

Sint Maarten Penitentiary Institution

Inspection on the treatment of inmates, social reintegration, and the monitoring of isolation cells.

Sint Maarten Penitentiary Institution

Inspection on the treatment of inmates, social reintegration, and the monitoring of isolation cells.

**Law Enforcement Council
May 2026**

Foreword

The topic of the detention system has regularly recurred in the Council's inspections over the years. Its annual plan for 2025 also includes an inspection into the follow-up to the Council's recommendations regarding the treatment of inmates, social reintegration, and solitary confinement on Sint Maarten. The recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in this area are also being monitored.

Based on this inspection and other Council inspections into the Penitentiary Institution on Sint Maarten, the Council concludes that the situation in the prison remains untenable. This comes with risks. Because inmates do not receive the desired range of reintegration activities and work opportunities to which they are entitled, this poses a risk to public safety, as the likelihood of recidivism is higher. Among other things, the inspection reveals that, in the current situation, the reintegration of inmates remains substandard. Furthermore, this inspection demonstrates that significant efforts are currently underway to build a new prison and implement the various "soft" components associated with it, including the area of reintegration. In the accompanying report, the Council further elaborates on the status of the recommendations made by the Council and the CPT in this context concerning the treatment of inmates, social reintegration, and solitary confinement cells on Sint Maarten.

The Council expresses gratitude to the organizations involved that contributed to the completion of this inspection report.

Law Enforcement Council

Mr. M.I. Koelewijn, Chair,
Mr. E.R.A. Morillo, Council Member,
Mr. M.R. Clarinda, Council Member.

Table of Contents

- Table of Contents 4**
- Summary and recommendations 6**
- 1. Introduction 8**
 - 1.1 Background 8
 - 1.2 Objective 10
 - 1.3 Central Question 10
 - 1.4 Scope of the inspection 10
 - 1.5 Assessment Framework 11
 - 1.6 Inspection Approach and Method 11
 - 1.7 Reading guide 11
- 2. Findings: Treatment of Inmates, Social Reintegration, and Monitoring of Isolation Cells 12**
 - 2.1 Introduction 12
 - 2.2 Council Recommendations 12
 - 2.2.1 Procedure for Screening Inmates 12
 - 2.2.2 Core Values and Principles 14
 - 2.2.3 Resources and Staff 14
 - 2.2.4 Reporting and Documentation Process 16
 - 2.2.5 Systems and Procedures 16
 - 2.2.6 Reintegration Activities and Programs 18
 - 2.2.7 Work Activities 21
 - 2.3 CPT Recommendations 22
 - 2.3.1 Register of Use of Force 22
 - 2.3.2 Isolation Cells 23
 - 2.4 Isolation Room at the MHF 24
- 3. Final Conclusion and Recommendations 26**
 - 3.1 Final Conclusion 26
 - 3.1.1 Sub-questions 26
 - 3.1.2 Overall picture 27
 - 3.2 Recommendations 28

Abbreviations

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
GED	General Educational Development
MDO	Multidisciplinary Consultation
MHF	Mental Health Foundation
MvJ	Minister of Justice
OM	Public Prosecutor's Office
J&IS	Judicial and Institutional Services
P.I.	Penitentiary Institution
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
VI	Conditional Release

Summary and recommendations

Introduction

The Council continues to conduct follow-up inspections in 2025 and has included the detention system as one of the themes in its 2025 annual plan. In this context, the Council has conducted an inspection into the status of follow-up on recommendations made in previous Council reports (seven recommendations)¹ and by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment² (CPT; two recommendations) regarding the Sint Maarten Penitentiary Institution (P.I.). The inspection also focuses on monitoring isolation cells, including the isolation room at the Mental Health Foundation (MHF).

General Conclusion

In this inspection, the Council assessed the extent to which the recommendations from the Council's report (2017) and the CPT's report (2022) have been implemented by the Sint Maarten P.I. The Council's inspection shows that of the Council's seven recommendations in total, one has been implemented (establishing and implementing core values and principles), one has been partially implemented (offering reintegration activities and programs), and five have not been implemented (establishing a screening procedure, motivating inmates to prepare for an acceptable life in society, establishing a reporting and documentation process, having functioning systems and procedures, sufficient work activities, and selection criteria). Of the two CPT recommendations, one has been implemented (renovating isolation cells) and one has not been implemented (introducing a use-of-force registry). The compliance rate regarding the Council's recommendations is **21.4%**.³

Overall Assessment

The Council notes that, more than eight years after its inspection, most of its recommendations have still not been implemented. Yet the dire conditions at the prison have been known for years. The developments surrounding the construction of a new prison are therefore positive, and the Council expects that they will indeed lead to improvements in the identified problem areas.

The Council remains seriously concerned about the social reintegration of inmates. The shortage of staff and resources hinders reintegration activities, the development of rehabilitation plans, and aftercare. Initiatives such as General Educational Development (GED) classes and workshops exist, but they are limited and not systematic. Insufficient steering from the Ministry is partly to blame for this. The lack of reintegration activities and programs increases the risk of recidivism. This is detrimental to both the inmates and the society to which they must return. Furthermore, core values and principles have been established, and staff have been trained; however, there remains a need for systematic attention to (maintaining) professional conduct and de-escalation skills. Additionally, the old isolation cells have been renovated but are no longer used for that purpose. Other cells that meet CPT standards have been designated for this purpose. However, these are often used for capacity and security reasons rather than for disciplinary purposes. This can lead to undesirable behavioral problems among the inmates.

When monitoring the isolation room at the Mental Health Foundation, the Council noted that the general principle is that, in practice, the isolation room is used as little as possible. Individuals are

¹ In 2017, the Council published a report on the treatment of prisoners and social reintegration. In that context, the Council made seven recommendations to address the identified issues.

² In 2022, the CPT published a report on its findings from its visit to the Kingdom of the Netherlands from May 10 through May 25, 2022. In that context, the CPT made two recommendations on the aforementioned subject to address the identified issues.

³ The compliance rate, as an indicator, is calculated by assigning 1 point to each fully implemented recommendation, ½ point to each partially implemented recommendation, and no points to any unimplemented recommendation. The total number of points is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance rate.

generally not admitted for longer than a week. The facilities are adequate and meet the international standards against which they have been assessed. Furthermore, there is a trend toward outpatient care, which can (potentially) further limit the use of the isolation room; the Council considers this a positive development.

Table 1: Overview of the status of Council's Recommendations

No.	Council Recommendations 2017	Status 2025
	To the Minister of Justice	
1.	Ensure that the P.I. establishes a procedure so that inmates are consistently screened upon admission for healthcare needs, security risks, management risks, and suitability for shared accommodation. Pay particular attention to appropriate placement within the prison and monitoring of needs and risks throughout their stay.	Not implemented
2.	Ensure that the core values and guiding principles regarding the treatment of inmates are documented and consistently implemented.	Implemented
3.	Encourage the P.I to motivate inmates to prepare for an acceptable life in society, in part by providing the necessary resources and staff.	Not implemented
4.	Establish a policy regarding the reporting and documentation process. Describe everyone's role in this process and ensure its implementation and monitoring.	Not implemented
5.	Ensure that the P.I. has effective systems and procedures in place to facilitate inmates' transition to post-release community services. Focus particularly on information gathering, the development and implementation of a detention and reintegration plan, and collaboration.	Not implemented
6.	Ensure that reintegration-focused activities and programs can be actively offered to eligible inmates.	Partially implemented
7.	Ensure there are sufficient work opportunities and, to that end, establish and implement a procedure for selecting inmates for work assignments.	Not implemented

Table 2: Overview of the status of CPT recommendations

No.	CPT Recommendations 2022	Status 2025
1.	<i>The CPT recommends that the Sint Maarten authorities take steps to ensure that a register of use of force and special means is established and diligently maintained at Point Blanche Prison, in light of the preceding remarks.</i>	Not implemented
2.	<i>The CPT recommends that the Sint Maarten authorities take urgent steps to ensure that the solitary confinement and isolation cells at Point Blanche Prison are taken out of service without delay and are not used to hold prisoners until they have been thoroughly refurbished.</i>	Implemented

Recommendations

Based on the results of the inspection, the Council makes the following recommendations:

1. Implement the Council's recommendations that have not yet been (fully) implemented.
2. Ensure that the CPT's recommendation that has not yet been implemented is followed up on.

1. Introduction

1.1 Background

In its 2025 annual plan, the Council⁴ states that it will conduct an inspection focused on a specific topic within the theme of the detention system. The Council also indicates its intention to monitor the follow-up to the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).⁵ In this context, the Council is conducting an inspection into the status of follow-up on recommendations from previous reports regarding the treatment of inmates, social reintegration, and the monitoring of isolation cells.

1.1.1 Background

Council

In 2016 and 2017, the Council conducted three inspections of the Penitentiary Institution (P.I.) on Sint Maarten and published reports⁶ on these inspections. The three inspections were conducted by theme, in the following order: 1. Legal status of inmates and staff & organization (Report 1); 2. Internal security and public safety (Report 2); 3. Treatment of inmates and social reintegration (Report 3). The Council conducted follow-up inspections on the first two themes in 2018. The Council subsequently published a report in 2019 in which it provides a concise summary and uses schematic overviews to present the status regarding the implementation of its recommendations and those of the CPT within the following four detention facilities: the Miss Lalie Center, the border detention center in Simpson Bay, the police holding cells in Philipsburg, and the Pointe Blanche Prison.⁷ With regard to the prison⁸, the review focused on recommendations concerning internal security, public safety, the legal status of inmates, and personnel and organizational matters.

The purpose of the 2017 inspection was to assess the extent to which the P.I. complied with (international) laws and regulations regarding the following aspects: treatment of inmates and social reintegration. In the report, the Council made seven recommendations to address the identified issues.

The Council has not published a new report on the prison since the previous reports, as the existing reports remain current and relevant. Instead, the situation is monitored on an ongoing basis through regular consultations with the parties involved.

In this report, the Council assesses the current status of the follow-up to these seven recommendations. These recommendations are summarized in the table below.

⁴ The Law Enforcement Council (the Council) is responsible for the general inspection of organizations within the justice system in Curaçao, Sint Maarten, and the Netherlands with regard to the public entities of Bonaire, Sint Eustatius, and Saba. These inspections include institutions and facilities where custodial sentences, sentences restricting liberty, measures depriving liberty, or measures restricting liberty are enforced. Furthermore, the Council is responsible for the general inspection of the quality and effectiveness of justice cooperation between the countries.

⁵ The monitoring of recommendations regarding detention stems from a 2015 request by the Four-Party Judicial Consultation (JVO), the biannual consultation of the Ministers of Justice (and Security, JenV) of the countries within the Kingdom

⁶ Law Enforcement Council, (2016). Sint Maarten Penitentiary. An inspection of the legal status of inmates and staff & organization.; Law Enforcement Council, (2017). Sint Maarten Penitentiary institution. An inspection on internal security and public safety; Law Enforcement Council, (2017). Sint Maarten Penitentiary institution. An inspection on the treatment of inmates and social reintegration.

⁷ Law Enforcement Council, (2019). The Pointe Blanche Prison and Detention Center, the Miss Lalie Center, the police holding cells in Philipsburg, and the border detention center in Simpson Bay. 2019 Report of Findings.

⁸ The terms "penitentiary" and "prison" are used interchangeably in this report.

Table 3: Overview of the Council’s Recommendations

No.	2017 Recommendations
	To the Minister of Justice
1.	Ensure that the P.I. establishes a procedure so that inmates are consistently screened upon admission for healthcare needs, security risks, management risks, and suitability for shared accommodation. Pay particular attention to appropriate placement within the prison and monitoring of needs and risks throughout their stay.
2.	Ensure that the core values and guiding principles regarding the treatment of inmates are documented and consistently implemented.
3.	Encourage the P.I to motivate inmates to prepare for an acceptable life in society, in part by providing the necessary resources and staff.
4.	Establish a policy regarding the reporting and documentation process. Describe everyone’s role in this process and ensure its implementation and monitoring.
5.	Ensure that the P.I. has effective systems and procedures in place to facilitate inmates’ transition to post-release community services. Focus particularly on information gathering, the development and implementation of a detention and reintegration plan, and collaboration.
6.	Ensure that reintegration-focused activities and programs can be actively offered to eligible inmates.
7.	Ensure there are sufficient work opportunities and, to that end, establish and implement a procedure for selecting inmates for work assignments.

CPT

The CPT last visited Sint Maarten in 2022. At that time, the CPT visited the prison, the immigration detention center, and the police holding cells. With regard to the theme of the current inspection, the following findings and recommendations from the CPT’s report are relevant.⁹

Ill-treatment (treatment of inmates)

“The majority of prisoners interviewed by the delegation during the visit made no allegations of ill-treatment by staff. However, a few allegations were received of excessive use of force by custodial officers when dealing with recalcitrant prisoners or instances of inter-prisoner violence.”

The CPT recommends that the Sint Maarten authorities take steps to ensure that a register of the use of force and special means is established and diligently maintained at Point Blanche Prison, in light of the preceding remarks.

Isolation cells

“By contrast, material conditions were unacceptably poor in the segregation unit, which consisted of two solitary confinement cells and an isolation cell. Despite its name, the isolation cell was used for the ordinary accommodation of prisoners. At the time of the visit, two inmates were being held in the isolation cell — one for six months and the other for more than a year; two other inmates had been transferred from the cell a few days prior to the CPT visit.

The cells were dark; there was ingrained dirt on the floors and walls, and black mold in the in-cell sanitary facilities. There was no furniture in the cells, except for bunk beds in the isolation cell and concrete sleeping platforms in the solitary confinement cells. Water from the roof was leaking onto

⁹ CPT, (2023). Report to the Government of the Netherlands on the periodic visit to the Kingdom of the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from May 10 to 25, 2022.

one of the bunk beds in the isolation cell, and the prisoner in question had placed a black trash bag over the grille above the bed to prevent his mattress from getting wet. Furthermore, the cells were hot, and there were no fans.”

The CPT recommends that the Sint Maarten authorities take urgent steps to ensure that the solitary confinement and isolation cells at Point Blanche Prison are taken out of service without delay and are not used to hold prisoners until they have been thoroughly refurbished.

The Council monitors compliance with the CPT’s recommendations regarding isolation cells in the P.I. Furthermore, the Council also assesses whether the isolation room at the Mental Health Foundation (MHF) meets (international) standards.

1.2 Objective

The inspection assesses the extent to which the recommendations of the Council and the CPT have been implemented with regard to the treatment of inmates, social reintegration, and solitary confinement cells. The inspection also includes the MHF’s solitary confinement room. The aim is to contribute to improvements within the detention system.

The inspection on the implementation of the recommendations regarding the treatment of inmates and social reintegration is taking place years after the initial inspection; however, the Council has closely monitored the prison in the intervening years. The Council believes that the 2025 inspection can make a valuable contribution, given that the prison is currently a topic of much debate. This is not only due to the construction of a new prison, but particularly because of the necessary focus on the “soft components” as well. The Council believes that the results of this inspection can contribute by providing up-to-date insight into the current state of affairs, particularly regarding topics related to the “soft components.”

1.3 Central Question

The central research questions are as follows:

- *To what extent have the recommendations of the Council and the CPT regarding the treatment of inmates, social reintegration, and solitary confinement cells in the Sint Maarten Penitentiary Institution been implemented? What is the status of the solitary confinement room at the MHF?*

To answer the central questions, the following sub-questions have been formulated for both topics:

1. *To what extent have the recommendations of the Council and the CPT regarding the treatment of inmates and social reintegration at the Penitentiary Institution been followed?*
2. *To what extent have the CPT’s recommendations regarding solitary confinement cells at the prison been followed?*
3. *To what extent and in what ways is the implementation of the Council’s and the CPT’s recommendations being monitored?*
4. *To what extent does the isolation room at the MHF comply with (international) standards?*

1.4 Scope of the inspection

In this inspection, the Council focuses on developments from the publication of the 2017 inspection through June 2025.

1.5 Assessment Framework

This inspection is based on the recommendations set forth in the Council's aforementioned 2017 report and the CPT's 2022 report. The Council assesses the implementation of the recommendations made. The recommendations therefore constitute the assessment framework for this inspection. Furthermore, the (international) standards regarding isolation cells form the assessment framework.

1.6 Inspection Approach and Method

The inspection was conducted in accordance with the following phases:

1. Orientation phase: general exploration of the subject and drafting of the action plan.
2. desk research: literature review and preparation of the written questionnaire and (in-depth) interviews.
3. Data collection: distribution and processing of the questionnaires to the prison, Judicial and Institutional Services (J&IS), and the Public Prosecutor's Office. In-depth interviews were conducted with representatives from the prison, the Miss Lalie Center, J&IS, the Supervisory Committee (CvT), the Inmates Association, the United Nations Office for Project Services (UNOPS), MHF, and the Turning Point Foundation.
4. Analysis and reporting: Based on the main and sub-questions, the information collected was analyzed and a draft inspection report was prepared.
5. Opportunity to respond and finalization: The interviewees and the Minister of Justice were given the opportunity to respond to the draft interview reports and the draft inspection report, after which any comments were incorporated.
6. Submission of the report: The report was submitted to the Minister. Six weeks after the report was submitted to the Minister, the Council made the report public by posting it on its website.

1.7 Reading guide

Following the introductory Chapter 1, in Chapter 2, the Council describes its findings and assessment regarding the follow-up to the recommendations. The third Chapter presents the final conclusions and recommendations from this inspection.

2. Findings: Treatment of Inmates, Social Reintegration, and Monitoring of Isolation Cells

2.1 Introduction

Since 2021, efforts to address the (serious) shortcomings in the detention system have been approached in a more systematic manner as part of the Sint Maarten Country Package. Through collaboration between the European Netherlands, Sint Maarten, and UNOPS, significant steps have been taken toward the construction of a new prison. At the same time, the Council emphasizes that the issues of treatment of inmates and social reintegration remain crucial during the transition period to safeguard the rights of inmates.

The project to build a new prison is now in its second phase. In this phase, a project team from the United Nations Office on Drugs and Crime (UNODC) has been deployed to begin implementing 7 of the Rule of Law (soft) components¹⁰ (including rehabilitation¹¹ and reintegration¹²) identified by UNOPS for the prison (see further 2.2.6.¹³).

On May 14, 2025, a spontaneous riot and fire broke out at the prison, posing a serious threat to staff, inmates, and visitors. In response to this life-threatening situation, the Council formally notified the Parliament of Sint Maarten and the Kingdom Council of Ministers by letter dated June 6, 2025.¹⁴ In this letter the Council concludes that the events are the result of years of structural negligence and the systematic failure to follow up on the Council's previous recommendations. As of the writing of this report, the Council has not received a formal response and continues, in the meantime, to emphasize the urgency of the current ongoing situation.

2.2 Council Recommendations

2.2.1 Procedure for Screening Inmates

Recommendation 1 (A1): Ensure that the P.I. establishes a procedure so that inmates are consistently screened upon admission for healthcare needs, security risks, management risks, and suitability for shared accommodation. Pay particular attention to appropriate placement within the prison and monitoring of needs and risks throughout their stay.¹⁵

Status 2017

Upon admission to the prison, inmates were primarily screened for security risks, based on incomplete information. There was no established procedure for behavioral or medical screening. Inmates were not systematically assessed for care needs, management risks, and suitability for shared accommodations were not systematically assessed. According to the Council, this led to unacceptable risks to safety, manageability, and well-being.

Findings 2025

Screening Procedure

¹⁰ Prison operations and maintenance: a) Rehabilitation and Reintegration Program; b) Adequate Staffing Levels; c) Capacity Building for Prison Staff; d) Policies and Procedures; e) Review of Financial Rules and Regulations Affecting Prison Management; f) Establishment of a Basic Forensic Care Unit; g) Prison Industries.

¹¹ The Council defines the term "rehabilitation" as programs within the prison designed to teach skills, assist with reintegration into society, and improve public safety.

¹² The Council defines the term "reintegration" as the support provided to inmates upon their return to society after serving their prison sentences, with an emphasis on reducing recidivism.

¹³ [Minister Tackling Signs Landmark Agreement with UNODC to Launch Long-Term Rehabilitation Program for Inmates](#).

¹⁴ [The Law Enforcement Council Sounds the Alarm to Parliament and the Council of Ministers Regarding the Point Blanche Prison and Detention Center](#). | Law Enforcement Council

¹⁵ The Council has classified the recommendation in its database under the "policy" category.

According to the acting director, the P.I. has a written detention and rehabilitation (D&R) procedure that comprises several phases, from intake to release. In practice, only the intake phase is carried out due to a lack of staff and resources. This intake takes place within 24 hours. The Council has received a copy of the intake form. The rehabilitation component of the procedure is not carried out. The Public Prosecutor's Office (OM) also indicates that there is a standard procedure for assessing care needs and risks, but neither the OM nor the Probation Service (J&IS) plays a role in or has oversight of the implementation of the D&R by the P.I.

The Council was unable to verify the foregoing itself because the requested written D&R procedure was not received within the timeframe of the inspection.

Care Needs

The P.I. states that the medical intake is conducted within 24 hours by medical staff and a physician. However, inmates indicate that this does not always happen consistently. A proper mental health assessment is also lacking, resulting in inmates with behavioral disorders not being adequately screened. The MHF does not conduct screening upon arrival, partly because it has not yet been paid for previously provided forensic care. As a result, the prison must cover certain costs itself in order to comply with a court ruling regarding an inmate. The MHF indicates that cooperation with the Justice Ministry needs to be improved.

Security Risks, Management Risks, and Shared Accommodations

Upon arrival, general information about the inmate is collected via the intake form. Based on this information, the detention unit determines the safest placement; however, this proves difficult in practice due to limited knowledge of interpersonal conflicts and the increase in sex offenders who must be housed separately. Inmates indicate that insufficient consideration is given to the risks involved in housing young adults together, making them vulnerable to peer pressure and the formation of gangs.

Appropriate Placement in Prison

Upon transfer to prison, the Public Prosecutor's Office (the prosecutor handling the case) assesses whether an individual can be safely placed in the prison. The investigating judge may also play a role in this process. Factors considered include any gang connections and the nature of the criminal offense. If an inmate's safety cannot be guaranteed, he may be transferred to another country within the Kingdom based on the Mutual Detention Arrangements. This is assessed by the Chief Public Prosecutor.

Monitoring of Needs and Risks During Detention

Although a procedure exists for all phases of detention, in practice only the intake assessment is carried out. Due to a lack of capacity, the P.I. does not monitor the needs and risks of inmates during their detention.

Assessment of Recommendation 2025

The recommendation has **not been implemented**. The P.I. reportedly established a screening procedure, which is positive in principle, as it would allow for greater attention to be paid during intake to potential security and management risks associated with the placement of inmates. However, as noted, the Council was unable to verify this procedure and therefore could not include it in its assessment. The Council does note, however, that attention is being paid to placing inmates safely within the prison to the extent possible.

Furthermore, insufficient consideration is given to the healthcare needs of inmates. Medical screening upon admission is limited by the lack of adequate care for inmates with behavioral

disorders. This is partly due to outstanding payments to the MHF, which prevents necessary care from being provided on a consistent basis. The Council is of the opinion that the Minister of Justice (MvJ) must ensure a solution to the payments to the MHF as soon as possible so that inmates can continue to receive the necessary care.

In addition, the needs and risks of inmates are not monitored after intake. The Council believes that this leads to persistent security, manageability, and well-being risks within the prison. The Council emphasizes that investment in staff and capacity is necessary and that the lack of steering from the Minister further exacerbates these risks. The recommendation is therefore considered as not followed.

2.2.2 Core Values and Principles

Recommendation 2 (A2): Ensure that the core values and guiding principles regarding the treatment of inmates are documented and consistently implemented.¹⁶

Status 2017

The treatment of inmates did not meet the requirements. Correctional staff did not sufficiently understand the nature of their role and their responsibility to serve as role models, which was problematic given the young prison population. Furthermore, supervisors did not adequately monitor the maintenance of a professional relationship between staff and inmates. Core values and guiding principles for professional interaction with inmates had not been established at that time.

Findings 2025

The P.I. has operational guidelines that set forth core values for interacting with inmates. According to the P.I., staff are evaluated on these values as part of the HR cycle. These core values and principles are also included in the Ministry of Justice's code of conduct¹⁷. Furthermore, staff have received training through the Judicial Institutions Service (DJI). Nevertheless, the inmates interviewed perceive the treatment as poor, due to what they describe as unprofessional and escalating behavior on the part of the correctional officers. They believe the officers need more training, particularly in de-escalation.

The Council received a copy of the operational measures¹⁸. These date from the 1960s, when Sint Maarten was still part of the Netherlands Antilles.

Assessment of Recommendation 2025

The recommendation has **been implemented**. The penitentiary institution has core values and guiding principles for dealing with inmates and implements them consistently. However, the operational measures are significantly outdated, and the Council believes they should be updated. Staff have completed training courses to enhance their professionalism. The Council emphasizes that these training courses must be continued on a structural basis, with a focus on topics such as de-escalation. The subject should also be revisited throughout the year in, for example, staff meetings.

2.2.3 Resources and Staff

Recommendation 3 (A3): Encourage the P.I to motivate inmates to prepare for an acceptable life in society, in part by providing the necessary resources and staff.¹⁹

¹⁶ The Council has classified the recommendation in its database under the "policy" category.

¹⁷ Ministry of Justice. (2014). Justice Code of Conduct 2014.

¹⁸ Personnel Instructions for the Prison System of the Netherlands Antilles. (including Article 68)

¹⁹ The Council has classified the recommendation in its database under the "facilities" category.

Status 2017

Motivating inmates during their incarceration at the P.I. and discussing their prospects after release were not done sufficiently. This is despite the fact that the director is legally obligated to help inmates resolve social problems related to their incarceration or criminal offense.

Findings 2025

Social Existence Inmates

There is still a significant shortage of staff and resources within the prison, which negatively impacts both daily operations and efforts to motivate inmates toward a life in society. Social workers do offer support for reintegration, but no formal reintegration plan is drawn up or implemented in accordance with the D&R procedure. They try to help inmates shortly before release, for example — with insurance and housing — but this is done on an ad hoc basis and without a structural framework.

Inmates are barely prepared for their release, according to the inmates interviewed. Aside from a visit from a probation officer, they receive no support, and questions about their release are often referred by social workers to their attorney, which they find unhelpful. In addition, inmates must divide their limited time with social workers between counseling sessions and phone calls, which leaves less time for reintegration activities. Furthermore, they are required to undergo a drug test two months before release and do not always know the exact date of their release, as they claim there is no clear procedure in place for this.

Resources and Staff

The P.I. is struggling with an outdated IT system, which prevents inmates from accessing the internet and digital services. Although work has begun on upgrading the system, part of the budget had to be reallocated. The server is managed by the Law Enforcement IT Management Foundation, which, according to the P.I., functions well and they generally perform updates in a timely manner.

The prison must budget for new positions one year in advance. For 2026, the P.I. requested 30 full-time equivalent (FTE) correctional officers but received approval from the Minister to recruit only 15 FTEs.²⁰ During consultations with the Ministry, it was also indicated that further budget cuts will be required in 2025 and 2026. In addition, some employees are still listed on the P.I.'s budget even though they are actually working elsewhere; consultations with the Ministry on this matter have not yet yielded a solution.

The CvT emphasizes that, despite existing challenges, the recruitment and training of new correctional officers must begin immediately. Furthermore, according to the Committee, there is a lack of clarity between the Ministry and the prison regarding who is responsible for initiating this process; this must be resolved quickly to ensure the new prison can function effectively.

The P.I.'s current function book does not meet current and future needs: crucial positions, such as a psychiatrist and a psychologist, are missing. Although adjustments have been proposed and are supported by UNOPS, they have not yet been implemented. UNODC supports the implementation of the function book and staff training, while the placement of existing staff continues. According to UNOPS, the workforce must be expanded within 12–18 months to double operational capacity, with the involvement of relevant partners such as the MHF.

²⁰ At the time of writing this report, on November 26, 2025, the Ministry posted a job opening for the prison: "Security Officer Wanted Urgently." At the time of the investigation, the Minister was still in the process of arranging temporary capacity from Suriname. After this report was written, an agreement to this effect was concluded with Suriname in February 2026 for a term of one year.

Assessment of Recommendation 2025

The recommendation has **not been implemented**. Due to a persistent shortage of staff and resources, the P.I. is still unable to motivate inmates or prepare them for life in society. Other recommendations also cannot be followed due to a lack of staff and resources (see A6 and A7). This is a cause for concern for the Council, as it means inmates are not being adequately prepared for reintegration. However, there now finally seems to be some progress in the recruitment of prison staff. The Council expects the Minister to continue to steer efforts in this direction and to prioritize updating the function book and the implementation plan.

2.2.4 Reporting and Documentation Process

*Recommendation 4 (A4): Establish a policy regarding the reporting and documentation process. Describe everyone's role in this process and ensure its implementation and monitoring.*²¹

Status 2017

Details regarding inmates were not carefully documented, recorded, or shared across disciplines. According to the Council, without this approach, the P.I. could not properly fulfill its legal obligations regarding proper treatment and social reintegration.

Findings 2025

According to the P.I., there is a written procedure for reporting and documentation, and the OM also confirms that there is a policy for recording incidents. Correctional officers file reports of misconduct, after which the Head of Detention and the In-House Services Coordinator determine which sanction will be imposed based on a fixed list of violations and corresponding penalties. The Council was unable to verify the foregoing itself because the requested written documents were not received within the period of the inspection.

J&IS indicates that although the files contain complete basic information, there is insufficient reporting on the support provided by social workers. As a result, there is a lack of insight into consultations, requests for assistance, training or educational programs completed, and behavior during detention. Sometimes an inmate is assessed internally as showing "good" behavior, while J&IS has a different impression upon release. According to J&IS, better and more systematic monitoring by the prison throughout the entire detention period is necessary.

Assessment of Recommendation 2025

The recommendation has **not been implemented**. The prison's management reportedly established a policy for the documentation process, enabling the facility to better comply with its legal obligations. However, as noted, the Council was unable to verify this procedure and therefore could not include it in its assessment. Furthermore, the Council emphasizes that cooperation with J&IS must be strengthened to provide greater insight into the development of inmates during their detention.

2.2.5 Systems and Procedures

*Recommendation 5 (A5): Ensure that the P.I. has effective systems and procedures in place to facilitate inmates' transition to post-release community services. Focus particularly on information gathering, the development and implementation of a detention and reintegration plan, and collaboration.*²²

Status 2017

²¹ The Council has classified the recommendation in its database under the "policy" category.

²² The Council has classified the recommendation in its database under the "work processes" category.

The P.I. did not have effective systems or procedures in place to ensure that inmates were properly connected to community services after release. Aftercare depended entirely on the inmates' own initiative: they had to contact the social worker or the probation service on their own. The Council considered this unacceptable, as post-release support should be provided by the institution as a matter of course. The Council also emphasized that effective post-release support requires sufficient information about the inmate, the development and implementation of a detention and reintegration plan, and structured cooperation with other agencies.

Findings 2025

Functioning Systems and Procedures

The P.I.'s operating procedures are outdated, and the process to have them rewritten by the Government Accountant Bureau has been halted due to staffing issues within the facility. Furthermore, a written procedure regarding the roles of the P.I. and J&IS during the phase leading up to conditional release was available in the past. The Council was unable to verify this information itself because the requested written documents were not received within the scope of the inspection.

In addition, the procedures for the Multidisciplinary Consultation (MDO) have not been formalized, as a result of which inmates have no clear understanding of what takes place during these consultations.

Information Gathering

The information from the MDO meetings is used by J&IS to draft parole reports, which include recommendations and any concerns. For each supervisory advice, J&IS draws up an action plan for each area of focus, such as substance use, housing, and social environment. If there is a risk of recidivism, this is factored into the plan. The report is shared with the Public Prosecutor's Office and the Court, but not with the prison due to privacy, although the possibility of doing so is being explored. The P.I. indicates that little information is available about inmates' lives prior to incarceration, making it essential to build trust in order to properly assess their needs.

Developing and Implementing Detention and Reintegration Plans

The prison does not draw up detention and reintegration plans due to a shortage of staff. According to the P.I., this requires, among other things, mentors and coaches. Inmates indicate that such a plan should also include rewards, similar to the reward program at the prison on Bonaire. Currently, all inmates in Sint Maarten are treated equally, regardless of their behavior.

Cooperation

J&IS is sometimes asked by the Public Prosecutor's Office on an ad hoc basis to draw up reintegration plans, primarily for special categories of inmates. According to the OM, these plans are submitted to the Central Board for Probation and the Ministry of Justice as part of the inmates' reintegration files. The reintegration plans should actually be drawn up by the prison, but due to staff shortages at the P.I., J&IS takes on this task when requested to do so.

Assessment of Recommendation 2025

The recommendation has **not been implemented**. The prison does not have effective systems and procedures in place to ensure that inmates are properly connected to community services. The Ministry has not provided sufficient steering in this regard. Furthermore, insufficient information is collected about inmates to provide appropriate assistance, and there is no suitable staff to develop or implement and reintegration plans. As a result, aftercare remains substandard. The Council does, however, appreciate that J&IS does draw up reintegration plans in specific cases, even though this is not their responsibility.

2.2.6 Reintegration Activities and Programs

Recommendation 6 (A6): Ensure that reintegration-focused activities and programs can be actively offered to eligible inmates.²³

Status 2017

Inmates aged 24 and older were offered only limited reintegration activities; other programs were completely absent. In addition, there was no structured collaboration with relevant partners. The Council therefore commended the initiatives taken by J&IS to collaborate with the prison.

Findings 2025

Activities

The P.I. offers only the bare minimum of activities due to a severe shortage of staff and resources. According to inmates, this lack of reintegration-focused activities causes some to lose their motivation and hope. Aside from daily exercise time, only a few basic activities are currently offered.

Education

General Educational Development (GED) classes are offered to both women and men. The two female inmates have already completed the program, and alternative educational options are being explored. According to the P.I., classes for male inmates are held twice a week, but the inmates report that they actually take place three times a week in small groups. Caution is required when grouping inmates together, as they may have conflicts with one another. However, participation in the classes remains low: some inmates view the GED as a step backward, have already completed the program, are ashamed of their academic level, or believe that participation is of little use without job opportunities or rewards. The prison also notes that a (positive) change in daily behavior is evident among those who do participate.

In addition, only half of the available computers are working, forcing the instructor to improvise. Despite these challenges, inmates are satisfied with the instructors and the teaching methods.

Church Services

The weekly church services have been suspended since the fire and due to illness among coordinating staff, but the prison expects them to resume soon. Inmates can, however, speak with a pastor individually. According to inmates, the staff shortage need not be an obstacle, as services can also be led by the inmates themselves, as has happened in the past. They do not know, however, when the services will resume.

Music Lessons

There are no formal music lessons. The music room is mainly used by the prison band, and one inmate gives guitar lessons to others who are interested. The band performs during church services and sometimes for seniors in the community. Occasionally, a staff member gives keyboard lessons.

Sewing Classes

The sewing workshop is well-equipped and instructors are available, but inmates report that the space is not always open for no apparent reason. According to the P.I., classes are held daily for a regular group, although they were temporarily suspended due to the departure of several

²³ The Council has classified the recommendation in its database under the "facilities" category.

inmates from that group. With new uniforms serving as patterns, the P.I. expects to be able to offer basic classes to more inmates soon.

Probation Service

Cooperation between the prison and J&IS is going well. The Probation Service offers various training programs, including aggression management, cognitive skills, and the *Quick Skills & Recreational Workshop*, which covers various “light” themes such as “*Mask on, Mask off*,” focused on self-reflection and emotional insight. This workshop attracts many participants and reaches a broad group of inmates. Due to staff shortages at the prison, the workshops can only be held on a limited basis — for example, only on Mondays due to a lack of available classrooms. The combination of thematic discussions and hands-on activities is well received. There are three groups of 8–9 participants, and inmates can earn a certificate and a small prize. In November 2025, 27 inmates completed the program.²⁴ Participation in the workshops is voluntary, but the inmates believe these activities should actually be mandatory to support their reintegration. Inmates of both genders are allowed to participate, and both J&IS and the inmates are positive about the program.

According to J&IS, the *quick skills* and recreational activities provide inmates with immediately applicable skills, such as planning for the future, identity, emotional regulation, communication, and respectful collaboration. These programs reduce tension within the facility, boost self-confidence, and provide a sense of purpose and direction. Most importantly, these workshops contribute to successful reintegration by strengthening the skills needed to function in society again after release.

Following the fire incident, J&IS and the family services department organized a Father’s Day activity that received a positive response from the inmates. J&IS also proposed holding a monthly recreational activity, but this has been put on hold for the time being due to a lack of capacity within the prison. An activity involving the inmates’ children could not take place either. J&IS considers such initiatives important because they contribute to rehabilitation, strengthen the bond with inmates, and provide valuable information for VI reports, but they do place an additional workload on the already limited staff.

Carrying out activities

The prison is at capacity, resulting in more individuals being referred to the probation service (J&IS). Due to the increase in supervision cases, the workload has risen sharply. Each staff member now has approximately 40 clients, whereas this number should be a maximum of 20–25 based on recidivism risk. Based on the workload, J&IS would need 14 FTEs, but they have only 5.5 FTEs and one volunteer. Because the subsidy amount has remained the same, J&IS will have to introduce a waiting list as of January 1, 2026. Due to the additional workload, they are unable to fully carry out their core tasks, which increases the risk of recidivism. As an emergency measure, J&IS is considering not carrying out any additional work outside these parameters. This work is usually done in collaboration with other organizations.

Other Initiatives

Various initiatives are being undertaken within the prison to promote reintegration. For example, the P.I. is working on the “*Tur Cos Ta Posibel*” program, for which funding is being sought in collaboration with the Sint Maarten Development Fund. This program utilizes volunteers and focuses, among other things, on arts and crafts with inmates. In addition, the CvT views the library as an accessible initiative that can be improved quickly and inexpensively. Despite the low interest

²⁴ [Three classes in the Complete Quick Skills + Recreational Workshop Program at Point Blanche Prison](#) .

in reading, there are opportunities to encourage it, and donations should not be a problem. However, inmates are only allowed to keep a limited number of books in their cells. Inmates themselves suggest additional ideas such as online courses, assistance with opening bank accounts, and speaking to young people at schools or at the MLC as a preventive measure.

Multidisciplinary Consultation (MDO)

The MDO is intended to support inmates in their reintegration through structured access to social services. During the meeting, information is gathered, plans are made, and contacts with external organizations are maintained. According to the P.I., the MDO is held weekly with, among others, the coordinator, social workers, administrative staff, the head of housing, the head of security, and J&IS. Approximately ten inmates are discussed per meeting. However, J&IS indicates that the meetings ceased two months before the fire incident and that the reason for this is unknown, even though they consider the meetings valuable.

Due to the aforementioned situation with MHF, there is no action plan for inmates with mental health issues, and no one from MHF participates in the meetings (see 2.2.1). During MDO meetings, both new and existing inmates are discussed, including their care and risk level. J&IS provides additional information when they are familiar with the inmate. According to J&IS, the MDO improves the information available to all parties involved.

New Prison

The new prison project focuses not only on constructing a modern building (hard component) but also on developing necessary “soft components” such as probation, rehabilitation, and reintegration. These services are being designed in line with future cell capacity. The soft components have already been developed and will be translated into concrete deliverables. This design was jointly developed by UNOPS, the Ministry of Justice, the P.I., and J&IS, with support from experts in the fields of the rule of law and forensic psychology. In addition, a quality team has been established. The joint design process began in August 2024. J&IS has consulted with UNOPS regarding its role, but there is uncertainty about exactly what was presented to the Minister and how their work fits within the soft components. They lack further communication and clarity regarding their future contribution. In its response, J&IS adds that, in the meantime, in collaboration with UNODC and the NRPB, a project proposal has been drafted and submitted for funding. The aim is to make J&IS more visible and active within the prison. The proposal focuses on implementing the following components: universal behavioral training, restorative justice, and a six-month reintegration preparation program prior to the release date, covering all areas of life, including strengthening family involvement and implementing a mentoring program.

UNOPS emphasizes that the soft components (such as reintegration, rehabilitation, and policy improvements) should not be postponed until the new building is completed. The motto “do now, start now, plan now” means that services must be implemented flexibly, tailored to both the current prison and the future infrastructure. Each component includes: an assessment of the current situation, realistic recommendations tailored to the Sint Maarten context, and a 24–36-month implementation plan, including a budget and timeline. UNODC has been contracted to implement these soft components, but ultimate responsibility lies with the prison management and the Ministry of Justice. Decisions still need to be made regarding which components can begin immediately, partly due to budget constraints.

Activities related to the soft components have not yet begun. According to the CvT, however, simple activities can be carried out in the meantime. The P.I. states that inmates are being informed about plans and developments regarding the new prison. Inmates feel that the new prison is being presented as the ultimate solution, while urgent improvements to the current

situation are not being made. For some inmates, especially those nearing release, this has a demotivating effect.

Assessment of Recommendation 2025

The recommendation has been **partially implemented**. Although reintegration activities are offered, the range of options is limited and not systematic due to a persistent shortage of staff and resources at the prison. The MDO is a valuable development, but the lack of systematic implementation undermines its effectiveness. The Council is positive about the recruitment plans for the new prison and the focus on the necessary “soft components” such as rehabilitation and reintegration. Furthermore, the Council appreciates the efforts of J&IS, which achieves results despite limited capacity — though this places a heavy workload on staff. The Council therefore urges the Minister to ensure sufficient staffing and resources at the P.I. so that they can (continue to) play a crucial role in the rehabilitation and reintegration of inmates. The Council also asks the Minister to consider increasing the subsidy to J&IS so that they, too, are better able to meet the growing demand.

Furthermore, inmates report being poorly informed about activities and plans, while the P.I. maintains that it does communicate this information. Given these differences in perception, the Council emphasizes that better communication is necessary.

2.2.7 Work Activities

Recommendation 7 (A7): Ensure sufficient work opportunities and, to that end, establish and implement a procedure for selecting inmates for work assignments.²⁵

Status 2017

Because more inmates wanted to work than there were available work positions, the Council determined that an objective selection procedure needed to be established. This would allow each inmate to be assessed based on clear and established criteria. This was important because participation in work and other reintegration activities is a factor in determining whether someone is eligible for V.I.

Findings 2025

There is no formal selection procedure for work activities in the prison. As a result, jobs are assigned on an individual basis, primarily based on security risks, the crime committed, and behavior. In addition, inmates must sign a behavioral agreement before they are allowed to work. There are too few work positions, which, according to the P.I., inmates, and the OM is primarily due to a shortage of staff to supervise the work. Inmates who do work receive wages, 50% of which is immediately available for spending and 50% is saved for after release.

Inmates perceive the job assignment process as lacking transparency because there are no clear criteria. Available jobs include positions in the kitchen, laundry, gym, sewing workshop, and maintenance. They would also like to have new or external work opportunities, especially for inmates nearing release.

J&IS notes that inmates’ work duties sometimes conflict with their participation in reintegration activities, causing them to miss out on important skills.

Assessment of Recommendation 2025

The recommendation has **not been implemented**. There are too few work assignments available, and there is no selection procedure for assigning work to inmates. The Council emphasizes that this is due to a shortage of staff to supervise work sites. Therefore, the Council reiterates its call

²⁵ The Council has classified this recommendation in its database under the category of facilities.

to the Minister to ensure that sufficient resources and staff are made available to the P.I. The Council also urges the P.I. to establish clear selection criteria to increase transparency and prevent arbitrariness.

2.3 CPT Recommendations

2.3.1 Register of Use of Force

Recommendation: The CPT recommends that the Sint Maarten authorities take steps to ensure that a register of use of force and special means is established and diligently maintained at Point Blanche Prison, in light of the preceding remarks.

Status 2022

Most inmates did not report mistreatment by staff during the CPT visit. However, there were a few reports of excessive force by correctional officers when intervening with difficult inmates or in cases of violence among inmates.

There was no special register for the use of force. Incidents were sometimes found in disciplinary files, but these were often inaccurate and incomplete. Furthermore, management did not analyze the lawfulness and proportionality of the force used.

Findings 2025

According to the OM, a paper-based use of force registry does exist, but it has never been used. However, the P.I. and the CvT indicate that, in reality, no separate registry exists; incidents of use of force are only recorded in the daily report. Staff members are required to report incidents and to prepare a formal incident report²⁶ for this purpose. This report is then sent to the head of housing and the head of detention, who question the inmate(s) involved and determine whether a punishment will be imposed. The inmate may appeal this decision to the CvT. According to the interviewees, there have been no incidents of (excessive) use of force by staff. Correctional officers usually intervene to separate inmates. The CvT has not received any complaints of abuse. Inmates confirm that no physical force is used, but they do experience verbally authoritarian behavior, which they sometimes find more hurtful. They also believe that correctional are insufficiently trained in de-escalation and that their professionalism leaves much to be desired.

The Council was unable to verify the reporting form itself because the requested written documents were not received within the timeframe of the inspection.

Assessment of Recommendation 2025

The recommendation has **not been implemented**. Incidents of use of force are still recorded only in case files; there is no separate registry for documenting the use of force. The Council notes that the low number of incidents of physical force likely plays a role in this. The Council emphasizes that both physical and verbal interventions must always be proportionate and may only be used when de-escalation efforts fail. The Council believes that the guidelines within which staff operate must be clearly communicated once again, for example during regular meetings. A separate use of force registry would improve transparency, the completeness of information, and oversight. Therefore, the Council recommends that the Minister implement the CPT recommendation.

²⁶ The Council has requested this document from the P.I. on several occasions but has not yet received it.

2.3.2 Isolation Cells

Recommendation: The CPT recommends that the Sint Maarten authorities take urgent steps to ensure that the solitary confinement and isolation cells at Point Blanche Prison are taken out of service without delay and are not used for holding prisoners until they have been thoroughly refurbished.

Status 2022

During the CPT visit, the solitary confinement and isolation cells were in very poor condition. The isolation cell was even being used as regular living quarters. Inmates were held there for extended periods (six months to more than a year). The cells were dark, covered in stubborn grime and black mold, contained hardly any furniture, and had leaks that soaked the mattresses. In addition, it was hot and there was no ventilation, leading to inhumane conditions.

Findings 2025

The old isolation and solitary confinement cells have been renovated and are now used as regular living quarters for vulnerable inmates. Two other cells have been designated as the official isolation and solitary confinement cells, with their own outdoor exercise area. According to the CvT, these new cells generally meet CPT standards, thanks to features such as good ventilation, natural light, and certain privileges for the inmates.

Two of the three isolation cells are currently being used for capacity and security reasons, not as punishment²⁷. One inmate is being held there due to a mental health condition. These inmates follow the same daily routine as the other inmates and are free to move between their cell, the hallway, and the exercise yard. When solitary confinement must be used for disciplinary purposes, the prison follows a set protocol²⁸, whereby a doctor first assesses whether the inmate is suitable for solitary confinement, and all steps are documented and signed. The inmate receives daily meals, is checked on, and is allowed time in the exercise yard. Because the isolation cells are occupied, punishments are often postponed or other measures are taken, such as confining the inmate to his own cell. As a result, inmates know they can misbehave without being immediately placed in solitary confinement. According to both inmates and the CvT, this has a negative effect on behavior, is frustrating, and creates uncertainty about when punishments will ultimately be carried out.

The Council received a copy of the 2022 protocol.

Inspection of the Penitentiary Institution

The inspectors conducted an inspection of the solitary confinement and isolation cells and the associated exercise yard. The exercise yard was spartan but clean, enclosed by an iron fence, and offered virtually no shelter. The two isolation cells are accessible via an iron staircase; the hallway has openings for light and ventilation. During the inspection, the doors were open, allowing the three inmates present to move freely between their cells, the hallway, and the exercise yard. In the first cell, one inmate was held in isolation, and in the second cell, two inmates were housed, with access to beds, a mattress, a shower, and a toilet.

One of the inmates had no complaints about the space and appreciated the freedom of movement; the other declined to comment. Inmates can play games but do not have direct access to books — they must sign up on a list in the morning to borrow them. The inmate who did speak indicated that he has been in this unit for quite some time, does not work or take classes, and is perfectly fine with that. He feels he is treated well and is regularly checked on by staff.

²⁷ Article 36, paragraph 1, of the National Ordinance on the Principles of the Prison System stipulates the following disciplinary penalties: confinement in a punishment cell; denial of visits, of the right to write or receive letters, or restriction of other rights and privileges; a fine not exceeding the prisoner's two-week allowance; and a reprimand.

²⁸ The Council has requested this document from the P.I. on several occasions but has not yet received it.

Assessment of Recommendation 2025

The CPT's recommendation has **been implemented**. The original solitary confinement and isolation cells are no longer used for isolation; they have been renovated and now serve a different purpose. This was directed by the Ministry. In addition, two new isolation cells with their own outdoor exercise areas have been set up that comply with CPT standards. The facilities are comparable to those of regular cells, and inmates retain the same privileges. However, the new isolation cells are primarily used to protect vulnerable inmates, rather than as a form of punishment. As a result, inmates who deserve disciplinary punishment often cannot be placed in isolation immediately, which, according to the Council, may have a negative effect on behavior and order within the facility. The Council therefore calls on those responsible to find a solution to this problem as soon as possible.

2.4 Isolation Room at the MHF

The MHF uses the term “isolation room” instead of “isolation cell” because it involves patients. Individuals are often placed here involuntarily and temporarily for their own safety. During the inspection, the Council focused on three international standards for the use of isolation.

Standards:

- Isolation must not be used as a general practice.*
- Individuals may not be held for longer than 14 days.*
- Individuals in isolation must be held in decent conditions, with appropriate facilities.*

Since 2017, the MHF has been officially designated by ministerial decree²⁹ as a facility for the emergency admission of psychiatric patients and as a mental hospital, thereby authorizing it to use coercive measures such as isolation and separation. According to the decree, these may only be used for short periods and exclusively in emergency situations when no less intrusive alternatives are available.

The MHF has one isolation room, which is now used much less frequently than in the past. Its original purpose is to protect individuals who may harm themselves or others. The room is used for stabilization, observation, and safety, and provides 24/7 supervision.

Due to legislative changes (Articles 13 and 14 of the National Ordinance on the Supervision of the Mentally Ill), the room may also be used for medication administration and observation, even when there is no immediate danger. The length of stay depends on the medical situation and is generally kept short (up to about one week). Each doctor follows their own approach; there is no formal protocol, but patients are checked daily by doctors and nurses.

When someone is not admitted voluntarily, approval is required from the doctor and the Ministry of VSA, unless the situation is acute; in that case, the paperwork is completed later.

The MHF is working toward a shift toward more community-based care, in which stabilization is increasingly provided outside the isolation room. However, this requires a change in societal mindset and more trained staff to raise awareness.

The inspectors noted that the isolation room is well-maintained, equipped with air conditioning, video surveillance, a mattress, and basic amenities. The bathroom is located across from the room. The door can remain open if a patient is stable enough, allowing him or her to move about more freely. Privacy is ensured by temporarily turning off the video feed when visitors are present.

MHF Assessment

²⁹ No. 13339/2017

The MHF uses an isolation room instead of a cell, but individuals may be placed there involuntarily in certain cases. Isolation is not used routinely, and its use is declining — a development that the Council views positively and encourages.

Although there is no formal maximum time limit, the MHF tries not to keep individuals in isolation for longer than a week. This complies with the standard that isolation may not last longer than 14 days. In addition, the Council concludes that individuals in isolation at the MHF have access to adequate facilities.

3. Final Conclusion and Recommendations

3.1 Final Conclusion

In this chapter, the Council presents its final conclusions regarding the results of this inspection. The Council does so by addressing its central research question and sub-questions. The Council concludes with its recommendations.

3.1.1 Sub-questions

Sub-question 1: To what extent have the Council's and the CPT's recommendations regarding the treatment of inmates and social reintegration in the P.I. been followed?

The inspection shows that one recommendation (core values and guiding principles (A2)) from the Council has been implemented, one recommendation (reintegration activities and programs (A6)) has been partially followed, and five recommendations (screening procedure (A1), resources and staff (A3), reporting and documentation process (A4), systems and procedures (A5), and work activities (A7)) have not been followed. The Council expresses the degree of compliance with the recommendations as a compliance percentage, which stands at **21.4%** for 2025.³⁰

Table 4: Status of the compliance percentage for implementation of recommendations

Compliance Percentage for Treatment of Inmates and Social Reintegration
2026: 21.4%

Sub-question 2: To what extent have the CPT's recommendations regarding isolation cells in the P.I. been implemented?

The CPT's recommendation regarding isolation cells has been implemented, but the recommendation to establish a separate use of force registry has not yet been implemented. Although incidents are recorded, this is not done in a special registry, as prescribed by the CPT. The Council emphasizes that this must still be implemented.

Sub-question 3: To what extent and in what manner is the implementation of the Council's and the CPT's recommendations being monitored?

The Council notes that the management of the P.I has partially implemented the recommendations regarding policy and work procedures. However, the recommendations that require resources and steering from the Ministry have significantly lagged behind for eight years, which the Council finds unacceptable. Recent developments regarding the new prison have, however, led the Ministry to take a more active role in ensuring the implementation of the remaining recommendations. Despite the involvement of multiple parties, the Minister remains ultimately responsible and must ensure the necessary resources are available for proper implementation.

³⁰ The compliance rate, as an indicator, is calculated by assigning 1 point to each fully implemented recommendation, ½ point to each partially implemented recommendation, and no points to any unimplemented recommendation. The total number of points is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance rate.

Sub-question 4: To what extent does the isolation room at the MHF comply with (international) standards?

International standards serve to ensure that the MHF does not violate the fundamental rights of persons deprived of their liberty. The Council notes that individuals in the isolation room are closely monitored, that isolation is used exclusively to manage harmful behavior, and that it is not used routinely or for prolonged periods. The MHF complies with all three of the international standards assessed.

3.1.2 Overall picture

Main question: To what extent have the recommendations of the Council and the CPT regarding the treatment of inmates, social reintegration, and solitary confinement cells at the Sint Maarten Penitentiary Institution been implemented? What is the current status of the solitary confinement room at the MHF?

For years, the Council has continued to warn about the untenable situation in the prison and the risks this poses to society. Despite previous reports, the annual State of Law Enforcement, and consultations, insufficient action has been taken to implement the recommendations of the Council and the CPT, primarily because the Minister has failed to provide adequate oversight. The situation identified by the Council in 2017 has improved little eight years later.

In its role as an oversight body of the justice system, the Council continues to advocate for greater engagement and meaningful investment by decision-makers. This is not only in the interest of the organizations but also of the inmates and society as a whole.

Of the recommendations regarding the treatment of inmates, one has been implemented (A2). The treatment of inmates has improved through training for correctional officers and established policies, but ongoing attention is needed to ensure that staff continue to act consistently in accordance with the core values and principles of the P.I.

In the area of social reintegration, the situation has remained largely unchanged or has deteriorated due to severe staff and resource shortages within both the P.I. and J&IS. The recommendations in this area have not been implemented (A1, A3, A4, A5, A6, and A7). This is a matter of great concern to the Council.

The P.I. has, however, put new isolation cells into use, thereby implementing one CPT recommendation. The recommendation to establish a registry for the use of force, however, has yet to be implemented.

The MHF's isolation room meets the three internationally established standards assessed and is in good condition.

Table 4: Overview of the status of the Council's recommendations

No.	Council Recommendations 2017	Status 2025
	To the Minister of Justice	
1.	Ensure that the P.I. establishes a procedure so that inmates are consistently screened upon admission for healthcare needs, security risks, management risks, and suitability for shared accommodation. Pay	Not followed up

	particular attention to appropriate placement within the prison and monitoring of needs and risks throughout their stay.	
2.	Ensure that the core values and guiding principles regarding the treatment of inmates are documented and consistently implemented.	Followed
3.	Encourage the P.I to motivate inmates to prepare for an acceptable life in society, in part by providing the necessary resources and staff.	Not followed up
4.	Establish a policy regarding the reporting and documentation process. Describe everyone's role in this process and ensure its implementation and monitoring.	Not followed up
5.	Ensure that the P.I. has effective systems and procedures in place to facilitate inmates' transition to post-release community services. Focus particularly on information gathering, the development and implementation of a detention and reintegration plan, and collaboration.	Not followed up
6.	Ensure that reintegration-focused activities and programs can be actively offered to eligible inmates.	Partially followed
7.	Ensure there are sufficient work opportunities and, to that end, establish and implement a procedure for selecting inmates for work assignments.	Not followed up

Table 5: Overview of the status of CPT recommendations

No.	CPT Recommendations 2022	Status 2025
1.	<i>The CPT recommends that the Sint Maarten authorities take steps to ensure that a register of use of force and special means is established and diligently maintained at Point Blanche Prison, in light of the preceding remarks.</i>	Not followed up
2.	<i>The CPT recommends that the Sint Maarten authorities take urgent steps to ensure that the solitary confinement and isolation cells at Point Blanche Prison are taken out of service without delay and are not used to hold prisoners until they have been thoroughly refurbished.</i>	Followed

3. 2 Recommendations

Given the current state of affairs and the importance of following up on the Council's and the CPT's previous recommendations, the Council makes the following recommendations:

1. Implement the Council's recommendations that have not yet been (fully) followed up on.
2. Ensure that the CPT's recommendation that has not yet been implemented is followed up on.

Colophon

Law Enforcement Council

26 Juancho Yrausquin Blvd, Unit 2G | Philipsburg | Sint Maarten

info@rrh-sxm.org

www.raadrh.com

May 2026