



European Committee for the Prevention of Torture  
Council of Europe  
F-67075 Strasbourg Cedex  
France

The Hague, 26 April 2011

Subject: CPT visit to the Netherlands

Distinguished Committee members,

In anticipation of the upcoming visit of the Committee to the Kingdom of the Netherlands, the Dutch section of the International Commission of Jurists (NJCM) wishes to bring the following issues of concern to your attention: 1) immigration detention 2) detention conditions in Sint Maarten and 3) the detention conditions in secure youth care institutions.

### **Immigration detention**

NJCM is concerned about the practice of immigration detention. The Dutch government routinely detains immigrants upon arrival and approximately 10.000 people remain in immigration detention in the Netherlands. NJCM is of the view that the government is not taking adequate steps to investigate alternatives for the detention of immigrants. Detention should only be used as a last resort.

The problem is even more acute for vulnerable immigrants who have been detained, and in particular immigrants requiring medical care, the victims of human trafficking, pregnant women and minors. Despite the Dutch government's announcement of a policy that minors will no longer be detained together with adults, according to information received by NJCM, some children aged 16 and 17 were recently still detained in immigration detention centres.

A large number of immigrants are detained for a period longer than three months, despite the fact that immigration detention centres were never designed, and are certainly not suitable for a long stay. The immigration detention regime is extremely sober. There are no meaningful activities (work, training, education, sport, etc.) and there is a punitive approach, even though detainees have not been convicted of any crime. The training of staff members at the immigration detention centres needs to focus more on how to work with detainees from different cultures and individuals who may have suffered psychological trauma. NJCM has credible information that detainees are often placed in isolation to prevent further escalation of confrontations. These confrontations could have been prevented by well-trained staff. There is furthermore insufficient psychological care available.

The government provides statistical information about the number of immigrants who are expelled from the Netherlands from the immigration detention centres. However, the government does not provide information about the countries to which immigrants are expelled. NJCM has reason to believe that immigrants are deported to other European countries where they may again be placed in immigration detention centres and from where they are further expelled to other European countries. This practice results in a vicious circle of detention, which has a highly traumatising effect on the individual immigrants concerned.

NJCM recommends that the Committee inquires about the countries to which immigrants were expelled from immigration detention.

NJCM also recommends that the Committee visits an immigration detention centre. We specifically recommend the following centres:

- Rotterdam: this is a new immigration detention centre. NJCM has not yet received information about the conditions in this centre. The facilities in Rotterdam are expected to become the standard for future centres, including the large facility being constructed in Alphen aan den Rijn.
- Zeist and/or Zaandam: NJCM has received credible reports that conditions in these centres are not according to CPT standards. The government has announced that Zaandam will be closed and that Zeist will be renovated. However, NJCM has not observed concrete steps to realise these plans.
- Alphen aan den Rijn: this is a new, large facility. At the date this letter was written, the facility was not yet open. In case the facility is in use at the start of the visit, we would recommend a visit to this centre.

### **Conditions of Detention in Sint Maarten**

NJCM notes that Sint Maarten, after dissolution of the Netherlands Antilles, became a constituent country (*land*) within the Kingdom of the Netherlands. NJCM has received information that the conditions of detention in the Philipsburg central police station in Sint Maarten are still not in line with CPT standards. The current situation appears to be similar to the situation the Committee described after its visit in 2002.

According to the information received by NJCM, people are detained for several weeks in police holding cells that are not suitable for a long stay. Detainees are not only people who are held on remand at the police station, but also people who have already been convicted and are serving their custodial sentence. Furthermore, there are no exercise areas and detainees remain in their cells the entire day. Police cells are overcrowded; there are insufficient sanitary services and there is no privacy. There are no mattresses and bed coverings; detainees sleep on concrete floors. Finally, there are no regular medical services and there is no direct access to drinking water.

NJCM recommends that the Committee visits the Philipsburg central police station in Sint Maarten.

### **Conditions in Secure Youth Care Institutions**

The Dutch Ministry of Health, Welfare and Sport is responsible for youth care, including the care of young people with serious behavioural problems, who are held within secure youth care institutions (*gesloten jeugdzorg*). Until 2010, young people held at these institutions were placed in the same young offenders' institutions as youth who had been detained for criminal offences. Amendments in the law (*Wet op de jeugdzorg*) changed this practice, but concerns remain about the conditions in secure youth care institutions.

NJCM has received credible reports about incidents of violence in secure youth care institutions, as well as a high incidence of restraint measures. Children held in these institutions have reported forms of treatment that involve solitary confinement, removal of clothes, removal of bedclothes, or the removal of everything in a detained youth's room. The child is forced to 'earn' these objects back through future, appropriate behaviour. NJCM questions the justification and proportionality of these measures.

Similar to immigration detention, detainees - in this case vulnerable youth - have committed no crimes. Incarceration should therefore only be imposed as a last resort and only if there is enough evidence that treatment is effective. On the basis of recent research, NJCM has reason to doubt the claimed effectiveness of treatments in secure youth care institutions. The government has recognised that

secure youth care is used too often and numbers of referrals to these institutions are dropping. Nevertheless, we ask the Committee's attention for this point.

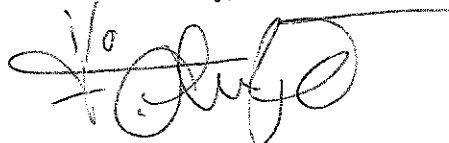
NJCM recommends that the Committee visits a secure youth care institution. We specifically recommend the following institutions: 'Almata' in Den Dolder and 'Anker' in Harreveld.

NJCM has also received reports about incidents in youth detention centres. We recommend that the Committee visits the following institution: 'Teylingereind' in Sassenheim.

NJCM thanks the Committee in advance for its consideration of this information and its on-site visits to detention facilities in the Kingdom of the Netherlands. We highly appreciate that the work of your Committee takes place in close co-operation with national authorities. However, we request that this letter remains confidential until the start of the visit. We do not object to circulation of this letter during or after the visit.

The NJCM remains available for further consultations with the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'F. Haijer', with a long horizontal line extending to the right from the end of the signature.

Friederycke Haijer  
President, NJCM