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Summary record of the 3609th meeting

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Chair: Mr. Fathalla

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The meeting was called to order at 3.05 p.m.

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

Fifth periodic report of the Netherlands (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. **Mr. Girigorie** (Netherlands) said that the delegation was composed of representatives of the four autonomous countries that made up the Kingdom of the Netherlands, namely the Netherlands, Aruba, Curaçao and Sint Maarten. The implementation of the Covenant within each country was overseen by the Government of that country; any country-specific questions would therefore be answered by the relevant representative.

3. On behalf of the Government of Curaçao, he wished to reaffirm the commitment of Curaçao to safeguarding the rights enshrined in the Covenant, despite the challenges that it currently faced as a result of the economic crisis and the influx of migrants from neighbouring countries. Various measures had been taken to better protect the rights of vulnerable groups, including the signing of a cooperation agreement between the Ministry of Justice, the Public Prosecutor's Office and the police, on dealing with offences against minors and sexual offences, and the establishment of a framework to ensure that all cases of domestic violence were handled consistently.

4. A multidisciplinary team had been set up to combat human trafficking, suspected traffickers were being investigated and prosecuted where appropriate, and additional funding had been allocated to the protection of victims. Despite limited shelter capacities, the Government was working hard to ensure that victims of trafficking received appropriate care and support from officials. It was introducing a new procedure that would allow refugees and asylum seekers to request international protection anywhere on the island and at any time. Curaçao was committed to working together with its partners within the Kingdom and with international organizations in order to tackle the challenges caused by the geopolitical situation in the region.

5. **Mr. Van Deutekom** (Netherlands), speaking on behalf of the Government of Aruba, said that since the submission of the periodic report, various measures had been taken to combat child abuse and domestic violence, including the adoption of a long-term inter-institutional social crisis plan, the issuance of an order by the Public Prosecutor's Office regarding the investigation and prosecution of domestic violence cases, and the establishment of a safe house.

6. In response to the influx of migrants from Venezuela, asylum procedures had been improved and the two detention centres for migrants in an irregular situation had been upgraded. Requests for asylum were now processed within a shorter time frame and with due regard for relevant international instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Draft legislation relating to the establishment of an ombudsman's office had been submitted to the Advisory Council.

7. There were plans to construct a new prison, while efforts to upgrade the existing correctional facility remained ongoing. The prisoners who had been moved because of fire damage had been returned to their cells earlier that year. The draft new code of criminal procedure – which, among other things, established the right of defendants to consult a lawyer before and during questioning – was ready to be submitted to parliament. Furthermore, criminal offenders with serious psychiatric or behavioural problems were now required to undergo resocialization treatment. The Government recognized that special facilities were required for the provision of such treatment and was planning to assess the forensic care situation in Aruba.

8. **Mr. Riedstra** (Netherlands), speaking on behalf of the Government of the Netherlands, said that his country's dialogue with the Committee coincided with the national commemoration of the abolition of slavery. That day, the Government had sent a

letter to parliament expressing its regret that slavery was part of its history and announcing that there would be a national dialogue on the history of slavery.

9. His Government believed that human rights were key to development, stability and prosperity. At the national level, it worked unrelentingly to ensure that its laws and policies were in line with human rights standards. At the international level, human rights remained a cornerstone of its foreign policy. The coalition agreement of the current Government referred specifically to the rights of several vulnerable groups.

10. In December 2019, the Government would issue a new national action plan on human rights, which would reflect the recommendations made by the human rights treaty bodies and those made during the universal periodic review of the Netherlands in 2017. The Government had launched an action plan to combat discrimination in the labour market for the period 2018–2021, as well as a programme to promote the integration of migrants into the labour market.

11. The Government was aware of its duty to preserve public security and the rule of law without jeopardizing core human rights. At the international level, it had provided funding for the promotion of human rights, especially the right to freedom of religion and the rights of lesbian, gay, bisexual, transgender and intersex persons.

12. **Mr. Shany** said that, although the State party had failed to meet the initial deadline for the submission of its fifth periodic report in 2014, it had subsequently adopted the simplified reporting procedure and had complied with the new deadline that had been set. He was grateful to the State party for providing resources, including a Junior Professional Officer, to support the work of the treaty bodies.

13. He wondered whether there was a procedure in place to ensure that the Committee's recommendations were systematically reviewed. The Committee had not yet received information on the steps taken to implement its Views in four particular cases in which violations of the Covenant had been found. In addition, it was concerned about the State party's failure to comply with its request for interim measures in connection with the evacuation of the community occupying the Amsterdamsche Droogdok Maatschappij (ADM) site in Amsterdam. It would like to receive assurances that the State party was aware that it was expected to comply with such requests. It would also appreciate clarification as to the division of labour between the national and municipal authorities in such instances, for the case in question appeared to have been handed over to the municipal authorities, contrary to the Committee's expectations.

14. He would like to know whether the Covenant and the Committee's recommendations had been incorporated into the State party's action plans on human rights, whether those plans referred to specific benchmarks and whether the implementation of those plans would be evaluated. He wondered what steps had been taken to ensure that the recent restructuring of the State party did not result in gaps in the protection afforded to certain groups and whether the State party intended to harmonize human rights protection standards across its component countries and municipalities. It would be interesting to hear why the advisory referendum process had been introduced, why it had then been abolished and whether there were any plans to institute another participatory process in the future.

15. With regard to surveillance, he would like to know how the State party defined case-specific bulk data collection and what the procedure was for approving data collection of that kind. He would like to know the grounds for extending retention periods for information collected by the Government and what safeguards were in place for preventing abuse. He wondered whether the security services in the Netherlands were authorized to engage in "bulk hacking", a practice that appeared to be poorly regulated, and to what extent data analysis and data use were monitored. Lastly, with regard to the @MIGO-BORAS border surveillance system, he would like to hear more about the legal framework regulating the collection of data under that system and whether motorists could take alternative routes in order to avoid monitoring.

16. **Mr. Zyberi** asked why the State party had not withdrawn its reservation to article 10 (2) and (3) of the Covenant and whether it had considered withdrawing its reservations to articles 14, 19 and 20. He asked whether the distinction between territories and countries in

the State party's declaration concerning article 12 meant that citizens in different parts of the State party were considered to possess different sets of rights.

17. He asked what progress had been made in establishing an ombudsman and a children's ombudsman in Aruba and a national human rights institution in Curaçao; whether the role of those institutions would be defined with reference to the Paris Principles and the model provided by the existing national human rights institution in the Netherlands; and why no such initiatives were under way in Sint Maarten.

18. He noted that reasonable suspicion sufficed as a ground for ordering pretrial detention of suspected terrorists for 14 days and that the new Bill on Strengthening the Criminal Law Approach to Countering Terrorism permitted judges to extend such detention for 30 days. He wondered how a meaningful judicial review of pretrial detention could be guaranteed if the detention was based on classified information. The Committee would appreciate information on any proceedings concerning suspected terrorists instituted before the State party's courts.

19. The Committee would welcome additional information concerning the proposed amendments to the Netherlands Nationality Act that provided for revocation in absentia of the nationality of dual nationals who had reportedly left the State party to perform military service in a foreign State or to join a terrorist organization. To what extent did the Government ascertain whether such persons might be subjected to torture or inhuman treatment prior to the revocation of their Dutch nationality? The Committee would also be interested in hearing about relevant case law.

20. Lastly, he enquired about the position of the State party's Government regarding the rights of women and children of foreign terrorist fighters who were Dutch citizens and were currently based in camps in Syria and Iraq. Had it taken any steps to address the issue?

21. **Mr. Muhumuza** said that he would appreciate additional information from the State party on dialogues and initiatives relating to the Zwarte Piet, or Black Pete, tradition. For instance, how inclusive and representative were the dialogues and what kind of policy framework drove the initiatives? The Committee on the Elimination of Racial Discrimination had noted with concern in its concluding observations issued in 2015 ([CERD/C/NLD/CO/19-21](#)) that the character of Zwarte Piet was sometimes portrayed in a manner that reflected negative stereotypes of people of African descent and was experienced by many of them as a vestige of slavery that was injurious to their dignity and self-esteem. What concrete steps had been taken to eliminate such negative stereotypes? He also wished to know whether the round-table sessions organized by the Minister of Social Affairs and Employment had led, for example, to the issuance of public guidelines on the avoidance of such stereotypes.

22. The Committee would be grateful for information about the overall strategy to implement the National Action Plan against Discrimination and to align it with the provisions of the Covenant. He asked whether steps had been taken to investigate the root causes of racist and xenophobic behaviour, to combat the consequences of such behaviour, and to raise awareness in the media and among Internet service providers of the importance of countering discriminatory attitudes. Had extremist political parties and politicians been asked to tone down their racist and xenophobic rhetoric? He also enquired about measures to combat anti-Semitism, anti-Muslim discrimination and anti-black racism. Although the State party's report indicated that a large number of hate crimes had been recorded in 2015 and 2016, no data had been provided concerning the prosecution of such crimes.

23. While the Committee welcomed the Diversity Charter as a means of combating labour-market discrimination, it was concerned about the restrictive nature of legislation on the integration of migrants. The Committee would therefore appreciate information on measures to assess the impact of workshops and the multi-annual campaign on recruitment and selection practices in the public and private sectors, disaggregated data on the impact of the Diversity Charter on the Roma, Sinti and persons with disabilities, and data on the number of persons of African descent who were involved in politics and the administration of justice or worked in the police force. According to the report, the campaign on labour-market discrimination in the recruitment and selection phase was to have been repeated in

the second half of 2017. He enquired about the outcome of the resulting survey and how it compared with the outcome of the 2016 survey.

24. Noting that the Civic Integration Abroad Act had been amended following a ruling of the Court of Justice of the European Union, he asked whether the modified grounds for exemption were compatible with the Covenant provisions on equality and non-discrimination.

25. **Ms. Kran** said that, while the Committee welcomed the positive initiatives aimed at preventing ethnic profiling, it had been informed that such measures had not been applied in a uniform manner by all law enforcement officers. She wished to know, for instance, how the State party ensured that the gendarmerie, the Royal Netherlands Marechaussee, applied the police definition of ethnic profiling.

26. She asked whether training on the limits of stop-and-search powers was provided to law enforcement officers at all levels. How was it monitored and evaluated, was it periodically updated and was regular in-service training provided?

27. Noting that there were plans to improve the procedure for submitting complaints against the police, she asked about measures to guarantee the independence of the complaint mechanisms and to increase accountability. Welcoming plans to increase diversity in the police force, she enquired about its current diversity in terms of race and gender. She also wished to know whether the professional code of conduct for police would be made binding on law enforcement officers.

28. She asked whether the State party planned to require police to record their use of stop-and-search powers or to take other steps to monitor and evaluate such powers. What protection was provided against the use of technologically available information on individuals who had previously been stopped or questioned to promote racial prejudice and target ethnic minorities?

29. She wished to know whether the State party planned to modify the criminal justice system in order to combat the overrepresentation of people of African descent among the prison population and, if so, whether civil society organizations would be consulted on the matter.

30. The Committee would appreciate information on the number of unaccompanied minors who had left State-run asylum reception centres and were unaccounted for since the adoption of the national protocol on missing unaccompanied minors. If investigations had been initiated, the Committee would be interested in hearing about the results. How did the State party address the vulnerability of such minors to human trafficking?

31. She asked what steps were being taken to ensure that the well-being and safety of undocumented migrant children in family locations were monitored and strictly observed and to ensure that they received the same resources as their counterparts in other facilities.

32. The Committee wished to know what steps had been taken to reduce the practical barriers to safe access to abortion in the Caribbean Netherlands. For instance, were there sufficient licensed general physicians in Sint Eustatius? Were there plans to amend the Criminal Code of Sint Maarten, which criminalized the provision of abortion-related information or services, to legalize abortion in cases in which the life and health of pregnant women or girls were at risk and to prevent unsafe abortions? She would like to know whether abortion was treated as a recognized medical service in the new sexual and reproductive health policy of Sint Maarten.

33. The Committee also wished to know whether there were awareness-raising activities on sexual and reproductive options for individuals and health-care providers in Sint Maarten and the Caribbean Netherlands. What steps were being taken to address the insufficient number of health-care specialists providing HIV/AIDS-specific care in Curaçao? The Committee had been informed that antiretroviral medicines cost 17 times more than the internationally recommended price in some parts of Curaçao. It also wished to know what steps had been taken to address the reportedly rising incidence of HIV in Aruba.

34. **Ms. Pazartzis** said that, according to the State party's report, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), which the State party had ratified, would apply to the Caribbean Netherlands in due course. The Committee would welcome a clarification of the differentiated application of legal instruments to the countries of the Kingdom as well as data on cases of domestic violence, rape and harassment in each of those countries, the related investigations and their results.

35. The current criminal provisions on sexual violence in the Dutch Criminal Code reportedly failed to meet all relevant human rights standards, including those contained in the Istanbul Convention. She understood that the State party was currently amending the Criminal Code, including the chapter on sexual offences, and that the Code of Criminal Procedure of Aruba was also being amended. She wished to know whether all such legislation would be harmonized.

36. It would be useful to know whether the police were properly trained to identify and respond to complaints of sexual violence, and whether prosecutors and other legal officers were trained to address them in legal proceedings. The Committee on the Elimination of Discrimination against Women had expressed concern in its concluding observations adopted in 2016 ([CEDAW/C/NLD/CO/6](#)) that while perpetrators of domestic violence had access to free legal aid, victims could have access thereto only in exceptional circumstances. She asked what steps were being taken or were envisaged to ensure that all victims had access to free legal aid without discrimination.

37. The Committee had been informed that capacities at the local level to provide adequate shelters and protection for victims, especially for undocumented women migrants, were frequently inadequate. It therefore wished to know whether there were any oversight mechanisms for such shelters at the national level.

38. She understood that the Termination of Life on Request and Assisted Suicide Act had been assessed for the third time in 2017 and that no grounds had been found for reconsidering the issue of prior judicial review in accordance with the Committee's recommendations. She drew attention in that connection to the Committee's general comment No. 36, according to which States parties must ensure the existence of robust legal and institutional safeguards to verify that medical professionals were complying with the free, informed, explicit and unambiguous decision of their patients.

39. Noting that the Code of Criminal Procedure had been amended pursuant to European Union Directive 2013/48/EU, which dealt with the right to have a third party informed upon deprivation of liberty, she asked where it would be implemented. The Committee was concerned that the reference to the interests of the investigation in section 62 (2) of the Code concerning the right of notification of custody was unduly vague and that the exceptions and safeguards were not clearly specified.

40. She requested further clarification of the role of lawyers during police questioning since, according to the report, they could intervene directly only after the beginning and directly before the end of questioning.

41. She asked whether vulnerable suspects, including minors and adult suspects who had an intellectual disability or suffered from mental illness, were the only suspects entitled to free legal aid. She also requested clarification of the statement in the report that the presence of counsel was not mandatory during the questioning of minor suspects. How did the State party ensure access to lawyers in all localities from the outset of deprivation of liberty?

42. **Mr. Heyns** said that he wondered to what extent draft guidance on the use of force and firearms by law enforcement officials complied with the basic legal principles of necessity and proportionality. Regarding the use of Tasers, he wondered whether, prior to their deployment, specific guidance and training on their use would be provided. In addition, it would be useful to know whether the Government planned to bring an end to gas extraction in Groningen, since it had caused earthquakes, directly affecting people's safety, privacy and family life.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

43. **Mr. Girigorie** (Netherlands) said that, legally speaking, people had the same rights throughout the Kingdom, as the provisions of human rights treaties could be enforced through the implementation of legislation or by dint of treaty ratifications. Whether an autonomous country implemented those rights depended on its level of autonomy, its economic situation and the competence of its officials. Efforts had been made to ensure that such rights were implemented in conformity with the Government's policies. For example, the previous month, funds had been made available to Curaçao and Aruba to help them deal with undocumented migrants, even though Curaçao was not a party to the Convention relating to the Status of Refugees. He could assure the Committee that the national human rights institution of Curaçao would adhere to the Paris Principles.

44. Although Curaçao did not possess data on violence against women, it did have records on cases of rape, which had been increasing in number since 2016. A mechanism was in place to ensure that the legal definitions of rape and domestic violence in all the autonomous countries' legislation and criminal codes conformed with international standards. Training was provided on a regular basis in the police department responsible for investigating cases of rape and violence against women. The Government of Curaçao had recently implemented a policy which would introduce relevant training for prosecutors and a one-stop shop for victims.

45. **Mr. Van Deutekom** (Netherlands) said that the Caribbean parts of the Kingdom strove for equivalence in their legislation, including with regard to the definitions of rape and domestic violence. However, where necessary, legislation was adapted to match the realities of the country concerned. He wished to underscore that the Kingdom's Supreme Court oversaw all legislation and ensured that it was implemented to the same standards.

46. Efforts to introduce an ombudsman's office in Aruba continued, but to achieve that would require the introduction of legislative and constitutional amendments. The Government of Aruba was evaluating the dynamics that an ombudsman and national human rights institution could bring to such a small country. It had decided to give priority to appointing an ombudsman before looking into the possible establishment of a national human rights institution.

47. The policy of the Government of Aruba on HIV was to focus on prevention, early detection and treatment. The Government had no reason to believe that the incidence of HIV was on the rise and therefore it did not intend to change its policy in that area.

48. The delegation did not possess comprehensive data on the incidence of domestic violence and rape, but would endeavour to provide the relevant data in due course. In future, by order of the Public Prosecutor's Office, all such cases would be investigated and efforts would be stepped up to ensure their early detection. In that connection, it was important to develop the relevant expertise throughout the police force. Aruba had a special prosecutor for sex crimes and a special prosecutor for domestic violence, who both liaised frequently with the police. A special team of detectives had been trained to investigate sex crimes; they had also received training on how to communicate with victims. Persons entitled to legal aid included victims of sex offences who fell below a certain income threshold, as well as other persons in certain specific circumstances. Free legal assistance was provided to victims of domestic violence sheltering at the only safe house in Aruba. It could currently shelter six victims, although the Government intended to double its capacity; it would also be open to undocumented persons.

49. **Mr. Riedstra** (Netherlands) said that, thanks to recent policy changes, human rights treaties to which the State was a party were now valid for both the European and Caribbean parts of the Netherlands. However, the manner in which the Kingdom's countries integrated those treaties into their domestic legislation could still differ, given the countries' cultural differences.

50. Referring in detail to the State party's periodic report ([CCPR/C/NLD/5](#)), he said that the Government took the treaty bodies' recommendations extremely seriously. Once it had informed parliament of the measures to be implemented in response to the Committee's Views, the proposed measures were usually debated by parliament.

51. The Government was drafting a new action plan on human rights for the coming years, drawing on feedback on its previous plan. It was a participative process: the Government listened to the public, politicians, the human rights treaty bodies and non-governmental organizations before drawing up the plan.

52. With respect to the community occupying the ADM site in Amsterdam, the Government believed it had acted in accordance with the interim measures issued by the Committee. It had imposed no restrictions on where the squatters could move to, and steps had been taken specifically to help families and people with disabilities in that community. He could assure Mr. Shany that the case had not been handed over to the municipal authorities of Amsterdam.

53. For the purposes of data collection, the intelligence and security forces could use both general and special powers, subject to statutory constraints. The exercise of special powers was subject to additional safeguards; it was reviewed by an independent committee and required ministerial authorization. Any application for such authorization had to state whether and how the criteria of necessity, proportionality, subsidiarity and specificity were met. With respect to the exercise of special powers for bulk interception of communications for investigative purposes, authorization was needed for data collection and analysis. The committee set up to review the exercise of special powers checked the lawfulness of both the ministerial authorization and the selection of data in the process of bulk data interception. Data collected in other ways were selected, either manually or automatically, for their possible relevance to investigations by the intelligence and security services. Such data were assessed and, if not deemed relevant, destroyed. To require prior judicial authorization for all data processing would be unworkable and was in any case unnecessary. It was sufficient for the independent review committee to send its findings to parliament, which could hold the relevant minister to account where necessary.

54. The idea of holding advisory referendums had been to increase the direct participation of citizens in political decision-making, in what had been seen as a step towards organizing binding referendums. However, given the lack of political support for binding referendums, the advisory referendum process had become redundant. There were, nevertheless, many other opportunities for political participation by citizens, including in focus groups and consultations on legislative processes. Following a review of the country's parliamentary system, the Government was currently also considering introducing other means of political participation.

55. The Netherlands wished to maintain its reservations to article 10 of the Covenant. Young offenders could be tried under adult criminal law if they were 16 or 17 years old when the offence was committed, depending on the seriousness of the offence and the offender's personality. Research showed that the Dutch courts demonstrated particular caution when trying young offenders under adult criminal law.

56. With regard to the Committee's concerns about the maximum length of pretrial detention of persons suspected of terrorist acts, it needed to be clarified that the recent legislation did not, in itself, change the permitted duration of pretrial detention. Only someone suspected of a serious crime could be held in pretrial detention and such detention could only be extended for very serious terrorist offences. It should be noted that a judge reviewed such cases every 10 days.

57. With regard to the allegations that the State party's counter-terrorism measures imposed restrictions on rights without prior, judicial authorization, often using classified information, the Council of State had recently upheld the Government's view that those measures were clearly and precisely formulated. All the decisions made by administrative bodies, including with respect to well-founded suspicions that a person could be involved in terrorist activities, were subject to judicial review by the administrative courts.

58. The Diversity Charter contained in the action plan to combat labour-market discrimination for the period 2014–2018 promoted an inclusive working environment and had been signed by a number of organizations and all government ministries. The Government had conducted campaigns to address and raise awareness of discrimination and unconscious bias in recruitment processes, as described in paragraph 31 of his country's periodic report. The new action plan for the period 2018–2021 comprised various initiatives

aimed at promoting the benefits of diversity in the workplace. Labour inspectors were working with companies to monitor recruitment policies in order to reduce bias and unequal treatment during selection processes.

59. The traditions associated with the celebration of the feast of Sinterklaas, or Saint Nicholas, continued to evolve. The Government supported initiatives that enhanced and facilitated respectful dialogue on the racial implications of the figure of Zwarte Piet, who, in Dutch tradition, helped Sinterklaas and usually appeared as a blackface character. In recent years, however, Zwarte Piet's appearance had altered, thanks to social debate on the issue. In that connection, and in the context of the International Decade for People of African Descent, the Government had placed great emphasis on combating discrimination against persons of African descent. In addition to the generic anti-discrimination measures contained in the National Action Plan against Discrimination, the Government had launched an award called the "Decade Innovation Award" to encourage innovative ways of raising awareness of the goals of the International Decade. Two funds had also been set up to promote the inclusion of persons of African descent, highlight their heritage and culture and increase public awareness of the country's colonial past and involvement in the slave trade. In a similar vein, action was being taken to address anti-Semitism and discrimination against other religious groups, including through measures to combat online hate speech and tackle racism in football. Key figures from the Jewish and Muslim communities were involved in awareness-raising activities.

60. The Netherlands benefited from a free, independent and pluralistic media landscape in which media professionals enjoyed freedom of expression and were bound by their own codes of conduct and editorial standards. Public broadcasting services were required to ensure that they reflected society and its wide range of beliefs, opinions and interests in an independent and balanced manner. The Government did not take any specific action to encourage self-monitoring by the media but welcomed any such initiatives. For example, it had lent its support in 2017 to an initiative led by various public and commercial media outlets to combat negative stereotyping and create a more balanced representation of society in the media.

61. As far as the situation of Roma, Sinti and Travellers was concerned, the Government had drafted a framework policy recognizing that municipal housing policies must take into account, and respond to, their specific housing needs. Local authorities were required to amend their policies on sites and caravans if necessary. The Government had commissioned a periodic survey to measure progress and monitor the number of sites in municipalities.

62. Turning to the issue of migrant and asylum-seeking children, he said that a report commissioned by the Central Agency for the Reception of Asylum Seekers on the living conditions of undocumented migrant children in family centres and reception centres had contained 92 recommendations for action, many of which had already been implemented by the Agency. Migrant children in those centres had access to medical care, were provided with financial support and attended school alongside Dutch children, although some centres had their own primary school facilities. Unaccompanied minors considered at risk of trafficking or absconding were placed in protected shelters that provided extra security and supervision. The disappearance in 2015 and 2018 of Vietnamese minors from protected shelters, and the extent to which Vietnamese migrants were involved in trafficking, was to be investigated by an agency with expertise in the field of human trafficking and people smuggling. A 2016 investigation into the disappearance of Vietnamese minors had found no evidence of trafficking and had determined that most of those who had gone missing had actually been adults. Following further disappearances in 2017 and 2018, two new investigations had been ordered.

63. With regard to the criteria governing termination-of-life requests and assisted suicide, he referred Committee members to paragraph 60 of his country's periodic report, which set out the procedure to be followed by doctors.

64. On the question of policing, the Government was taking steps to prevent ethnic profiling by law enforcement officials, including by increasing diversity in the police force, improving complaints mechanisms and introducing technological innovations to foster more intelligence-led policing. In that connection, the law prohibited the collection of data

on the ethnic origin of members of the public. Exemptions were permitted only for policymaking for the purposes of giving preferential treatment to disadvantaged groups. It was therefore not possible for the police to collect such data or share the data with other government agencies. Regarding the use of force or firearms, pursuant to section 7 of the Police Act 2012 police officers must observe the principles of necessity and proportionality. A final decision on whether to introduce Tasers would be taken at the end of 2019, after the Government had reviewed a forthcoming report on the known health risks of electric shock devices.

65. Lastly, in light of the earthquakes triggered in Groningen, the Government had committed to ending gas extraction in the area. A new hospital built to withstand earthquakes had recently opened and other building works were in the pipeline.

66. **Mr. Shany** said that he would appreciate clarification on whether the Government intended to stop gas extraction in Groningen immediately or to phase it out by 2022. With reference to the ADM squatter community in Amsterdam, he thanked the delegation for the information provided. While he welcomed the clarification that responsibility for the interim measures lay with the Government, not the municipality, he noted that the case was still pending before the Committee, which would issue its Views in due course.

67. He wished to know at what point in the process authorizations for the interception of bulk data by the intelligence services were subject to independent review. Similarly, he wondered whether the State party had considered introducing an independent ethics committee to conduct ex ante reviews of the decisions of physicians on termination-of-life requests and assisted suicides.

68. **Ms. Kran** said that she would like to know, specifically, whether any investigations had been undertaken into the reported disappearance of a large number of unaccompanied minors from State-run asylum reception centres in 2011, and, if so, what their outcomes had been. She would also welcome information on access to abortion-related information and services in Sint Maarten.

69. **Mr. Zyberi** said that he wished to know whether a model had been established to ensure that the same approach to creating human rights monitoring mechanisms was taken in all four autonomous countries of the Kingdom of the Netherlands or whether their respective Governments were free to give such mechanisms different scopes and mandates. He would also appreciate a reply to his question on the situation of women and children associated with foreigners fighting for Islamic State in Iraq and the Levant (ISIL) who were living in camps in Iraq and the Syrian Arab Republic. In particular, he wondered whether the Government intended for those women to be tried in the Netherlands for any crimes they had committed and whether their children would have Dutch nationality.

70. **Mr. Girigorie** (Netherlands), responding to an issue raised earlier in the meeting, said it was true that medicines in Curaçao were expensive. Unfortunately, Curaçao had been classified by the Organization for Economic Cooperation and Development (OECD) as a high-income country, which meant that it could only buy from designated distributors and was unable to shop around or benefit from lower prices. Requests for reclassification by OECD had not been fruitful. The Government of Curaçao was now exploring whether it could benefit from the collective purchasing power of the European Union and take advantage of more competitive pricing.

71. **Mr. Van Deutekom** (Netherlands) said that ideas and best practices were shared throughout the Kingdom of the Netherlands, with a view to developing a uniform approach to establishing national human rights institutions. However, the background and specificities of the four autonomous countries of the Kingdom also had to be taken into account, with the result that different solutions could be adopted by the Governments concerned. In Aruba, it made sense to establish an ombudsman's office first, since the background work had already been done. Part of its mandate would be to monitor human rights.

72. **Mr. Riedstra** (Netherlands) said that the Government had committed to phasing out gas extraction in Groningen by the end of 2022. Regarding the interception of bulk data, as had already been mentioned, an independent committee scrutinized the lawfulness of

ministerial authorizations. Regarding the situation of women and children associated with foreigners fighting for ISIL, the Government took the view that persons who were in danger, including those women, should be returned to the Netherlands, including to face criminal proceedings. The nationality of children born in the Syrian Arab Republic was determined on a case-by-case basis. He would provide replies to questions concerning abortion-related services in Sint Maarten and the disappearances of Vietnamese migrant children in 2011 to the Committee in writing.

The meeting rose at 6 p.m.