

Ref: CommHR/DM/sf 026-2022

**Mr Eric VAN DER BURG**  
Minister for Migration of the Netherlands

Strasbourg, 26 August 2022

Dear Minister,

I am writing to you in relation to the current asylum reception situation in the Netherlands. While several months ago the Dutch government already publicly acknowledged its unacceptability, especially at the Ter Apel registration centre, the situation appears to have only worsened since then. The large numbers of persons sleeping outside, which reached a peak of 700 this week, and the prevailing conditions at Ter Apel, have had serious consequences for the human rights of the people under the care of the government, particularly from the perspective of their right to health. The current situation of persons sleeping outside the centre also appears to fall short of even the minimum standards under Article 3 of the European Convention on Human Rights.

I understand that a sizeable group of persons staying outside the Ter Apel centre is due to be accommodated elsewhere today, which is an important first step to alleviate the situation. I also take note of reports of agreements between your government and municipalities on further measures. However, I remain concerned that the overall delay in ensuring safe and dignified conditions over the last period will continue to impact negatively on the rights of all those trying to register at the Ter Apel centre. I therefore urge you to take all necessary measures to ensure access to adequate shelter, food, clean drinking water and sanitary facilities, and to effectively protect the right to health of people at the centre. I would be grateful if you could inform me about the steps that the government intends to take in this regard.

I am also aware that, apart from the most visible situation at the Ter Apel centre, many people have been staying for extended periods in emergency reception that is inappropriate for anything more than very short term stay. I am especially concerned that such facilities are used for some of the most vulnerable persons. In this regard, I note the recent sad news of the death of a three-month old baby in a sports centre used as emergency accommodation. I welcome that an investigation into the cause and circumstances of this death has been promptly initiated. However, I urge you ensure that vulnerable persons in particular are promptly identified and provided with appropriate accommodation as soon as possible, and that emergency locations that are unsuitable for longer stays do not end up being used as more permanent accommodation.

I also note that, in ongoing discussions about how to tackle the current challenges, proposals have been made that could impact on the right to seek asylum or on the enjoyment of the right to family life, including through restrictions on family reunification. I stress that any further steps should be fully in line with the Netherlands' obligations under international refugee and human rights law.

Looking ahead, I believe that the current situation warrants a reconsideration of some more general and longer term aspects of the system for asylum reception in the Netherlands. I am aware that the Netherlands, like other member states, is facing the challenge of hosting people fleeing Ukraine alongside that of hosting newly arrived asylum applicants and providing more permanent housing for persons granted international protection. Notwithstanding such challenges, I am concerned about the stark differences in the treatment accorded to Ukrainians and to those of other nationalities, and join the call of others, including the Dutch National Human Rights Institution, to prevent discriminatory treatment in access to reception and other services.

I also note that the current situation appears to be less related to a sudden and unforeseen increase in arrivals, but rather exposes some more structural shortcomings. For example, many national and international actors, including myself, have highlighted the need for reception systems to be responsive to the inevitable fluctuations in asylum applications. In this respect, excessive downscaling of reception capacities when the number of arrivals goes down, keeping insufficient reserve capacity, and delays in upscaling such capacities in a timely manner when an increase in arrivals is foreseeable due to global events, will all greatly increase the likelihood of reception crises as the one currently experienced in your country. I therefore encourage you to continue working on a more sustainable system of reception that is sufficiently responsive to fluctuations, reduces the risk of sudden capacity problems, ensures safe and dignified conditions for all, and that can rely on the widest possible support in society. Acutely aware of the role of different actors, including regional and local authorities, in addressing these issues, I urge all those involved to take full responsibility.

Finally, I want to stress the importance of the government's wider approach to questions of asylum and migration, as well as its public communication on this. As I have noted repeatedly, many Council of Europe member states have become increasingly focused on reducing arrivals, deterrence and externalisation, and have communicated to the public in these terms. In my view, the choice of focusing public communication predominantly on these aspects, rather than on those relating to the need for the Netherlands to share in the global and European responsibility for hosting people in need of protection, as well as ensuring well-resourced, fair and efficient asylum procedures and adequate reception facilities, is an important factor in undermining public willingness to support such activities in the long run. It also makes situations like the one currently faced in the Netherlands more difficult to overcome. I therefore also call on the Netherlands, domestically and in Europe more widely, to be an advocate for a fair and human rights compliant system for asylum and protection and to reject approaches primarily focused on deterrence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović