

Dutch detention centers for asylum seekers and irregular migrants

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"L'asiate ogne speranza, voi ch'intrate."
"Give up all hope, when you enter here."

With those words, Dante made his entrance in "the hell", in his "Divina Commedia".

Although this is only a metaphor, the detention-conditions in the Dutch detention-centers are in general that worse, that many "illegals" must have had the same feeling, entering there.

A short overview

Basically, the Dutch detention conditions in the Netherlands are not different from other European countries, since in both cases standard humanitarian rules are being violated

First and fundamentally, people are being detained, who didn't commit criminal facts, but are whether rejected asylum seekers, who fled for persecution or war, whether irregular illegals, who hoped to escape the poverty in their own land, building a future in the Netherlands, which are in both cases fundamental rights.

Yet their detention conditions are far worse than the "ordinary" Dutch criminal.

Administrative detention

One of the most striking aspects is the unlimited detention-period. Yet apart from the utter inhumanity, this implies administrative detention, which is a grave violation of International Law.

It is therefore deplorable, that the secretary of State of Justice, Mrs. Albayrak, has refused to put a maximum-length to the detention-period, with as argument, that this will encourage the "foreigner" not to cooperate with his or her return to the country of birth. Not only that is an unacceptable legitimation for administrative detention, in fact in most cases, the embassies of their countries, are not willing to provide for don't give travel documents, so that return is often not possible.

Fundamentally however is the fact, that the Netherlands in many cases are violating article 3, ECHR, the Refugee Convention and the Anti-Torture Treaty, by deporting people to war-areas or countries, in which their basic human rights are being violated. [1]

Detention centers

The detention centers are sometimes real deportation centers, like Zestienhoven [Rotterdam Airport], or Schiphol Oost [re-opened after the horrible fire in 2005], sometimes a mixture of deportation and "common" detention centers. The more "common" detention centers are Kamp Zeist, the detention-boats in Rotterdam, Dordrecht and Zaandam, Heerhugowaard [for women and children] and Alphen.

Detention-conditions

The detention-conditions, whether in the deportation or the "common" detention centers, are a shame to the successive Dutch governments, which claim to have so much respect for the international human treaties.

Four or six in one cell

Mostly four to six people are detained in one cell. Yet apart of the inhumanity and the fundamental violation of the lack of privacy, it is contrary the international standards regarding the treatment of prisoners [2]. Besides that, people of different languages and cultures are being placed together, which of course leads to tensions.

Bad access to medical services

Especially in the Rotterdam detention boats as "Kamp Zeist" there is a bad access to medical services, as well physical as psychological. By my work with the detainees, I know that some people, who had serious disease-complaints, were denied access to a medical doctor and were given only tranquillizers. I don't need to remark here, that this is a violation of the most basic rights of men [3].

Recreation and work

A basic right of all detainees, which is also confirmed in the Dutch penitentiary rules [the "Penitentiare Beginselenwet"] is the right on work and sport and recreation. "Illegal" detainees, however, have no right on work and also the recreation-facilities are very poor.

Unnecessary to report, that this leads to an unsound psychic state of mind, because there is nearly any distraction.

Quality of the food

Also there are many complaints about the quality of the food and the lack of hygienic conditions, especially on the Rotterdam detention-boats.

General treatment

Also there are many complaints about the general treatment by the guards. Mostly they are non-qualified personnel, like security people, who are lacking a good education. Because of this lack of education, but also by the relatively great power over the detainees, the treatment is arbitrary, sometimes good, sometimes indifferent, and sometimes bad. This power can be so great, because in contrary with the common Dutch detention-situation, a detainee-commission for the interests of the asylum-prisoners is not present. Although the fact, that sometimes there is a rare humanity among the guards, the detainees are too dependant of them [4].

Punishment

From Dutch human rights activists and refugee organizations are also several accounts about the harsh punitive sanctions against the detainees. For small offences detainees are being punished with the incommunicado measure. Also physical violence against detainees, like beating up

them, especially by refusal being deported, is a regular phenomenon. Especially the Dutch special police-unit the "Royal Marechaussee", which guards the detainees in Schiphol Oost and Zestienhoven, is responsible for that.

Children in a prison cell

Contrary with the universal civilization-rules and the International Convention on the Rights of the Child, which was ratified by the Dutch government at 1995, is the detention of children, together with their parents, in a cell [5]. Children are thus denied the right on free movement, education and play-facilities, which can be very traumatic. To my information, especially at Heerhugowaard, Kamp Zeist and Zestienhoven, children from the early ages [sometimes, babies!] till the teenage-age are incarcerated.

The greatest fear: the danger of fire

Despite of the fire risking conditions, which caused the Schiphol fire, still in a number of detention centers, like the Rotterdam detention boats and Kamp Zeist, conditions are not improved yet or only superficially. So the risk on repeat of the horrible Schiphol fire is still vivid.

Conclusion

It may be clear, that the detention conditions in the prisons for asylum seekers and irregular migrants are very bad and contrary with international standards. But fundamentally it is a violation of human rights to detain people, who didn't commit a crime. In fact their only "crime" is, to have fled for hunger, war and persecution.

And that is a right, no punishable fact. No one is illegal. Only law-measures are

Notes

[1] Human Rights Watch Report - <http://hrw.org/english/docs/2004/02/12/nether7367.htm>

EHCR - <http://www.hri.org/docs/ECHR50.html>

Anti-torture Treaty - <http://www1.umn.edu/humanrts/instree/h2catoc.htm>

[2] Standard Minimum rules of the Treatment of Prisoners - <http://www1.umn.edu/humanrts/instree/g1smr.htm>

[3] Article 12, International Covenant on Economic, Social and Cultural Rights - <http://www1.umn.edu/humanrts/instree/b2esc.htm>

[4] During the Schiphol fire in 2005, two woman security-guards, with danger of their own life, have saved the life of more than 10 detainees, who were trapped in their cells

[5] Convention on the Rights of the Child - <http://www1.umn.edu/humanrts/instree/k2crc.htm>