

**Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or  
Punishment**

**Seventh Periodic Report**

**Annex to the Response of the Kingdom of the Netherlands to the list of issues  
(CAT/C/NLD/QPR/7) transmitted to the State Party under the optional reporting procedure  
(A/62/44, paras. 23 and 24)**

*Please note that as some figures could not be translated, the translation for these figures is  
incorporated at the end of this document (p. 59).*



## **The Netherlands**

### **Annexe to answer 3a: right of access to a lawyer**

On 28 November 2014, the Council of State's Advisory Division issued an advisory opinion on two bills. On 13 February 2015 the government issued its response to this opinion. On 19 February 2015 the government sent the bills to Parliament (House of Representatives). The parliamentary legislative procedure concluded on 15 November 2016 when the Senate approved both bills. The legislation was subject to the Advisory Referendum Act. This means that after royal assent has been obtained, another two months must pass before legislation can enter into force. As a result, the two Acts entered into force on 1 March 2017.

On 22 December 2015 the Dutch Supreme Court decided that the right of access to a lawyer when a suspect is being interviewed should be implemented before 1 March 2016. This meant that the right of access had to be in place in legal practice well before 27 November 2016, the implementation deadline set by Directive 2013/48/EU. The Dutch authorities complied with the Supreme Court ruling. A binding policy letter, constituting the legal framework for police, lawyers and prosecutors, was issued by the Board of Prosecutors General. At the same time the Legal Aid Council amended the rules on the provision of legal aid. The Ministry of Security and Justice ordered a monitoring study to see how the system was functioning in practice. The results of this study were positive and were sent to the House of Representatives. Claiming that the rules set out in the policy letter were not in line with ECtHR case law, a group of lawyers brought interim injunction proceedings against the State and the Legal Aid Council. The Hague District Court referred the matter to Supreme Court for a preliminary ruling. On 13 September 2016 the Supreme Court ruled, *inter alia*, that in general it could not be said that application of the rules laid down by the Board of Prosecutors General, regardless of the circumstances of the case, would frustrate the practical and effective exercise of the right of a suspect to legal assistance during a police interview. The Supreme Court took into account the powers granted to lawyers under the rules in question.

#### **Annexe to answer 4a-d: domestic violence**

Over a period of two years, an average of 34 adults (men and women) and 13 children died as a result of domestic violence (CBS, 2012).

In March 2015 the Dutch Public Prosecution Service began adding a social qualifier (in this case, domestic violence) to the classification of incoming criminal cases alongside the statutory definition of the offence. Pending cases dating from before March 2015 are not so described. Consequently, the 2015 figures given below are not complete. With regard to the figures for 2016, it should be noted that they may be inaccurate, since this method of registration was new and a certain amount of time is necessary before input into all systems is correctly carried out.

<b>Domestic violence cases registered with the Public Prosecution Service (OM)</b>	2015 (from March onwards)	2016
Registered with OM	7217	8803
Disposed of by OM	Unknown	3476
Disposed of by courts	Unknown	4803
Convicted	Unknown	3911

Unfortunately, no recent figures can be supplied concerning the number of complaints registered by the police. This is a consequence of the reorganisation of the Dutch police force and associated changes to the registration system. However, a gender-sensitive study of the incidence of domestic violence and child abuse is under way. The study aims to increase understanding of the nature and extent of domestic violence. Results are expected in the first half of 2018.

Migrants (men and women) who are residing legally in the Netherlands with their spouse or partner on the basis of a dependent residence permit can apply for independent residence after five years of legal residence if the relationship, and subsequently the permit, ends as a result of domestic violence. The application for an independent residence permit must be supported by an affidavit from the police confirming that the victim has reported the offence, and by information from a doctor, a social worker or a (women's) shelter. This is long-standing policy. No recent changes have been made regarding the burden of proof. The victim is not required to be staying in a shelter; nor is the prosecution or conviction of the perpetrator a condition for independent residence status.

<b>Victims of domestic violence applying for independent residence status</b>	2013	2014	2015	2016 (up to October)
Applications	160	260	200	180
Permit granted	100	200	180	130
Permit refused	20	50	30	20
Application withdrawn by applicant/applicant left the country	<10	<10	10	10

Migrants who are not legally resident in the Netherlands can apply for a residence permit on the grounds of having suffered domestic violence. The application must be supported by an affidavit from the police and information from a doctor, social worker or (women's) shelter. In addition it must be established that the victim has no real options for returning to the country of origin to find protection against the violence. If victims are residing in a shelter they can apply for benefit to meet their basic needs. However such an application is not a condition for obtaining a residence permit

<b>Victims of domestic violence who are not legally resident</b>	2013	2014	2015	2016 up to October
Applications	30	30	40	40
Permit granted	<10	10	<10	<10
Permit refused	<10	20	20	20
Application withdrawn by the applicant/applicant left the country	<10	<10	<10	<10

The Netherlands has 16 Sexual Violence Advice Centres (CSG) offering multidisciplinary support to all victims of sexual violence. This embraces forensic expertise, medical care and

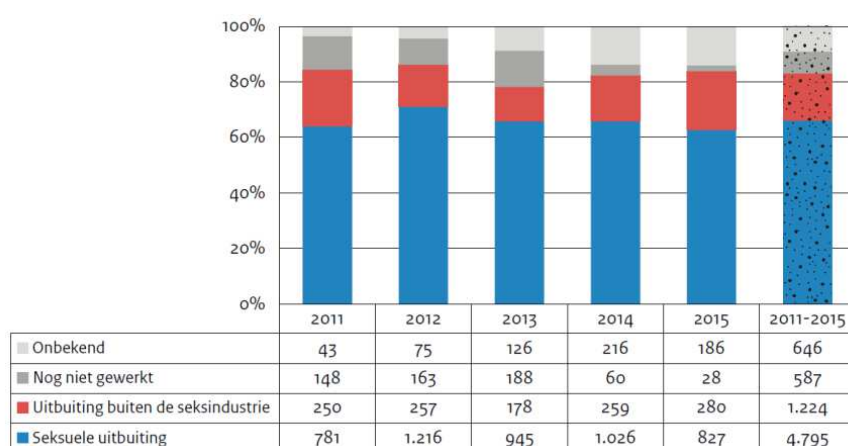
psychosocial support. The CSGs work according to national quality criteria and in close cooperation with the police. The aim is to identify and preserve trace evidence at an early stage and to start an investigation as soon as possible. In the first six months of 2016, 1000 victims reported sexual violence to the CSGs. Alongside the CSGs there is a nationwide network of women's shelters, which offer women and children tailored support. In 2015, 7,339 clients (of whom 2,569 were 17 years old or younger) were accommodated in 20 shelters. Male victims of domestic violence, honour-related violence or human trafficking are offered shelter at six locations (a total of 40 places). In addition, non-residential support is provided at local level. There is a free national helpline that victims can contact.

## Annexe to answer 5a: human trafficking

The most recent data from the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children<sup>1</sup> are as follows. Of the 7,252 possible victims of human trafficking (THB) registered with the Human Trafficking Coordination Centre (CoMensha) in the period from 2011 to 2015, 85% (n=6134) were women. In 2015, 1047 of 1321 victims were women (79%). There were slightly more male victims (21%; n=274) as a proportion of the total in 2015 than in the preceding four years. The highest number of male victims was recorded in 2014 (n=247) and 2015 (n=274).

Employment sectors in which possible human trafficking victims in the Netherlands were working from 2011 to 2015:

**Figure 3.1**

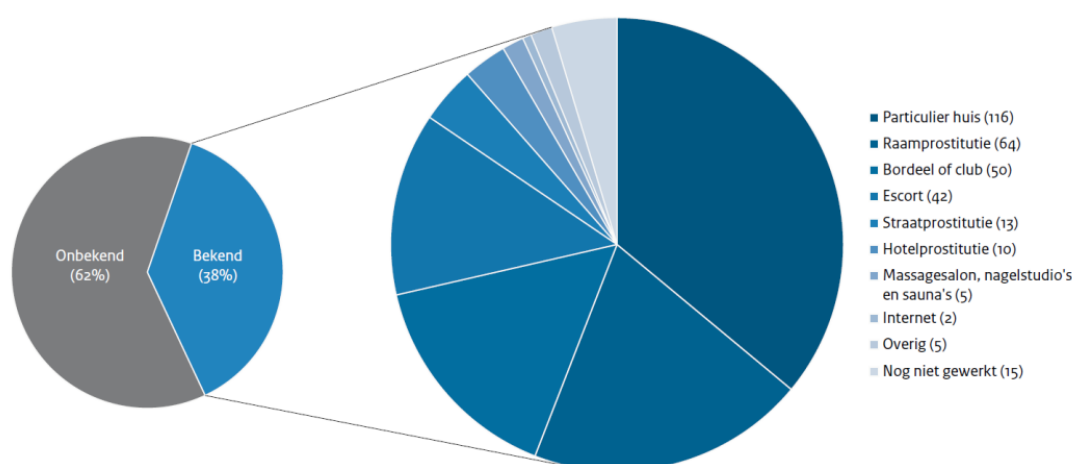


**Figuur 3.1** Uitbuitingsvormen (2011-2015).<sup>2</sup>

Bron: CoMensha (2011-2015).

**Figure**

**3.2**

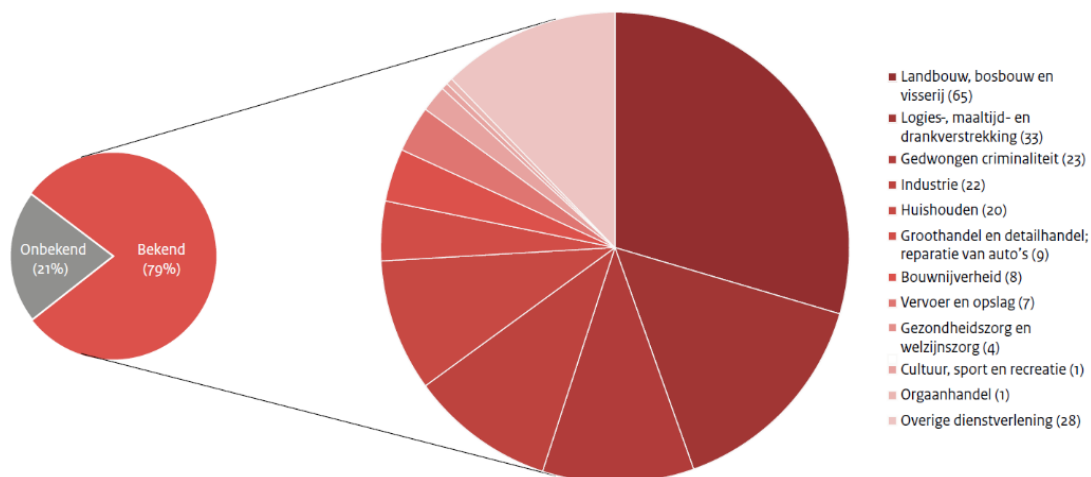


**Figuur 3.2** Sectoren van uitbuiting in de seksindustrie (2015).

Bron: CoMensha (2015).

National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Human Trafficking Monitor, figures relating to possible victims 2011-2015, The Hague, 2016. See also <https://www.dutchrappporteur.nl/Publications>.

**Figure 3.3**



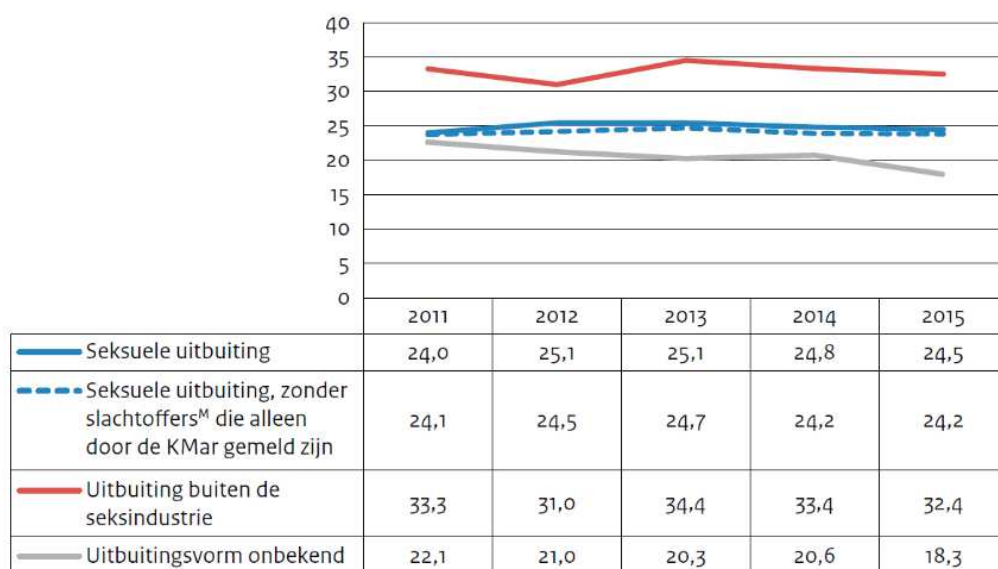
**Figuur 3.3** Sectoren van uitbuiting buiten de seksindustrie (2015).

Bron: CoMensha (2015).



The following table shows the average age of possible victims of the different forms of human trafficking in the Netherlands between 2011 and 2015:

**Figure 4.2**



**Figuur 4.2** Gemiddelde leeftijd slachtoffers<sup>M</sup> per uitbuitingsvorm (2011-2015).

Bron: CoMensha (2011-2015).

The most common countries of origin of possible human trafficking victims reported in the Netherlands in 2015 were:

The Netherlands	434 (33%)
Bulgaria	132 (10%)
Romania	129 (10%)
Poland	92 (7%)
Hungary	50 (4%)

The most recent statistics on prosecutions, convictions and sentencing provided by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children are as follows.

**Key figures relating to prosecution and sentencing in human trafficking cases (2011-2015)**

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2011-2015</b>
Number of human trafficking cases registered with Public Prosecution Service (OM)	261	315	257	282	217	1332
Number of human trafficking cases disposed of by the OM on the merits	232	281	271	253	285	1322
% summonses (partly) on human trafficking charges	72%	70%	72%	76%	65%	71%
Number of human trafficking cases disposed of at first instance	126	147	200	162	184	819
% convictions for at least one human trafficking offence	64%	76%	77%	80%	67%	73%
Average duration in days of the non-suspended part of custodial sentences	753	772	803	665	558	709

There are no statistics available on the number of complaints lodged and reports registered by the police in connection with human trafficking or the number of those that were investigated.

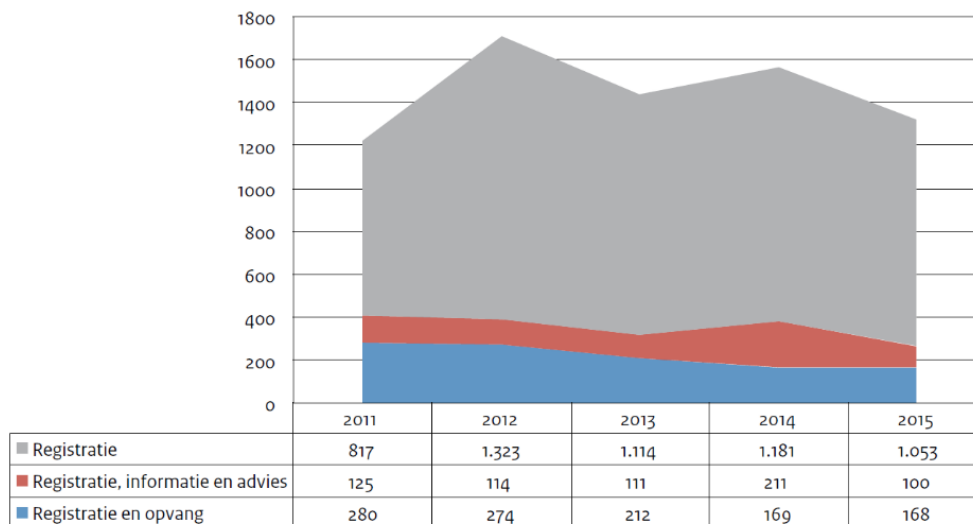
## **Annexe to answer 5b: human trafficking**

### Shelters

The Netherlands offers several types of shelter for different categories of victims (including children and victims without residence rights) and many different types of services (including legal, medical and psychological assistance and appropriate accommodation) with a view to providing tailored assistance. Many parties (governmental and non-governmental) are involved in the identification and support of victims. If there is even the slightest indication that a person is a victim of human trafficking he or she is offered support.

- Victims with Dutch nationality and victims residing legally in the Netherlands have access to all forms of support and assistance, regardless of whether they cooperate with the investigation and prosecution or not. Regular women's shelters and youth care facilities are available to them. The indication that a person might be a victim of human trafficking need not be a formal statement to the police. Dutch citizens and other EU residents can be referred to a shelter or other forms of support by a law enforcement organisation, NGO, healthcare organisation and so on.
- Third-country nationals who are given a reflection period are offered special shelter for victims without residence rights, where they receive an income and legal, medical and psychological assistance if needed. There are special shelters for both male and female victims.
- CoMensha has a budget for temporary shelter for victims of labour exploitation who do not need urgent care. Should it later emerge that any of these victims do in fact need care, they can go to the special shelters.
- There are protected reception centres for unaccompanied minor asylum seekers who are at risk of falling victim to human trafficking.
- In Amsterdam, The Hague, Rotterdam and Utrecht, there are regular shelters for male victims of violence.

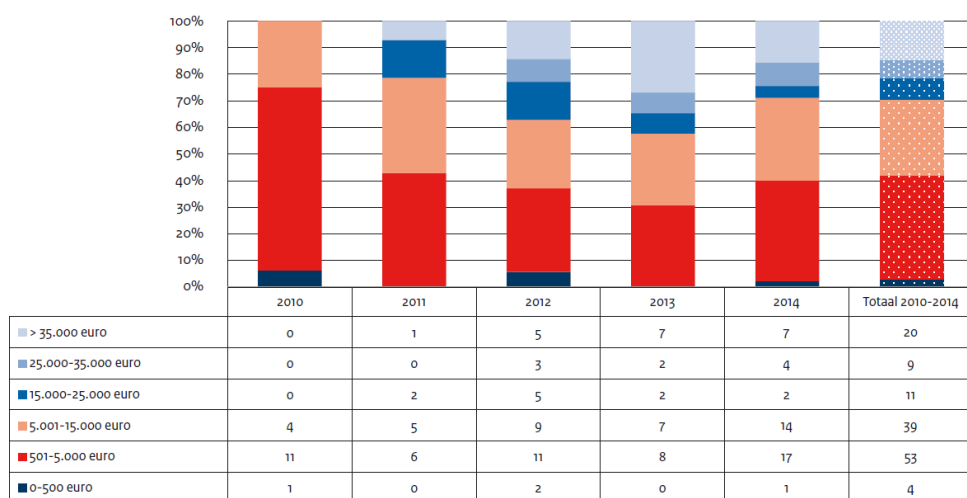
No figures are available on the occupancy rates of all these shelters. However, the National Rapporteur provides figures on the number of requests for shelter received by CoMensha, the NGO that refers human trafficking victims to shelters.



## Redress

Victims of human trafficking can seek redress by joining criminal proceedings or instituting civil proceedings. The amounts awarded are primarily for pecuniary damage such as unpaid wages, but limited amounts for non-pecuniary damage have also been granted on some occasions. In addition, the Criminal Injuries Compensation Fund provides financial compensation to victims of violent crimes, including human trafficking, who have sustained serious physical or psychological injury.

The number of compensation orders made by the courts fell from 35 in 2012 to 26 in 2013, and rose again in 2014 to 45. The table below shows the amounts of compensation awarded by the courts per offender (not per victim) from 2010 to 2014 (**Figure 2**).



**Figuur 2** Schadevergoedingsmaatregel naar opgelegd bedrag (2010-2014)

Bron: CJIB

In 2013 and 2014 the Criminal Injuries Compensation Fund decided on 58 and 61 applications respectively for financial compensation in connection with human trafficking. In 2014 over 75% of applications were granted. This represents a considerable increase compared with preceding years. In 2014, the average amount granted by the Fund for violent crimes in general was €3161. Data on the average amount granted to victims of human trafficking is not available.

#### Rights of residence for victims of human trafficking

Under the current rules on residence for human trafficking victims, such persons can obtain a temporary residence permit on humanitarian grounds if there are clear indications that they are the victim of human trafficking but are unable to cooperate with the criminal investigation due to threats or a serious medical condition. The National Rapporteur noted in her Ninth Report that in practice this provision is invoked only a few times a year. In response to this observation, the provision was explicitly drawn to the attention of the police, health and social care workers and the Immigration and Naturalisation Service (IND). In addition, the Aliens Act Implementation Guidelines were amended so that the police are no longer required to draw up an affidavit confirming that the person is a victim of human trafficking; their affidavit merely has to confirm the existence of signs of human trafficking.

If there is the slightest indication of human trafficking victims have the right to a rest and reflection period of up to three months, in which they can come to a decision about cooperating in the investigation or prosecution. If after that period the victim decides to cooperate, this constitutes an application for a temporary residence permit on the grounds of human trafficking.

The number of times victims made use of the reflection period fell from 223 in 2013 to 174 in 2014. The number of applications for a temporary residence permit also fell slightly: from 268 in 2013 to 251 in 2014. Not all victims apply for a residence permit after the reflection period. This was particularly the case with victims originating from Central and Eastern Europe and under-age victims. Applications for a temporary residence permit on these grounds are usually granted. The figures for 2015 and 2016 had not yet been published by the National Rapporteur at the time of writing.

With regard to residence permits for victims of human trafficking, including those who are unable to cooperate, the following applies.

- A residence permit can be granted to third-country nationals on the condition that human trafficking is reported to the police and a criminal investigation of the perpetrator has begun. This is an important measure to ensure not only the support of victims of human trafficking,

but also that the perpetrators are brought to justice. Only if these two elements are combined can human trafficking be successfully tackled.

- Victims do not have to report human trafficking to the police immediately. If there is even the slightest indication of human trafficking, the police or the Royal Military and Border Police (KMAR) at Schiphol Airport should offer a suspected victim of human trafficking a reflection period of up to three months to consider whether they want to press charges. During this period the victim has time to recover and consider whether to lodge a criminal complaint with the police or to cooperate in the investigation in another way.
- When the victim lodges a criminal complaint and the prosecution results in the conviction of the perpetrator, the victim can obtain a non-temporary residence permit. If the prosecution continues for at least three years the victim can apply for continued residence, even if the criminal case is still pending or the charges are eventually dropped.
- As stated above, a suspected victim can also obtain a temporary residence permit on humanitarian grounds if there is an indication that they are victim of human trafficking, but are unable to cooperate with the criminal investigation due to threats or a serious medical condition.

## **Annexe to answer 5c: human trafficking**

### Measures taken to strengthen prevention, investigation and punishment of trafficking

- The Task Force on Human Trafficking is responsible for formulating an integrated approach to human trafficking. The Task Force is headed by the chair of the Board of Procurators General
- The number of district courts was reduced to eleven in 2013 as a consequence of the Reorganisation of the Judiciary (Territorial Division) Act. The National Consultative Committee of Criminal Law Sector Chairpersons (LOVS) then decided to have a limited number of judges and legal staff deal with all human trafficking cases. This allows the courts to ensure that judges and staff possess enough substantive knowledge to handle such cases, which are often complex.
- All plans for larger scale trafficking investigations need to include a paragraph on how to investigate criminal profits. This should describe the tactics to be employed by the financial investigation, which serves three purposes: to establish the truth, to compensate the victims and to recover illicit gains.
- The Netherlands is 'co-driver' of the EU project on operational cooperation against human trafficking, known as EMPACT THB. The UK is the driver of this project. As part of EMPACT THB, from 28 May to 5 June 2016 a joint action week on human trafficking for labour exploitation was held for the first time in 21 EU member states, during which a significant number of inspections took place. For the first time, labour inspectors worked alongside police officers. The action week resulted in the identification of 275 possible victims of human trafficking for labour exploitation, the arrest of 41 suspects and the launch of 23 criminal investigations. The Gangmasters Licensing Authority (UK) and Inspectorate SZW organised this joint action week, which was supported by Europol.

### Identification of victims of loverboys

A number of studies and projects are being or have been conducted to address the issue of loverboys.

- The committee chaired by Naïma Azough worked on improving the integrated approach to loverboy issues and the support offered to child victims of human trafficking. The committee drew up a number of practical guides and roadmaps to help youth-care professionals identify and support child victims. These should lead to better cooperation between youth-care professionals and the police. The committee also established arrangements for the registration of child victims by youth-care professionals with the NGO CoMensha to improve understanding of the nature and extent of human trafficking

of minors.

- A bill has been introduced in Parliament to allow police officers to pose as adolescents on the internet. This should help identify and prosecute people who groom children in order to sexually abuse them or exploit them through forced prostitution.
- An overview of all the available prevention material relating to under-age victims of loverboys will be distributed to schools, municipalities and youth workers.

#### National referral mechanism

In 2013, an interministerial project was launched to develop a national referral mechanism for victims of human trafficking and to offer victims support tailored to their needs. Several initiatives have been undertaken as part of this project.

- The *Wegwijzer Mensenhandel* website ([www.wegwijzermensenhandel.nl](http://www.wegwijzermensenhandel.nl)) offers an accessible overview of the support available to victims of human trafficking. Here professionals, victims and members of the public can find organisations that provide help and support to human trafficking victims and an overview of arrangements that may be relevant to them.
- A model based on a multidisciplinary approach to establish that people are in fact victims of human trafficking was tested in an exploratory pre-pilot project in 2016. This exploratory project looked at how the new procedure might tie in with existing procedures for human trafficking victims. An operational pilot is expected to start in which possible victims will be assessed by a multidisciplinary committee.
- An updated list of indicators which can be used by all professionals who come into contact with possible victims has also been published on the website.



## Annexe to answer 8a+8b: asylum applications

Asylum applications registered in the Netherlands in 2014 according to age.

	Under 14	Between 14 and 17	Between 18 and 34	Between 35 and 64	65 or over	Total 2014
Females	1,640	415	2,970	1,505	145	6,670
Males	1,830	1,260	9,960	4,680	130	17,865
Total	3,470	1,675	12,930	6,185	270	24,535

Source: Eurostat

Asylum applications registered in the Netherlands in 2015 according to age.

	Under 14	Between 14 and 17	Between 18 and 34	Between 35 and 64	65 or over	Total 2015	Unknown
Females	2,525	990	5,970	2,520	180	12,190	0
Males	3,245	3,810	18,050	7,425	175	32,705	5
Total	5,775	4,805	24,065	9,970	355	44,970	5
Unknown	5	5	45	20	0	75	0

Source: Eurostat

Asylum applications registered in the Netherlands in 2016 according to age.

	Under 14	Between 14 and 17	Between 18 and 34	Between 35 and 64	65 or over	Total 2016
Females	1,935	555	2,530	1,395	105	6,520
Males	2,135	1,595	8,075	2,520	90	14,415
Total asylum applications	4,070	2,150	10,605	3,920	195	<b>20,940</b>

Source: Eurostat

Top ten countries of origin of asylum applicants in the Netherlands.

CITIZEN OF	2014		CITIZEN OF	2015		CITIZEN OF	2016
Syria	8,790		Syria	18,690		Syria	2,910
Eritrea	3,910		Eritrea	7,455		Eritrea	1,925
Stateless	2,720		Iraq	3,240		Albania	1,700
Iraq	1,320		Afghanistan	2,875		Afghanistan	1,385
Afghanistani	880		Stateless	2,500		Morocco	1,280
Iran	665		Iran	2,030		Iraq	1,115
Somalia	595		Albania	1,010		Iran	995
Unknown	555		Ukraine	760		Algeria	985
Mongolia	445		Kosovo	690		Serbia	945
Georgia	335		Somalia	450		Georgia	595
Other countries	4,320		Other countries	5,270		Other countries	7,110
Total	24,535		Total	44,970		Total	20,945

Source: Eurostat

Applications processed in the Netherlands, first instance decisions for the top ten countries of origin and total.

2014	Geneva Convention	Humanitarian status	Subsidiary protection	Total positive	Rejected	Total 2014
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	status		status	decisions		
Syria	350	125	4,965	5,440	515	5,950
Eritrea	35	90	3,365	3,490	355	3,845
Stateless	1,285	15	65	1,365	240	1,605
Afghanistan	180	85	145	415	415	830
Iraq	85	40	200	325	450	775
Iran	205	40	20	260	320	580
Somalia	10	225	100	335	235	570
Unknown	40	45	105	185	225	410
Mongolia	0	5	5	10	295	305
Georgia	0	0	5	5	280	285
<b>Total first instance decisions</b>	<b>2,485</b>	<b>775</b>	<b>9,290</b>	<b>12,550</b>	<b>6,260</b>	<b>18,810</b>

Source: Eurostat

2015	Geneva Convention status	Humanitarian status	Subsidiary protection status	Total positive decisions	Rejected	Total 2015
Syria	4,015	40	3,800	7,850	160	8,010
Eritrea	60	20	4,790	4,875	105	4,980
Stateless	1,695	75	50	1,820	120	1,940
Afghanistan	125	50	185	360	320	685

Ukraine	0	0	0	5	440	445
Iran	240	30	10	285	125	410
Iraq	70	15	165	255	140	395
Albania	0	0	0	0	315	315
Somalia	10	20	90	120	145	265
Mongolia	0	0	0	5	260	265
<b>Total first instance decisions</b>	<b>6,660</b>	<b>390</b>	<b>9,400</b>	<b>16,450</b>	<b>4,015</b>	<b>20,465</b>

Source: Eurostat

<b>2016</b>	<b>Geneva Convention status</b>	<b>Humanitarian status</b>	<b>Subsidiary protection status</b>	<b>Total positive decisions</b>	<b>Rejected</b>	<b>Total</b>
Syria	6,735	30	6,130	12,895	395	13,295
Eritrea	40	20	3,060	3,120	125	3,240
Iraq	135	45	800	980	1,050	2,035
Afghanistan	140	100	340	575	1,090	1,670
Iran	355	50	25	435	395	830
Albania	0	0	0	5	795	800
Serbia	0	0	0	0	560	560
Morocco	10	0	0	15	240	250
Algeria	0	0	0	0	160	165
Georgia	5	0	0	5	135	140

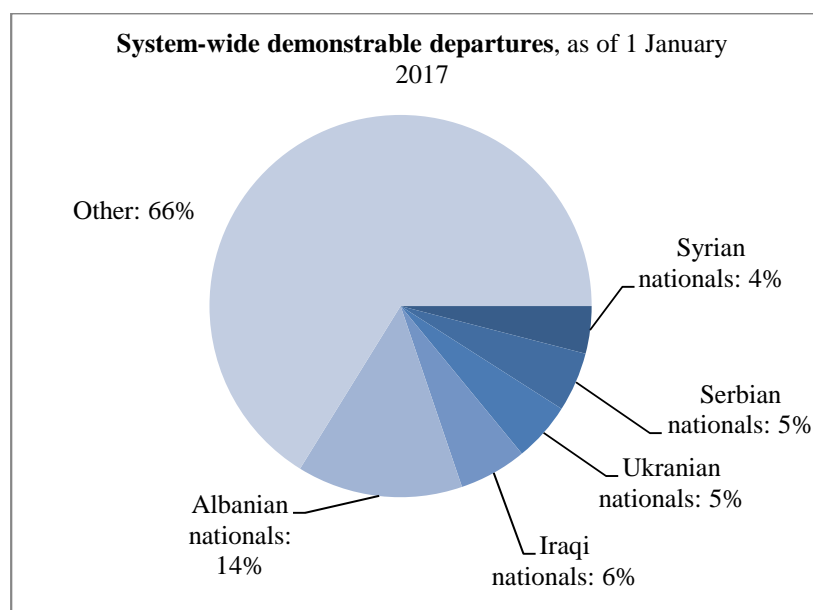
<b>Total first instance decisions</b>	<b>9,740</b>	<b>365</b>	<b>10,705</b>	<b>20,810</b>	<b>8,065</b>	<b>28,875</b>
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Source: Eurostat

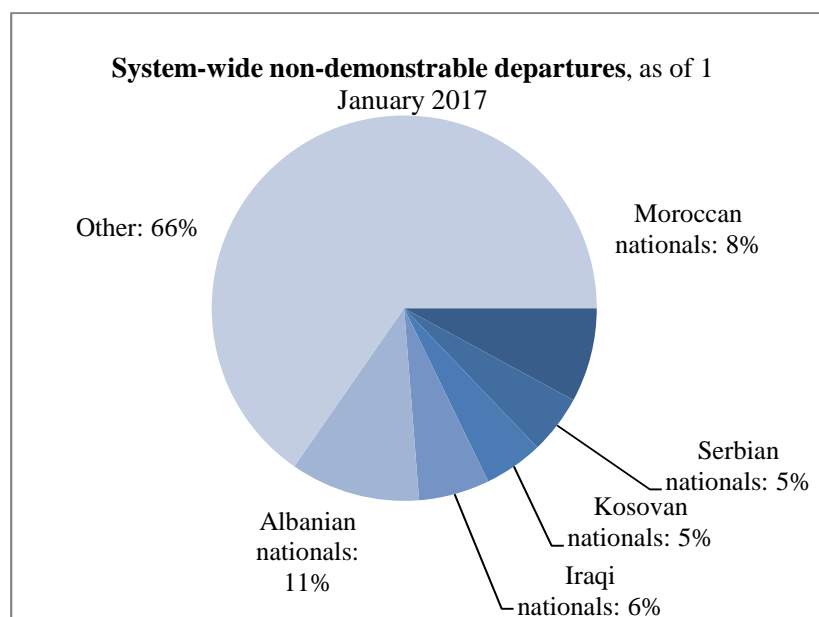
### Annexe to answer 8c: persons expelled or returned

The tables below provide an overview of registered departures (across the system). The total number of departures is divided into:

1. demonstrable departures: actual removals and third-country nationals surrendered at the border;
2. non-demonstrable departures: when an address check reveals that the third-country national in question is no longer living at the address given.



System-wide demonstrable departures (Source: KMI system, as of 1 January 2017)		
Nationality	2016-1	in %
Syrian	570	4%
Serbian	610	5%
Ukrainian	650	5%
Iraqi	790	6%
Albanian	1,840	14%
Other	8,420	66%
Total	12,890	100%



System-wide non-demonstrable departures (Source: KMI system, as of 1 January 2017)		
Nationality	2016-1	in %
Moroccan	910	8%
Serbian	640	5%
Kosovan	570	5%
Iraqi	680	6%
Albanian	1,290	11%
Other	7,840	66%
Total	11,930	100%

## **Annexe to answer 8d: extradition requests**

Extradition requests are examined extremely thoroughly by the courts and the Minister of Security and Justice. The Netherlands believes that torture is unacceptable in any circumstances whatsoever and so a request for extradition will be refused if there are substantial grounds for assuming there is a real risk of a violation of article 3 of the ECHR (torture), the equivalent of article 3 of the Convention. If the district court which initially examines the extradition request determines that torture has taken place, and that it was perpetrated by the authorities requesting extradition, the request will be denied.

With regard to the risk (the threat of a threatened violation) the requested person faces of being tortured in the requesting state, the decision falls to the Minister of Security and Justice. The Minister will examine whether there are indeed substantial grounds for believing that there is a real risk of torture. He may ask the requesting state for guarantees that torture will not take place. If the Minister approves the request, the requested person can begin interim injunction proceedings claiming that extradition would be in breach of article 3 of the ECHR. The highest court of the Netherlands, the Supreme Court, has stated that the prohibition of torture falls under peremptory law, is of an absolute nature and is intended to prevent torture all over the world. If the requested person puts forward specific arguments and they are sufficiently compelling and plausible, this may place an obligation on the State to examine the validity of those arguments further.

Some extradition requests are not processed because there is an automatic assumption that the person in question faces a serious risk of being tortured in the requesting state. There are also cases in which extradition is refused because of the poor conditions of detention in the requesting state. A recent example concerned a request for the extradition of a suspect who claimed that his extradition would be incompatible with article 3 of the ECHR, since he feared that he would be subjected to inhuman treatment in detention there on account of his sexual orientation. After the district court ruled that there was indeed a risk of inhuman treatment in prison in the requesting state the extradition request was refused.

In the period between 2013 and 2016, a total of over 400 extradition requests were received. The number of cases in which extradition was challenged on the grounds that the requested person faced the risk of torture in the country of destination is unknown.



## Annexe to answer 14: involuntary care

Although the Health Care Inspectorate (IGZ) has no figures on the number of persons admitted involuntarily to institutions for the care of the disabled or psychogeriatric care, the Ministry of Health, Welfare and Sport does register the number of places in locations designated under the Psychiatric Hospitals (Committals) Act (BOPZ). There are at present 1,766 nursing homes with a BOPZ designation and 1,750 BOPZ-designated locations offering care for people with an intellectual disability. This means that in the opinion of the IGZ, these institutions are appropriately equipped to provide care to patients admitted under the BOPZ. They can house both persons admitted under a court order and those who can express neither consent nor objection to admission.

Every year over 750,000 people receive treatment under secondary mental health care. There are 10,000 involuntary admissions and 8,000 people are committed by order of the mayor (IBS). Involuntary admissions last on average 41 days, committals by order of the mayor 14 days. Approximately 1,125 beds are occupied by the 10,000 involuntary admissions.

The number of BOPZ orders rose slightly in the period 2011 to 2014. Approximately 75% of the increase consisted of 'suspended orders', which do not result in admission. Around 5,000 of a total of 15,000 orders are suspended and therefore have no effect on the numbers of places or beds. The duration of such orders is reasonably stable.

The IGZ has no figures on the numbers of complaints relating to involuntary admission and stay, since they are lodged with the institution concerned. In addition, the role of the confidential advisors in the institutions is significant. They advise patients on their rights and duties and can assist them in lodging a complaint. As a result, patients always have someone who represents their interests.

In 2016, involuntary care under the BOPZ was reported on 13,572 occasions to the IGZ.

Sector	Form of compulsion	No. of unique reports*	Placements in seclusion (in special room)	Placements in seclusion (in normal room)	Use of restraints	Administration of medication	Instances of (forced) feeding or administration of fluids	Other procedures	Total number of procedures
Care for	Beginnin	717	57	208	404	30	4	135	838

<b>the disabled</b>	g or continuation of compulsion								
	Beginning of treatment or order	2,888	125	931	2,132	64	3	n.a.	3,255
<b>Care and nursing</b>	Beginning or continuation of compulsion	441	1	16	45	344	1	70	477
	Beginning of treatment or order	100	9	7	23	58	2	n.a.	99
<b>Mental health care</b>	Beginning or continuation of compulsion	2,406	703	378	225	1,559	63	180	3,108
	Beginning of treatment or order	7,020	4,267	1,048	682	2,785	44	n.a.	8,826
<b>Total</b>	Beginning or continuation of compulsion	3,564	761	602	674	1,933	68	385	4,423
	Beginning	10,0	4,401	1,986	2,837	2,907	49	n.a.	12,180

	g of treatment or order	08							
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\*NB: these are the numbers of unique reports. A single report may involve several procedures, including placement in seclusion, medication, administration of fluids, feeding etc., which is why the total number of procedures differs from the number of unique reports.

<b>Mental health care</b>	No. of designated BOPZ locations	No. of involuntary admissions	Average duration involuntary admission	No. of IBS orders	Average duration of IBS orders	No. of patients treated
	899	10,000	41 days	8,000	14 days	750,000

## **Annexe to answer 15: excessive use of restraint and force during forced returns**

In 2013 the KMAR received five complaints of excessive use of restraint and force during forced returns. Two of these were not accepted for processing by the complaints committee because a criminal investigation was under way (a criminal complaint had been lodged).<sup>2</sup> The committee was unable to assess the third complaint and the remaining two were declared unfounded. In 2014 and 2015 no complaints were lodged. In 2016 the committee again refused to process one complaint because a criminal investigation was under way. Another complaint was assessed and the committee found that the authorities had acted lawfully.

Since 2014 the Inspectorate of Security and Justice has monitored the forced return process in the Netherlands. The authorities are not aware of any alleged incidents of excessive use of force. In 2013 the Repatriation Supervisory Committee (CITT) was responsible for monitoring returns; its 2013 annual report shows that it investigated a single case in which 'the authorities were systematically accused of inhuman, violent, unlawful and even fraudulent conduct in the removal of a highly vulnerable person: a third-country national who as a consequence of a hunger and thirst strike was extremely weak'. The Committee noted that 'the officers involved carried out the removal procedure in a professional and humane manner and with great commitment, despite continuous physical and verbal violence from B [the person being removed]'. It further found no evidence of excessive use of restraint and force.

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<sup>2</sup> When a complaint is investigated the person/organisation that is the subject of the complaint must make a statement. In a criminal investigation the suspect has the right to remain silent.

## Annexe to answer 16: deaths and violence in detention

<b>Custodial institutions</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Suicide	4	14	11	6
Death from natural causes and from unnatural causes other than suicide	10	11	21	15
<b>Total</b>	<b>14</b>	<b>25</b>	<b>32</b>	<b>21</b>

<b>Immigration detention</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Suicide	1	0	1	0
Death from natural causes and from unnatural causes other than suicide	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>

<b>Custodial institutions + immigration detention</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Suicide	5	14	12	6
Death from natural causes and from unnatural causes other than suicide	10	11	21	15
<b>Total</b>	<b>15</b>	<b>25</b>	<b>33</b>	<b>21</b>

<b>Violence between detainees leading to serious injury</b>				
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>

Custodial institutions	14	5	6	4
Immigration detention	0	1	1	0
<b>Total</b>	<b>14</b>	<b>6</b>	<b>7</b>	<b>4</b>

Overview of reports of incidents registered as crimes of violence committed by personnel against detainees

**2013 = 5 reports registered**

<b>Case number</b>	<b>Type</b>	<b>Description</b>	<b>Disposal</b>
2608	Disciplinary investigation	Officer placed disorderly adolescent in isolation; use of neck hold by officer resulted in injury	Written reprimand
2528	Disciplinary investigation	A prison officer used crude language towards a detainee and then seized him 'by the collar' in order to place him 'behind the door'.	Written reprimand
2453	Investigation of the facts	Possible use of force by a staff member against a detainee.	Investigation by Integrity Bureau revealed that no physical violence had been used; issue to be addressed in job performance interview.
2598	Report of breach of	Staff member concerned	An internal

	professional ethics	was alleged to have kicked a detainee twice in the back in his cell or stood watching while another person did this. The detainee lodged a complaint with the duty member of the supervisory committee. The incident was allegedly witnessed by another detainee.	investigation found no grounds for further investigation by Integrity Bureau. Facts not proven (case involved two members of staff, see below).
2599	Report of breach of professional ethics	Staff member concerned was alleged to have kicked a detainee twice in the back in his cell or stood watching while another person did this. The detainee lodged a complaint with the duty member of the supervisory committee. The incident was allegedly witnessed by another detainee.	An internal investigation found no grounds for further investigation by Integrity Bureau. Facts not proven (case involved two members of staff, see above).

**2014 = 3 reports registered**

<b>Case number</b>	<b>Type</b>	<b>Description</b>	<b>Disposal</b>
3054	Request for advice	An escort from the Transport and Support Services Department (DV&O) was alleged to have used force. A criminal complaint was lodged against him.	An internal investigation found that excessive force had not been used; Public Prosecution Service (OM) decided not to prosecute.

2831	Request for advice	Possible ill-treatment of a detainee. A criminal complaint alleging ill-treatment was lodged and an investigation launched by Zeist police.	Involved an external employee. Contract with the individual was terminated. Not known if criminal complaint led to conviction.
3103	Questions from third party	Young detainee lodged complaint of ill-treatment against staff member	OM decided not to investigate complaint (the conclusion was that appropriate force had been used).

**2015 = 2 registered reports**

Case number	Type	Description	Disposal
3138	Report of breach of professional ethics	Criminal complaint lodged by detainee against DV&O staff member.	OM decided not to prosecute; no intentional ill-treatment.
3305	Report of breach of professional ethics	Staff member seized hold of young detainee and bit him.	Conditional termination of employment.

**2016 = 2 reports registered**

Case number	Type	Description	Disposal
3138	Report of breach of professional ethics	Criminal complaint lodged by detainee against DV&O staff member (officer closed sliding door on detainee who sustained a minor injury).	OM decided not to prosecute; no intentional ill-treatment.
3286	Disciplinary investigation	Dept. head used unnecessary force against	Dismissal.



		detainee/disproportionate use of force against a detainee.	
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**2017 = 1 report registered**

<b>Case number</b>	<b>Type</b>	<b>Description</b>	<b>Disposal</b>
3450	Report of breach of professional ethics	Use of neck hold allegedly led to detainee sustaining an injury.	Criminal complaint lodged with KMAR; investigation revealed no use of disproportionate force, injury not established.

#### Caribbean Netherlands

In 2016 two incidents involving detainees in the Correctional Institution Caribbean Netherlands (JICN) were reported. An official report of the first incident was drawn up but no criminal complaint was lodged. The second incident concerned a detainee who was tackled by prison officers during a search for firearms because he refused to obey orders issued by the police. He was sent to hospital for medical treatment. The detainee lodged a criminal complaint which was handled and disposed of by the Public Prosecution Service in Aruba.

With regard to police cells in Bonaire, in the period under review no violent incidents leading to a report or visit by a nurse or doctor took place.

### Annexe to answer 17a: statistical data on pre-trial detention

The overview below shows numbers of persons in pre-trial detention and convicted persons according to nationality and country of birth, plus the occupancy rate of custodial institutions. The figures show the situation as of September 2016.

#### Pre-trial detention: September 2016

Nationality of detainees in custodial institutions	Pre-trial detention	Appeal or appeal in cassation pending after conviction at first instance	Convicted by final judgment	Total
Unknown	60	11	157	228
Dutch	2,149	792	3,990	6,931
National of northern, western and southern European country, excluding the Netherlands	68	25	110	203
Eastern European and Russian	251	66	291	608
Moroccan	95	34	127	256
National of another African country	75	19	88	182
North American	5	1	3	9
Central American and Caribbean nationals	10	2	8	20
Surinamese	30	12	31	73
South American nationals excluding Surinamese	22	9	31	62
Turkish	35	11	72	118
Middle Eastern	23	9	28	60
National of another country in Asia	22	3	28	53
Stateless	1	0	2	3
<b>Total</b>	<b>2,846</b>	<b>994</b>	<b>4,966</b>	<b>8,806</b>
Country of birth of detainees in custodial institutions	Pre-trial detention	Appeal or appeal in cassation pending	Convicted by final judgment	Total

		<b>after conviction at first instance</b>		
Unknown	43	6	58	107
Netherlands	1,626	549	2,952	5,127
Northern, western and southern Europe, excluding the Netherlands	90	35	117	242
Eastern Europe and Russia	266	78	334	678
Morocco	114	50	232	396
Other African countries	145	46	222	413
North America	6	3	8	17
Netherlands Antilles + Aruba	185	88	362	635
Other Central American and Caribbean countries	30	7	56	93
Suriname	123	64	269	456
Other South American countries	43	16	63	122
Turkey	63	23	127	213
Middle East	64	18	85	167
Indonesia, Dutch East Indies	4	1	16	21
Other countries in Asia	43	9	65	117
Australia, New Zealand	1	1	0	2
<b>Total</b>	<b>2,846</b>	<b>994</b>	<b>4,966</b>	<b>8,806</b>
<b>Occupancy rate as a proportion of funded capacity</b>	<b>76.7%</b>			
<b>Occupancy rate as a proportion of usable capacity</b>	<b>86.0%</b>			
<b>Difference in occupancy rate is due to concentration of empty cells ('redundant' capacity)</b>				

Duration of pre-trial detention (including remand in police custody, excluding appeal or appeal in cassation phase)										
	2012		2013		2014		2015		2016	
	no.	cum. %	no.	cum. %	no.	cum. %	no.	cum. %	no.	cum.%
< 2 weeks	2,965	16%	2,915	18%	2,560	17%	2,144	16%	2,086	16%
2 wks - < 1 month	3,531	36%	3,466	40%	3,230	39%	3,350	41%	3,304	41%
1 month - < 2 months	2,145	48%	1,739	51%	2,016	53%	1,875	56%	1,694	54%
2 months - < 3 months	1,897	58%	1,595	62%	1,396	62%	1,098	64%	1,048	62%
3 months - < 4 months	2,314	71%	1,702	72%	1,585	73%	1,425	75%	1,378	73%
4 months - < 5 months	1,438	79%	1,202	80%	1,135	80%	1,162	83%	991	80%
5 months - < 6 months	1,089	85%	903	86%	836	86%	680	89%	721	86%
6 months - <9 months	1,601	94%	1,266	94%	1,153	94%	964	96%	1,081	94%
9 months - < 1 year	650	97%	553	97%	500	97%	384	99%	429	98%
1 year or over	488	100%	453	100%	405	100%	175	100%	320	100%
Unknown	404	*	367	*	362	*	307	*	233	*
<b>Total</b>	<b>18,552</b>	<b>100%</b>	<b>16,161</b>	<b>100%</b>	<b>15,178</b>	<b>100%</b>	<b>13,564</b>	<b>100%</b>	<b>13,285</b>	<b>100%</b>

## **Annexe to answer 17b: Information on alternative measures to pre-trial detention**

The Public Prosecution Service and the judiciary are at present exploring the options for encouraging the further use of alternatives to pre-trial detention on the basis of joint policy. The basic principle will be that the courts will always examine whether alternative measures can be as effective as deprivation of liberty in achieving the aims of pre-trial detention.

In addition, in 2016 the judiciary took a number of measures to ensure that court decisions (including the imposition of pre-trial detention) are better substantiated. The duty to substantiate decisions has been incorporated in the professional standards for criminal law judges drawn up by the judiciary. The standards are intended to complement legislation and other instruments which aim to improve the quality of the work of the criminal courts. They target both the organisation and individual judges.

Moreover, as part of the modernisation of the Code of Criminal Procedure, proposals are being developed to further promote the use of alternatives to pre-trial detention. The core of these proposals is to enable the courts to order temporary restrictions on a suspect's liberty and to abolish the suspension of pre-trial detention. This will prevent the situation arising in which the court must first order pre-trial detention before the application of alternatives to such detention (in the context of suspension) becomes possible. Making the order for temporary restrictions on liberty an independent measure will compel the courts (more so than under the present pre-trial detention arrangements) to examine whether duties and prohibitions restricting a suspect's liberty can be imposed, so that pre-trial detention is only ordered when necessary and unavoidable.

A number of advisory bodies have been asked to give their opinion on a bill to this effect.

### **Annexe to answer 18c: families with children and unaccompanied minors detained**

To express the number of unaccompanied minors (UAM) and families with children (FwC) as a percentage of the total number of immigrants or asylum seekers would not be informative, as the percentages would be so small that any distinction between the years would be lost.

However, the government can show the number in each group detained for longer than 14 days as a percentage of the total number detained per group.

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Absolute number detained</b>	30 UAM 90 FwC	10 UAM 40 FwC	10 UAM 70 FwC	30 UAM 80 FwC
<b>FwC detained &gt;14 days</b>	3%	7%	3%	3%
<b>Average duration</b>	38 days UAM	14 days UAM	16 days UAM	17 days UAM
	5 days FwC	6 days FwC	7 days FwC	7 days FwC

**Annexe to answer 19: occupancy rate reception and immigration detention centres**

**No. of third-country nationals per location on 31-12-2016 (DTC= detention centre)**

		<b>Frequency</b>	<b>Percentage</b>	<b>Verified percentage</b>	<b>Cumulative percentage</b>
	DTC Zeist	83	23.0	23.0	23
	DTC Rotterdam	228	63.2	63.2	86.1
	DTC Schiphol	43	11.4	11.4	97.5
	Veldzicht	9	2.5	2.5	100
	Total	361	100	100	

## **Annexe to answer 21: use of force by police officers**

In 2016 the National Police Internal Investigations Department investigated 35 shooting incidents in which police officers had used firearms in the conduct of their duties. In these incidents, 33 people were injured and 4 were killed. In 2015 there were 30 shooting incidents with 29 people injured and none killed. In 2014, 33 shooting incidents were investigated, in which 30 people had been injured and none killed. No recent figures are available in the category 'bodily injury as a result of a confrontation with police, other than by the use of firearms'. It is known, however, that the National Police Internal Investigations Department investigated an average of twelve cases a year in this category between 2014 and 2017.

In 2016 the court of appeal ordered the prosecution of three police officers. Two cases involved the use of force by police officers during the search of a suspect prior to remanding him in police custody. The third involved a police officer who fired at a suspect.<sup>3</sup>

In three cases in 2016 a police officer was convicted of shooting at a suspect fleeing in a vehicle.<sup>4</sup> Another officer was convicted of shooting a suspect in the foot while he was running away.<sup>5</sup>

No new acquittal cases are known apart from those referred to in footnote 10 of the information on follow-up.

In 2017 the district court held that a police officer charged with manslaughter after shooting at an approaching vehicle – without hitting the driver – had acted in self-defence.<sup>6</sup>

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<sup>3</sup> Arnhem-Leeuwarden Court of Appeal, 1 March 2016, ECLI:GHARL:2016:1696; Amsterdam Court of Appeal, 14 November 2016, ECLI:NL:GHAMS:2016:4437.

<sup>4</sup> Noord-Holland District Court, 10 November 2016, ECLI:NL:RBNHO:2016:10016; The Hague Court of Appeal, 15 July 2016, ECLI:NL:GHDHA:2016:2133 and The Hague Appeal Court, 3 October 2016, ECLI:NL:GHDHA:2016:2872.

<sup>5</sup> Gelderland District Court, 5 July 2016, ECLI:NL:RBGEL:2016:3629.

<sup>6</sup> Noord-Nederland District Court, 14 February 2017, ECLI:NL:RBNNE:2017:438.



## **Annexe to answer 24a: redress**

In the Netherlands victims – or their surviving relatives – who have suffered physical or psychological injury through a criminal offence can join the criminal proceedings with a claim for compensation. This claim can only be examined by the court if it does not impose an undue burden on proceedings.

If the court examines the claim, grants it partially or in its entirety and imposes a compensation order, the Central Fine Collection Agency (CJIB) collects the amount awarded by the court and pays it to the victim immediately. If a convicted person does not pay the full amount within eight months of the judgment becoming final, the CJIB pays the victim an advance on the amount outstanding at that time. This arrangement came into force for crimes of violence and sexual offences in January 2011; there is no limit set on the amount of the advance for these types of offences.

As of 1 January 2016 victims of all other offences may be eligible for an advance on compensation, up to a maximum of €5,000. Victims may also take their compensation claim to the civil courts, which have more scope and expertise to assess complex claims.

Victims of violent crime who cannot obtain compensation from the offender can approach the Criminal Injuries Compensation Fund, an independent government body that provides financial compensation for suffering and any financial losses. The amount awarded is determined on the basis of the nature and severity of the injury and can vary from €1,000 to €35,000.

**Table 1: no. of joinders compared with total no. of criminal cases**

<b>Year</b>	<b>No. of criminal cases</b>	<b>No. of joinders</b>	<b>Percentage</b>
2010	110,027	18,180	16.5%
2011	105,465	17,264	16.4%
2012	99,723	18,045	18.1%
2013	100,207	18,321	18.2%
2014	97,732	17,738	18.1%

**Table 2: admissibility**

<b>Year</b>	<b>No. of joinders</b>	<b>Admissible</b>	<b>Partially admissible</b>	<b>Inadmissible</b>
2010	18,180	30.3%	37.5%	32.2%
2011	17,264	28.4%	48.1%	23.5%
2012	18,045	25.9%	53.0%	21.1%
2013	18,321	22.8%	58.3%	18.9%
2014	17,738	19.2%	64.2%	16.6%

**Table 3: compensation orders enforced by CJIB**

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Sent to CJIB for enforcement	11,126	10,858	13,357	12,391	13,391	13,539
Average initial claim amount	€1,853	€1,818	€2,581	€1,585	€2,014	€2,712

**Table 4: compensation paid by Criminal Injuries Compensation Fund**

<b>Year</b>	<b>No. of awards</b>	<b>Average amount</b>
2010	5,006	€2,137
2011	4,334	€2,400
2012	4,656	€2,921
2013	4,147	€2,720
2014	4,145	€3,161
2015	4,874	€3,272

## **Annexe to answer 26a: racist or racially discriminatory acts by police officers**

### **Disposal of complaints of discrimination by the police**

	<b>2013</b>	<b>2014</b>	<b>2015</b>
Disposed of at intake	8	21	0
Disposed of at initial stage (complaints mediator)	31	33	39
Disposed of at second stage (independent complaints committee)	13	19 (of which 1 upheld )	22 (of which 1 upheld )
<b><u>Total</u></b>	<b><u>65</u></b>	<b><u>73</u></b>	<b><u>61</u></b>

The figures for 2016 are not yet known.

In the period under review no discrimination cases involving an investigating officer were notified to the Public Prosecution Service.

## **Annexe to answer 32: antiterrorism measures**

The comprehensive action programme to combat jihadism describes a combination of preventive and reactive measures to be taken by government and social partners in working together to create a resilient society capable of responding to the increased threat we face, both now and in the future, and to counter the processes that lead to radicalisation and tensions. The programme also states which supplementary measures are needed to strengthen the rule of law and forge an alliance against extremism and hate in society.

The action programme gave rise to a number of legislative proposals, some of which have already entered into force and are relevant in this context.

### Counterterrorism (Interim Administrative Measures) Act

The Act entered into force on 1 March 2017 and contains interim rules on measures to restrict a person's liberty if he/she constitutes a danger to national security or is intending to join a jihadist group. The Act protects national security and helps prevent participation in or financial or other support for terrorism. It allows for the imposition of reporting requirements, banning orders or restraining orders on the basis of behaviour associated with terrorist activity or support for such activity. These measures can be imposed on individuals who are in contact with other radicalised individuals and have shown a noticeable interest in certain items or events. Persons may also be prohibited from leaving the Schengen Area if there are serious suspicions that they are intending to travel outside the territory with the intention of joining an organisation that the Minister of Security and Justice, with the agreement of Cabinet, has placed on the list of organisations which are participating in a national or international armed conflict and pose a threat to national security. The measures may only be imposed if this is necessary to protect national security.

### Amendment of the Passport Act in connection with the automatic cancellation of travel documents issued to persons on whom a travel ban has been imposed

The changes to the Passport Act include the automatic cancellation of the passport or Dutch identity card of persons on whom a travel ban has been imposed under the Counterterrorism (Interim Administrative Measures) Act. In addition, it creates an additional ground for refusing to issue a new passport or identity card to such persons and the option of issuing a replacement identity card on application.

### Amendment of the Netherlands Nationality Act in connection with the revocation of Dutch nationality in the interests of national security

This amendment entered into force on 1 March 2017 and enables the Minister of Security and Justice to revoke the Dutch nationality of jihadists who have joined a terrorist organisation abroad, without the need for a prior criminal conviction. On their return to the Netherlands these jihadists can pose an immediate danger to national security. Revocation of Dutch nationality is only possible if the persons concerned will not become stateless as a result. The new provisions make it possible to revoke a person's Dutch nationality as soon as they join a group that has been placed on a public list of terrorist organisations (such as ISIS and al Qa'ida). Once such a person's Dutch nationality has been revoked, he/she is also subjected to an exclusion order, making it impossible to return legally to the Netherlands and the rest of the Schengen Area.

When a person's Dutch nationality is revoked because he/she has joined a terrorist organisation abroad, the district court is automatically notified of the revocation decision if the person concerned does not lodge an application for review within four weeks. This guarantees that the courts review the revocation decision in every case. There is no objections stage, so that a court decision on the measures taken can be obtained as quickly as possible. Appeal from the decision of the district court lies to the Council of State.

## Curacao

### Article 1 & 4:

**Table 1:** Total number of persons remanded in custody on suspicion of domestic or gender-based violence

Source: Public Prosecutor's Office

<b>GENDER</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
MEN	88	93	103	33
WOMEN	11	5	8	5
<b>TOTAL</b>	<b>99</b>	<b>98</b>	<b>111</b>	<b>38</b>

**Table 2:** Disposal of cases

Source: Public Prosecutor's Office

<b>Type of disposal</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Report issued	45	79	55	5
Letter issued	54	19	46	32
Cases still open	0	0	10	1

**Table 3:** Mandatory supervision to prevent re-offending

<b>Modalities</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Sentenced	31	11	15	2
Suspended	18	25	16	6
Release on parole	4	2	0	0
HuRa sitting	3	4	12	5
Unknown	43	56	68	25

**Table 4:** Training and individual guidance

Type of training/guidance	2013	2014	2015	2016
Group training	30	11	11	3
Equip training	0	2	5	2
Individual guidance	5	29	22	2

**Article 2:****Table 5:** Reasons for registering with the Curaçao Victim Support Foundation in 2015

Source: Victim Support Foundation

Issue/offence	Classified as	Sub-total	Total
<b>Threatening behaviour</b>			<b>54</b>
	unspecified	48	
	threat of violence	1	
	threat with a firearm	5	
<b>Arson</b>			<b>14</b>
	unspecified	8	
	attempted arson	1	
	arson	5	
<b>Theft</b>			<b>14</b>
	unspecified	11	
	violent	3	
<b>Manslaughter</b>			<b>3</b>
	attempted manslaughter	2	
	manslaughter	1	
<b>Family problems</b>			<b>63</b>
	unspecified	63	
<b>Violence</b>			<b>2</b>
	psychological	1	
	physical	1	
<b>Hostage-taking</b>			<b>1</b>
	attempted hostage-taking	1	
<b>Burglary</b>			<b>1</b>
	unspecified	1	
<b>Child abuse</b>			<b>3</b>
	unspecified	3	
<b>Assault</b>			<b>77</b>
	unspecified	65	
	ill-treatment by authorities	2	
	verbal abuse	3	

	emotional abuse	3
	<i>Serious assault</i>	4
<b>Murder</b>		<b>5</b>
	attempted murder	1
	murder	4
<b>Emergency landing</b>		<b>150</b>
	emergency landing causing injury	150
<b>Kidnapping</b>		<b>1</b>
	unspecified	1
<b>Domestic violence</b>		<b>279</b>
	stalking	15
	assault, threatening behaviour, destruction of property	261
	domestic violence resulting in death	3
<b>Armed robbery</b>		<b>221</b>
	attempted armed robbery	5
	unspecified	200
	armed robbery causing injury	3
	violent armed robbery	11
	armed robbery resulting in death	2
<b>Shooting incident</b>		<b>16</b>
	unspecified	11
	shooting incident resulting in death	5
<b>Sexual abuse</b>		<b>11</b>
	unspecified	1
	attempted rape	1
	rape	6
	indecent or sexually abusive behaviour ( <i>ontuchtige handelingen</i> )	2
	sexting	1
<b>Trauma following accident</b>		<b>84</b>
	unspecified	17
	following police raid on incorrectly identified house	5
	following assault	1
	following murder	5
	following accident at sea	1
	following domestic violence	1
	following domestic violence resulting in death	11
	following armed robbery	1
	following armed robbery resulting in death	8
	following a shooting incident	11
	following a shooting incident resulting in death	2
	following a drowning	4
	following a road accident	1
	following a road accident resulting in death	11



	<i>following disappearance of person resulting in death</i>	1	
	<i>following attempted suicide</i>	1	
	<i>following suicide</i>	3	
<b>Exclusion order</b>			<b>5</b>
	<i>unspecified</i>	5	
<b>Drowning</b>			<b>3</b>
	<i>unspecified</i>	3	
<b>Road accident</b>			<b>40</b>
	<i>unspecified</i>	23	
	road accident resulting in death	13	
	road accident resulting in permanent injury	4	
<b>Destruction of property</b>			<b>12</b>
	<i>unspecified</i>	12	
<b>Addiction</b>			<b>5</b>
	alcohol and drugs	4	
	gambling	1	
<b>Neglect</b>			<b>12</b>
	neglect of a child	8	
	neglect of an elderly person	4	
<b>Joinder report</b>			<b>62</b>
	<i>unspecified</i>	3	
	arson	4	
	theft	11	
	theft/destruction of property	2	
	handling stolen property	1	
	dog bite	2	
	assault	3	
	assault with a firearm	1	
	fraud	6	
	attempted murder	2	
	murder	1	
	domestic violence	1	
	domestic violence resulting in death	1	
	armed robbery	5	
	shooting incident	11	
	shooting incident resulting in death	1	
	road accident	1	
	road accident resulting in death	2	
	destruction of property/threatening behaviour/stalking	1	
	attempted rape	1	
	rape	2	
<b>Suicide</b>			<b>6</b>
	attempted suicide	4	
	suicide	2	
<b>Other</b>			<b>67</b>
	advice and information	16	

	advice concerning divorce and maintenance in connection with domestic violence	2
	mediation in connection with refusal to issue a passport	1
	dispute between neighbours	1
	funeral costs	1
	search for accommodation in connection with domestic violence	10
	death from natural causes	7
	fraud and embezzlement	8
	bullying	2
	placement in a residential facility	11
	psychiatric patient in connection with domestic violence	1
	grieving process	1
	wage freeze	1
	delivery of bad news at work	3
	forgery	1
	failure by employer to pay wages	1

**Table 6:** Annual data on human trafficking cases

YEAR	NAME OF INVESTIGATION	SUSPECTS	VICTIMS	COUNTRY OF ORIGIN OF VICTIM(S)
2013		0	0	N.A.
2014	VICTORIA	3	9	Colombia/ Dominican Republic
2015		0	0	
2016	FLAGGS	3	1	Venezuela

**Table 7:** List of awareness-raising campaigns organised in the period under review

1.	<ul style="list-style-type: none"> <li>▪ In January 2014 a working lunch was held with CoMensha (Human Trafficking Coordination Centre, the Netherlands), the Justice Department and the Department of Social Development, Labour and Welfare to discuss human trafficking issues in Curaçao and how to deal with issues around exploitation.</li> <li>▪ At this meeting the issue of ‘sugar daddies’ and ‘sugar mamas’ was raised as one of the topics to be put on the agenda of the anti-trafficking task force. The outcome of the meeting was a plan for close cooperation between the Ministry of Justice and the Ministry of Social Development, Labour and Welfare in dealing with human trafficking problems and launching awareness campaigns. Both Ministers attended the working lunch.</li> </ul>
2.	<ul style="list-style-type: none"> <li>▪ On 21 May 2014, a forum was organised by the Ministry of Justice to inform the general public about human trafficking issues. Participants included the Ministry of Social Development, Labour and Welfare and the Human Trafficking Coordinator in Aruba. The forum was attended by a significant number of interested citizens. On 22 May 2014, a series of plenary sessions and workshops were held to raise awareness among staff at the Ministry of Justice and the Ministry of Social Development, Labour and Welfare. Other government bodies and a number of NGOs</li> </ul>

	attended the events.
3.	<ul style="list-style-type: none"> <li>▪ In November 2014 the Minister of Social Development, Labour and Welfare and the Minister of Justice signed a protocol between the government of Curaçao and the business community aimed at preventing human trafficking. The specific objectives of the protocol are to raise awareness and set up barriers in order to prevent situations which might lead to labour exploitation and/or human trafficking, in collaboration with representatives of businesses and/or sectors eligible for the accelerated administrative procedure when applying for work permits for persons whose skills are absolutely necessary for a particular job.</li> </ul>
4.	Following the signing of the protocol, a road show was organised to inform and raise awareness within the business community and among other partners about human trafficking and labour exploitation throughout the year 2015.
5.	<ul style="list-style-type: none"> <li>▪ On 19 October 2016 the human trafficking coordinator held a workshop on the problem of 'trago girls' (girls working in bars who induce men to buy them drinks (<i>tragos</i>) to boost the bar's income). This is a new and serious phenomenon in Curaçao.</li> </ul>

## Article 10

**Table 8:** participants in training courses for prison staff  
Source: Prison staff training coordinator P.R. Maria (26-7-2016)

<b>Security guards</b>	<b>Total</b>	<b>BBB completed</b>	<b>BBB not yet completed</b>	<b>Stage 1 of BBB completed</b>	<b>Engaged in stage 1 of BBB</b>	<b>Engaged in stage 2 of BBB</b>	<b>BBB not yet started</b>
	155	102	61	2	16 (2 suspended); must have completed BBB by mid-December	21 (3 removed from examination hall for cheating). Results of resits: early September	14 (1 suspended). Planning: from February to mid-July 2017
<b>Prison officers</b>	<b>Total</b>	<b>PIW course completed</b>	<b>PIW not yet started</b>	<b>Work placement</b>			
	157	122 have	35 (three	19 trainees			

BBB = basic training for security guards

PIW = prison officer training course

FOBA = forensic observation unit

		completed the course; Some trainees still have to complete certain subjects.	groups). Planning: 29 Aug. to 28 Oct., 31 Oct. to 30 Dec. and 9 Jan. to 17 March.	have completed work placement in the FOBA unit.			
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**Table 9:** Source: Curriculum for PIW & BBB

**2016 curriculum for SDKK (prison officers)**

**General**

1. Computer skills (Windows)
2. Computer skills (Word)
3. Fitness/sport
4. Social communication skills
5. Aggression management

**Legislation**

1. Introduction to law
2. Penitentiary law

**Practical skills**

1. Use of firearms
2. Prison officers Code of Conduct and Prison officers Instructions on the Use of Force

**Institution-specific training**

1. Mandate and organisation
2. Infectious diseases
3. Addiction care
4. Integrity

**Profession-specific training**

1. Security training
2. Arrest techniques
3. Unarmed self-defence techniques
4. Reporting

**Practical training**

1. Professional practice
2. Social skills
3. Learning skills

## **Curriculum for SDKK security guards**

### **General**

1. Computer skills (Windows)
2. Computer skills (Word)
3. Fitness/sport
4. Social communication skills
5. Professional ethics
6. Dutch
7. English

### **Legislation**

1. Introduction to law
2. Criminal law
3. Law of criminal procedure
4. Specific ordinances
5. Penitentiary law

### **Practical skills**

1. Knowledge of firearms
2. Use of firearms
3. Prisoners's Code of Conduct and Prisoners Instructions on the Use of Force

### **Institution-specific training**

1. Mandate and organisation
2. Access control and other posts
3. Infectious diseases
4. First aid training

### **Profession-specific training**

1. Security training
2. Arrest techniques/Unarmed self-defence techniques
3. In-house emergency response
4. Managing risk and responding to specific situations
5. Reporting on incidents/specific situations/changes

### **Practical training**

1. Professional practice



**Table 10:** Number of deaths in custody, indicating the cause of death.  
Source: SDKK/Public Prosecutor's Office

YEAR	TOTAL	CAUSE OF DEATH
2013	1	Heart attack
2014	0	
2015	1	Heart attack
2016	0	

**Table 11:** Source: SDKK

**Injuries sustained in 2016:**

MONTH	injuries	MONTH	injuries
January:	3	July:	0
February:	4	August:	2
March:	6	September:	5
April:	6	October:	3
May:	9	November:	5
June:	4	December:	0

**Table 12:** Incidents between prison staff and inmates, and complaints

Year	Internal Relations (IR) SDKK	Public Prosecutor	Reported to SDKK management by IR	Dismissed (IR)	Not completed (IR)	Department of Justice
2014	2		2			
2015	2	1 (between inmates)		1	1	
2016	1	1 (between inmates)				1

**Table 13:** approximate no. detainees

Source: SDKK

No. of detainees as of 06-01-2017 (total)	: 377
No. born outside Curaçao	: 85
No. sentenced	: 208
No. awaiting judgment	: 169

**Table 14:**

**ANNUAL DATA ON PERSONS DEPRIVED OF THEIR LIBERTY**

Source: Public Prosecutor's Office

YEAR	TOTAL NO. PERSONS DEPRIVED OF THEIR LIBERTY
2013	554
2014	465
2015	570
2016	695

**Table 15:**

**Alternatives to pre-trial detention**

1.	<p><b>THE HUSTISIA RAPIDO OR 'HURA' SITTING</b></p> <p>HuRa sittings were introduced on 17 April 2012 by the Public Prosecutor's Office. HuRa stands for 'Hustisia Rapido' or 'speedy justice'. The Public Prosecutor is in charge of the sitting. HuRa represents the speed-oriented disposal of relatively simple criminal matters in accordance with both the legal and the social context, in which the victim's interests are taken into consideration and where collaboration is sought with the partners in the justice system. The most common outcomes are (a) the dismissal of the case subject to conditions (charges dropped) and (b) imposition of a settlement penalty.</p> <p>The suspect is arrested but is not held in pre-trial detention or may be</p>
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	<p>released from pre-trial detention very shortly after arrest. One morning a week is reserved for a HuRa sitting. The defendant and counsel are called by telephone to appear at the sitting. Contact is also made with the victim, who is given the opportunity to state whether he/she suffered any damage or injury and thus requires compensation. The victim can also give his/her views on the nature of the penalty to be imposed (mainly community service sentences). During the HuRa sitting, arrangements are made with the probation or guardianship council official present.</p>
	<p>In the year 2012, from 17 April onwards, a total of 23 HuRa sittings were held to which 146 suspects were summoned. During the sittings, 18 'last chance' conversations were held in the presence of the probation officer with convicted persons who had failed to do the community service they had been sentenced to by the court.</p>
2.	<p><b>QUICK JUSTICE</b></p> <p>An alternative to pre-trial detention which started in April 2013 is quick justice. One advantage of this new approach is that imposition of a penalty quickly follows the commission of the offence.</p> <p>In the pilot phase, when the public prosecutor applies for an extension to detention of 60 days, the examining magistrate acts as trial judge and hears the case.</p> <p>Given the short time frame between arrest and a court hearing, only straightforward cases in which no psychiatric or psychological report is necessary are suitable for quick justice. Possession of controlled substances (cocaine, heroin), possession of marijuana, possession of firearms, aggravated assault, armed robbery, sexual abuse of a child, sexual assault and the gravest offences (e.g. genocide, treason, terrorist offences, murder) cannot be tried in this way. The maximum sentence that can be demanded is a term of one year in prison.</p>

3.	<p><b>ELECTRONIC SURVEILLANCE</b></p> <p>Another alternative to pre-trial detention used in Curaçao is electronic monitoring through the placing of an ankle bracelet. The examining magistrate or the court can directly place someone under electronic surveillance by ordering them to wear such a bracelet. Special conditions may also be imposed, for example a ban on visiting certain places, such as the area where the victim lives.</p>
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## **Key to figures**

### **Figure 3.1 (page 6)**

Forms of exploitation 2011-2015

Source: CoMensha (2011-2015)

Unknown

Has not yet worked

Exploitation outside the sex industry

Sexual exploitation

### **Figure 3.2 (page 7)**

Sectors of exploitation in the sex industry

Source: CoMensha (2015)

Unknown (62%)

Known (38%)

Private home (116)

Window prostitution (64)

Brothel or club (50)

Escort (42)

Street prostitution (13)

Hotel prostitution (10)

Massage parlours, nail studios and saunas (5)

Internet (2)

Other (5)

Has not yet worked (15)

### **Figure 3.3 (page 7)**

Sectors of exploitation outside the sex industry (2015)

Source: CoMensha (2015)

Unknown: 21%

Known: 79%

Agriculture, forestry and fisheries (65)  
Hospitality industry (33)  
Forced criminality (23)  
Industry (22)  
Household work (20)  
Wholesale and retail; car repair (9)  
Construction industry (8)  
Transport and storage (7)  
Health care and social welfare (4)  
Culture, sport and recreation (1)  
Organ trade (1)  
Other services (28)

**Figure 4.2 (page 8)**

Average age of victims according to form of exploitation (2011-2015)

Source: CoMensha (2011-2015)

Sexual exploitation

Sexual exploitation excluding victims only reported by the KMAR (Royal Military Border Police)

Exploitation outside the sex industry

Form of exploitation unknown

**Figure on page 11**

Registration

Registration, information and advice

Registration and shelter

**Figure 2 (page 11)**

Compensation orders according to amount awarded

Source: Central Fine Collection Agency (CJIB)