C/NET/4, paras. 168-169)

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

27. Please indicate what steps the State party has taken to involve civil society in the preparation of the present report, its examination by the Committee and the implementation of the Committee's previous concluding observations. How are the rights guaranteed by the Covenant, and the remedies of the Optional Protocol, made known to judges, public officials, police and law enforcement officers, legal advisers and the public at large, including in Aruba and the Antilles?
