

# Council of Europe Criticizes Netherlands Again

From 10 to 21 October 2011 the Committee for the Prevention of Torture (CPT) of the Council of Europe carried out a periodic visit to the Netherlands.

The CPT's delegation visited the Detention Centre for foreign nationals at Rotterdam Airport. In the context of its examination of the procedures for the deportation of foreign nationals by air, it also went to the Detention and Expulsion Centre for foreign nationals at Schiphol-Oost, and the Royal Military Police (KMAR) facilities at Schiphol Airport.

## Selected recommendations, comments and remarks on aliens detention:

### recommendations

- to avoid, as far as possible, detaining families with children. If, in exceptional circumstances, detention cannot be avoided, its period should not exceed the maximum duration provided by law i.e. 28 days (paragraph 61);
- to review the practice at the Centre of locking up children in their cells, in the light of the remarks in paragraph 63 (paragraph 63);
- to provide the possibility of unsupervised visits for detainees at the Centre (paragraph 72).

### comments

- applying handcuffs as a matter of routine to immigration detainees whenever they leave their detention facility is disproportionate (paragraph 56).
- the Dutch authorities are invited to examine the possibility of drawing up a distinct set of rules for facilities accommodating foreign nationals detained under aliens' legislation (paragraph 59).
- the Dutch authorities are invited to explore the possibility of offering some education to immigration detainees at the Centre. Emphasis should be placed on the possibility for the detainees concerned to acquire skills that may prepare them for reintegration in their countries of origin upon their return (paragraph 65);

### requests for information

- the comments of the Dutch authorities on the practice of re-arresting aliens shortly after they had been released from detention (on the expiry of the 18 month time-limit), if they had not left the country in the meantime (paragraph 54);
- measures taken in order to address the complaints made by detainees about the food provided to them (paragraph 62).

## Selected recommendations, comments and remarks on deportation

### recommendations

- to take the necessary steps to ensure that persons deprived of their liberty are only searched by staff of the same sex and that any search which requires an inmate to undress is conducted out of the sight of custodial staff of the opposite sex (paragraph 78);

### requests for information

- clarification on the possible use of pepper spray by escort leaders (paragraph 77);
- confirmation that the HIV tests concerning a drug addicted detainee met by the delegation at the Detention and Expulsion Centre Schiphol-Oost have been carried out and information on the follow-up given to the case (paragraph 84).

As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Dutch authorities to provide within **six months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the Dutch authorities to provide, in the above-mentioned response, reactions and replies to the comments and requests for information. Click the link to read the full report: <http://www.cpt.coe.int/documents/nld/2012-21-inf-eng.htm>