



Diemen, Utrecht
the Netherlands
13 September 2011

To the Committee against Torture

Dear Madams, Sirs,

With great enthusiasm and interest we have taken notice of the working document on article 14 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. We congratulate you with this thoroughly drafted document, which we consider not only as a highly comprehensive clarification of article 14, but also as an affirmation of the importance of *“the victim of an act of torture obtains [...] as full rehabilitation as possible”* as means of doing justice to the victim.

We only have a few comments on the working document for your consideration. These are the following:

1. We consider the inclusion of the Istanbul Protocol in paragraphs 12, 16 and 31 of the working document as a positive step towards a confirmation of the importance of the use of this manual for the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment. However, though the working document emphasizes the use of the Istanbul Protocol for the assessment and evaluation of therapeutic and other needs, it lacks a reference to its use as a professional method for obtaining supportive evidence in judicial procedures, including the asylum determination procedure. For that last matter, we refer to the concluding observations of your committee concerning the report of the Netherlands of 2007,¹ in which you encourage the application of the Istanbul Protocol in the asylum procedure (and the provision of training regarding this manual to relevant professionals). In our opinion, the assessment of the consequences of torture in the asylum determination procedure is a first step in obtaining redress, not only judicially, but also medically, psychologically and socially. Moreover, in our view, such an assessment can be considered as *“securing the victim’s right to redress”* mentioned in paragraph 23 of the working document, and as *“necessary and effective measures to ensure that all victims of torture obtain redress”* mentioned in paragraph 25. To avoid any misunderstanding of these paragraphs, we encourage you to explicitly mention the use of the Istanbul Protocol in judicial procedures, including the asylum determination procedures.
2. Following the remarks made under point 1, in paragraphs 16 and 31 concerning specific training on the Istanbul Protocol for professionals and officials, a reference should be included mentioning ‘immigration officers’.
3. Similarly, we suggest incorporating the use of the Istanbul Protocol in judicial procedures, including the asylum determination procedure, and in the assessment of therapeutic and other needs in the list of specific information on the implementation of article 14 in State parties’ reports, as mentioned in paragraph 40.

¹ CAT/C/NET/CO/4, August 3, 2007.

We hope that you will take these comments into serious consideration when finalizing the working document on article 14.

Yours sincerely,

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