



Mapping Solitary Confinement: The Netherlands country report

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1. Country general Criminal Justice System facts & numbers

The Dutch Custodial Institutions Agency consists of 26 state run prisons. This includes remand centres (but not correctional institutions for juvenile offenders), facilities for forensic care and immigration detention. The daily average of 8,575 detainees. 5% of them are women. 57,3% from the Netherlands, 6% Caribbean Netherlands, 4% Morocco, 4,3% Surinam, 4,2% Poland, 24,1% other countries.

2. Legislative and administrative bases for use of solitary confinement

The practice is called 'placement in isolation'. Article 23 of the Custodial Institutions Act states the grounds on which a prisoner can be placed in isolation. Grounds are:

- Protection of order and safety in prison
- Protection of the prisoner that it concerns
- In cases where the prisoner is ill
- By the prisoner's own request

Article 24 determines how placement in isolation is executed. Placement in isolation can be executed in a designated space/cell, or in a especially designated 'solitary confinement cell'.

In the Netherlands there is currently one maximum security prison, which is a department within a regular prison and is called placement in 'individual regime' in the 'extra secured facility'. Placement within this department is based on set criteria and is authorized by a department at the headquarters in the name of the Minister for legal protection (of the Ministry of Justice and Safety).



3. Reasons for use, process, and administrative regulations

As above

The rules and regulations by law do not vary based on the grounds for the isolation, but do differ when placement in isolation concerns solitary confinement in a 'solitary cell' or when a person is placed in an individual regime. Therefore, the answers to this question will be structured accordingly.

1. Placement in isolation:

- Authorized by the prison governor. In case of emergency a prison guard can place someone in isolation for a maximum of 15 hours without authorisation by the prison governor. The prison governor needs to be informed of this as soon as possible.
- Maximum of two weeks. Can be extended each time by a maximum of two more weeks. If placement in isolation exceeds 24 hours the prison governor has to notify the prison doctor and the 'committee of oversight' (monitoring body).
- A prisoner placed in isolation can be exempted from daily activities including visits and phone calls, with the exception of one hour in fresh outdoor air.
- There are various provisions available such as books and a phone. Food is brought to the prisoner. These provisions can be provided to prisoners when this does not interfere with the safety of the prisoner. Prisoners get special garments that cannot be ripped, also special (soft) furniture is provided (a mattress during the night, a sitting component during the day).

2. Placement in 'individual regime' in the 'extra secured facility'

- Placing criteria are extreme flight risk and/or pose an unacceptable risk to society to recidivate in severe violent offences or who pose an unacceptable risk in terms of continued criminal activity from prison.
- Prisoners can participate in daily activities such as cooking, sports, library visit, all in an individual manner and supervised by a guard. Due to security reasons the daily program can be reduced to only one hour of fresh outdoor air. Prisoner's cells can be equipped with a television and other amenities.



4. Restraints and chemical irritants

Restraints can only be used in extenuating circumstances, for not more than 24 hours. A prison doctor has to be consulted and the supervisory committee of the prison institution has to be informed.

5. Protected populations

For women similar rules and regulations are in place. There are special rules and regulations for pregnant women and women with children. As the population of women in Dutch prison is really small, these practices are very rarely needed.

For children and young people, a separate law is in place with specific rules and regulations.

No separate law exists for people with disabilities. Placement in isolation is always executed in close consultation with the prison doctor and occurs based on individual assessment.

No separate law exists for LGBTQI people.

6. Good practice

We had a project in the Netherlands called 'Soft Isolation' with soft furniture. We also placed touchscreens in isolation cells against sensory deprivation. Furthermore, we abolished the 'sanctioning map', which allows for a more individual approach in applying sanctions and preventing that the placement in isolation as a punishment not to be an automatic consequence of certain behaviour.