

Recommendations from the Council for the Administration of Criminal Justice and Protection of Juveniles

Placing together of foreign national criminal detainees with no lawful residence in the Netherlands

Recommendation to the Dutch State Secretary for Justice, dated 8 October 2008

For some time now, detainees who are (expected) to be deported from the Netherlands upon completion of their sentence have been placed together during detention. The State Secretary for Justice now wishes to formalise this policy, and two locations within the prison system have been designated as 'special care' units for this group of individuals.

The Penal Institutions Act [*Penitentiaire beginselenwet*] provides scope for a diverse range of regimes, but places the term 'special care' in the context of the specific requirements of certain groups of detainees.

For this reason, the Council recommends that the special care for convicted foreign nationals be related to the needs of this group of detainees. In the proposal, these needs play a subordinate role. The objective of reintegration is to receive particular attention. Every detainee retains the right to an offer of reintegration, in the Netherlands or elsewhere, irrespective of their race or nationality. In addition, reintegration activities may contribute substantially to the return of the foreign national to his/her country of origin. If the preconditions are met, placing the target group together may facilitate the subsequent return of foreign nationals to their countries or origin.