



Summary

Advisory report on Racism and discrimination in penal institutions

Council for the Administration of Criminal Justice and Protection of Juveniles

The Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (*Raad voor de Strafrechtstoepassing en Jeugdbescherming*, hereinafter referred to as 'the RSJ') has issued an advisory report on racism and discrimination in penal institutions. In its report, the RSJ stresses the importance of paying attention to this theme and makes a number of recommendations to make it more open to discussion.

Detainees are in a special situation

Detainees are in a position of dual dependency, considering the fact that both institution personnel and their fellow detainees dictate their circumstances. Because of this dependency on others within the penal institution, detainees may feel constrained in their options to report experiences of racism and discrimination. On top of this dependency, the restricted and enforced nature of their imprisonment limits opportunities to avoid situations in which detainees may be confronted with racism and/or discrimination.

The lion's share of detainees are (young) men with a migration background. It is therefore conceivable that many detainees have experienced racism and discrimination earlier and more often in their lives. Encounters with racism and discrimination may have serious adverse consequences and aggravate the experience of imprisonment.

The options for detainees fall short

On paper, detainees have a range of options available to them when it comes to reporting racism and discrimination. However, the RSJ has doubts as to the efficiency and effectiveness of these options. As detainees depend on institution personnel during their detention process, they may be reluctant to initiate mediation. Also, in principle, detainees will be declared inadmissible in complaint cases due to the way that the right of complaint is organised.

In addition, detainees have the same options as every other citizen. However, the RSJ believes it is unlikely that detainees will file a report from within the penal institution and that the police will launch an investigation that will actually lead to prosecution. Even a procedure under civil law is available in theory, however the RSJ does not believe this is a realistic option either.

Apart from these limitations, the provability of racist treatment and discrimination constitutes a major obstacle.

Among other things, the RSJ recommends giving detainees the opportunity to talk to a confidential counsellor.

The current situation within the Custodial Institutions Agency regarding racism and discrimination

The Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*, hereinafter referred to as DJI) recognises the importance of the theme of racism and discrimination. Attention is paid to this theme during the training of institution personnel and the codes of conduct that apply to them state that undesirable conduct such as discrimination will not be tolerated. However, implementation of the integrity policy is a matter for the penal institutions themselves, which (sometimes) has led to considerable differences in approach in between institutions. When it comes to training personnel to be alert to racism and discrimination and making this theme open to discussion, the organisational culture within penal institutions is of essential importance. Attempts to recruit a more diverse body of personnel seem to have a positive effect.

The RSJ considers it very important to provide institution personnel with adequate training about religious and cultural aspects and sexual and gender identities. Raising awareness, providing (refresher) training and making and keeping racism and discrimination open to discussion may alleviate the problems surrounding this theme.

The RSJ has made a number of recommendations to this end, including the pursuit of greater diversity in terms of recruitment policy. In addition, the RSJ recommends that the DJI head office establishes a central policy to combat racism and discrimination in order to ensure a more consistent approach across all penal institutions. Furthermore, to obtain a clearer picture of this theme and to draw up targeted policies, the RSJ recommends including more specific questions about racism and discrimination in the surveys on the living environment.

Although the interviews that the RSJ conducted did not reveal any structural wrongdoing, the RSJ states that the special situation in which detainees find themselves requires extra and permanent alertness to this theme.

The complete advisory report is available on the RSJ's [website](#).

