

***Recommendation of the Council for the Administration of Criminal Justice and Youth Protection
Summary for publication***

Title : More than one to a cell? [*Meer op een cel?*]
Presented to : the State Secretary for Justice
Date : 15 May 2008

The Council has already published its recommendation on the use of shared prison cells, specifically at the time this was introduced in 2004. The reason behind this new recommendation in the first instance is the cabinet policy as laid down in the programme entitled 'Modernising the prison system' which aims to substantially increase the number of shared cells available. Financial considerations predominantly form the foundation of this policy. Therefore, shared cells are no longer used (such as at the time of its introduction) as an emergency measure in these times of shortages of cell capacity, but as an acceptable form of detention. The Council believes that a principle consideration has been overlooked in this matter. In the event that an expansion is on the agenda, a decision on this matter should only be made once the practical implications of using shared cells have been thoroughly assessed.

These practical implications form a second reason as to why this recommendation has been issued. Although it has been established that few incidents have been reported, it may not be concluded from this that there are no risks involved in practice and that no problems will occur. The Council conducted a survey among personnel and detainees in 2007 and concluded from this and from its experience when conducting visits to prisons that there is still room for improvement where implementation is concerned, namely that the exclusion criteria should be applied more carefully and could be tightened up. In practice, it is often the case that there is simply no time to carry out thorough observation of a detainee. The Council regards a cell built for one prisoner as unsuitable for accommodating two prisoners. It also points out the findings of the latest CPT report of its visit to a number of correctional institutions in the Netherlands in 2007. It can be inferred from the report that CPT assumes that cells used for accommodating more than one prisoner has been enlarged. In practice, however, approximately 1500 prisoners are living in pairs in cells designed for one prisoner.

The appearance of the revised European Prison Rules (EPR) formed the third reason for the issuing of this recommendation. These also assume, as in the previous version, that a single prisoner is held in each cell. The Dutch government is signatory to these European Prison Rules, as it was for the previous version, but normal practice routinely fails to comply with this. The EPR assume that prisoners must be able to opt to be held in a shared cell. The Council regards this as a more suitable principle than the obligatory imposition that features in practice in the Netherlands. The Council also recommends that a prisoner's refusal to be placed in a shared cell should not be punishable. At present, a prisoner who refuses a shared cell is placed in an isolation cell, sometimes for weeks. The Council points out in this case that this refusal cannot by definition be regarded as a disturbance of the peace or as affecting security within the institution. It is to be regarded primarily as an expression of an intense wish to maintain his/her privacy.

*A copy of this recommendation can be requested from the office of the Council at
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Methods of publication:

- Announcement in the Dutch Government Gazette*
- Available for inspection in the library of the Ministry of Justice*