

***Recommendation from the Council for the Administration of Criminal Justice
and Protection of Juveniles***
- Summary -

***Development of the regime in Institutions for Foreign Nationals
Detained under Criminal Law***

Recommendation to the Dutch Minister of Justice, dated 9 July 2010

At the institutions for foreign nationals detained under criminal law who will be deported at the end of their sentence, a regime is implemented in which the foreign national is prepared for repatriation. The locations concerned are Esserheem and Norgerhaven of the Veenhuizen Penal Institutions and (until recently) Alphen aan den Rijn Detention Centre. The Council gave its recommendations about the structure of this regime in 2008.¹ It is a form of 'special care' on the basis of Article 20b of the Selection, Placement, and Transfer of Prisoners Regulations. This provision and the explanatory memorandum prescribe that the institution is to provide activities, among other things, to facilitate repatriation by teaching the detainees skills that may be of use in the country of destination.

On the basis of information from the Supervisory Committee attached to one of the institutions, stating that these activities are hardly ever provided, if at all, the Council discussed this matter with the relevant institution officers and detainees. The Council has come to the conclusion that the facilities provided are lagging behind the level of arrangements that are desired for this special care. Work and education are insufficiently available or accessible to the foreign nationals detained under criminal law. The contents of the activities are not aimed at facilitating repatriation. One of the locations does not even have any special facilities for foreign nationals detained under criminal law, as a result of which the legitimacy of placement on this basis is contestable. During the last four months of their sentence, foreign nationals detained under criminal law are transferred to a detention centre in order to facilitate deportation. The question of whether such transfers are always functional can not be answered, due to the absence of figures about deportation after detention or, where applicable, about subsequent detention of foreign nationals (as a measure based on the Aliens Law)

The Council makes the following recommendations:

- To actually implement a regime of special care in the relevant locations, as referred to in Article in Article 20b of the Selection, Placement, and Transfer of Prisoners Regulations;
- To introduce an activities programme that satisfies the purpose of the special care and as a result of this also complies with the rationale for this form of special care;
- To ensure that information is made available about deportation figures and about the degree to which foreign nationals detained under criminal law are subsequently detained according to the Aliens Law after serving their sentence, on the basis of which the effectiveness of the regime of special care for this group can be verified;

¹ 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*, see www.rsj.nl.

- To assess the necessity of each transfer from Veenhuizen to Alphen aan den Rijn individually;
- To extend the regime in the detention centre and to adjust the treatment accordingly.

The recommendation can be obtained from the secretariat of the Council

Postbus 30 137

2500 GC The Hague

+31 (0)70 - 36 19 300,

www.rsj.nl