

MIGRANT PRISONS IN THE NETHERLANDS

Parts from a report of the EUROPEAN PARLIAMENT

Title of the report:

The conditions in centres for third country national (detention camps, open centres as well as transit centres and transit zones) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states

European Parliament; Directorate-General Internal Policies; Committee on Civil Liberties, Justice and Home Affairs; Brussels, December 2007; PE 393.275

3 – Description of detention and reception systems:

3-2. Detention centres (page 167)

The detention centres, under the direct authority of the Ministry of Justice (Department of Judicial Institutions - DJI) are subject to the same supervision and security regimes and operating procedures as in prisons. There are seven detention centres of which one is for women only, and in which detention conditions are relaxed. Two large penitentiary complexes for foreign nationals, built on floating platforms should be operational as of 2008 and will replace some of the current centres. Foreign nationals are held here mainly for illegal residence, although some of those held are rejected asylum seekers awaiting expulsion or those refused entry onto Dutch soil.

(..)

4 – Findings/conclusions:

4-2 – Concerning detention centres (page 168)

* There is no legal limit to the duration of detention which depends on the decision of a Tribunal, and has to be confirmed or quashed each month. Consequently in 2006 the duration for detention on the prison ship in the port of Rotterdam exceeded three months for some detainees, one detainee broke the record of 13 months detention.

* The **internal detention conditions in some centres are excessively severe**, identical to those found in prisons, with personnel made up of guards and police officers.

* The **living conditions in some centres are particularly harsh**, in a **confined, overcrowded environment** where detainees' personal living space is reduced to a minimum.

* The **pathogenic nature of detention: these conditions are considered to be a punishment which should not be the case**, especially in cases where the wait can last several months with absolutely no certainty concerning the outcome.

* The lack of contact with the outside world increases anxiety amongst detainees.

Concerning vulnerable persons:

* Detainees (in any section) whose discomfort manifests itself in the form of behavioural problems are placed in isolation cells (known as observation cells) which only worsens their psychological condition.

(..)

5 – Recommendations

Concerning detention centres (page 169)

* Create alternatives to detention: foreign nationals who have infringed the conditions of their stay but have not committed a criminal offence should only be deprived of their freedom as a last resort, especially for families with children and people suffering from psychological disorders.

* Limit the duration of detention.

* Relax detention conditions as the regime in force, identical to prison conditions is entirely unsuitable.

* Priority should be given to finding alternatives to detention.

* The use of ships or floating platforms as detention facilities may be less costly for the administration but has a huge cost for detainees in terms of living conditions. Confined spaces, poorly ventilated cells, humidity, and the lack of rest areas reinforce the punishment aspect of the detention which is unjustified given that the foreign nationals are not criminals. As new floating detention centres are being built, the authorities should take into account the numerous recommendations made by the bodies who have inspected the facilities and the independent organisations who work in them.

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Mixed Remarks

Page 23: The grim, and sometimes dehumanising appearance of the facilities is highlighted (e.g. use of cages and containers in Italy, a former floating platform in the Netherlands).

Page 236: (..) the study noted that in relatively well-maintained closed centres, there were problems related to the layout of the premises including cells that are too small, unattractive and very limited open air areas and lack of communal facilities (Poland, Ireland, Great Britain, Netherlands, France).

Page 236: Here are some extremely common examples of practices that are considered particularly unjustified for this type de population:

(..) Frequent use of solitary confinement in certain centres (e.g. Belgium, Hungary, Czech Republic, Malta, Austria, Spain, France, Netherlands) for a variety of reasons that can also lead to arbitrary practices: persons whose behaviour is considered to be dangerous, those suffering from psychological disorders and ill persons (the question of treatment of persons suffering from psychological or psychiatric disorders in detention will be examined below).

Page 244: The use of **solitary confinement** by some centres to punish detainees who fail to respect the centre's disciplinary regulations but also for persons suffering from **psychological disorders** (Netherlands, Belgium) should also be noted. Associations have emphasised this shift from a system adapted to the mentally ill to a purely disciplinary system.

Page 245: Moreover, everybody agrees that **imprisonment is pathogenic**, especially when detention lasts for a long period of time. Depriving people of their freedom and the living conditions in the detention centres **generate or aggravate psychological and psychiatric disorders**, as was very frequently emphasised during the studies (e.g. France, Malta, Greece, Cyprus, Estonia, Latvia, Lithuania, Spain, Italy, Poland, Hungary, Czech Republic, Slovenia, Slovakia, Austria, Ireland, Great Britain, Germany, Belgium, Finland, Luxembourg, Netherlands...).

Page 245: **Hunger strikes**: Detainees went on hunger strikes to protest in **many centres** (e.g. Poland, Germany, France, Austria, Ireland, Malta, Cyprus, Spain, Italy, Netherlands).

Page 245: **Suicide and attempted suicide**: These incidents were **frequently** reported (e.g. Germany, France, Poland, Belgium, Netherlands, Spain, Italy, Hungary, Cyprus, Malta). They are often desperate appeals for help rooted in foreign detainees' despair, feeling of powerlessness and isolation.

Page 248: The presence of **pregnant women** placed in detention was reported to investigators during field visits in several countries (e.g. Great Britain, Netherlands, Spain, Belgium).

See Also

* [Summary: 'European Parliament Condemns Dutch Migrant Detention'](#)

* [Complete report: 'The conditions in Centres For Third Country National \(detention camps, open centres as well as transit centres and transit zones\) with a particular focus on provisions and facilities for persons with special needs in the 25 EU member states'; European Parliament; Directorate-General Internal Policies; Committee on Civil Liberties, Justice and Home Affairs; Brussels, December 2007; PE 393.275.](#)