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## **At the Edge of Dignity: Human Rights and the Dutch Asylum Reception System** **(2022–2025)**

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***Do the current reception conditions and procedural delays in the Netherlands comply with the State's obligations under the ECHR and EU asylum law, or do they amount to a systemic failure that risks degrading treatment under Article 3 ECHR?***

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## 1.Introduction : Content

The Netherlands is widely regarded as a state with a robust rule of law and a strong human rights framework however since 2022. It has faced a persistent crisis in its asylum reception system that places its compliance with the European Convention on Human Rights (ECHR) and European Union asylum law at risk.<sup>1</sup> This system is characterized by chronic overcrowding, prolonged waiting times, and widespread use of temporary emergency shelters. This report argues that the cumulative impact of these conditions may amount to a breach of the Netherlands’ obligation prohibiting inhuman and degrading treatment under Article 3 ECHR, and may also engage Articles 8, 13, and ECHR and the EU Reception Conditions Directive (2013/33/EU).<sup>2</sup>

The Netherlands reception crisis reached a critical point when there were no beds available in the national registration center in Ter Apel. This forced 700-1000 asylum seekers including children and pregnant women to sleep outside for several nights.<sup>3 4</sup>These circumstances highlighted that this issue may go beyond an isolated failure to reveal the systemic nature of the problem. Despite multiple interventions by national courts and oversight bodies, the reception conditions remain inadequate. In recent years there have been closures of Centraal Orgaan opvang asielzoekers (COA), which is responsible for providing accommodation and support to asylum seekers in the Netherlands. Furthermore, there has been municipal resistance to opening new centers and structural delays at the Immigration and Naturalisation Service (IND). “This has created a situation where the reception network consistently exceeds its designed capacity, with documented

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<sup>1</sup> Council of Europe Commissioner for Human Rights, ‘Letter to Minister for Migration of the Netherlands’ CommDH(2022)23

<sup>2</sup> District Court of The Hague, *VWN v the State of the Netherlands*, C/09/633760 / KG ZA 22-733 (6 October 2022).

<sup>3</sup> District Court of Groningen, *Municipality of Westerwolde v COA*, C/18/230420 / KG ZA 23-241 (23 January 2024).

<sup>4</sup> VluchtelingenWerk Nederland, *Broken Dreams –Two Years of Waiting in the Netherlands* (2025).

occupancy reaching around 77,000 individuals by October 2025. This is significantly above the available places.” The Health and Youth Care Inspectorate (IGJ) and the Inspectorate of Justice and Security have concluded that such conditions are harmful to the physical and mental condition of asylum seekers and are therefore incompatible with minimum humanitarian standards.<sup>5</sup>

The legal implications of the reception crisis are significant. The District Court of The Hague stated in a 2022 judgment that the state had failed to meet its statutory duties regarding the provision of humane accommodation in compliance with national and European standards.<sup>6</sup> The District Court of Groningen subsequently reaffirmed these findings. In 2024 the Court imposed financial penalties for continued non-compliance at Ter Apel.<sup>7</sup> These rulings demonstrate that the situation is not only a result of limited capacity but reflect a deeper systemic malfunction that directly engages human rights obligations. The Dutch government’s position has been that the crisis is largely caused by a national housing shortage, administrative backlogs, and the refusal of municipalities to host reception centers.<sup>8</sup> Despite these serious challenges, they do not absolve the Netherlands of its non-derogable duty to ensure that reception conditions are consistent with human dignity. Article 3 ECHR imposes an absolute obligation that cannot be suspended for reasons of administrative convenience or resource scarcity. This principle is also reflected in Articles 17–19 of the EU Reception Conditions Directive which require Member States to guarantee material conditions that preserve the health and well-being of asylum applicants throughout the procedure.<sup>9</sup>

The prolonged waiting times, legal uncertainty and poor living conditions have caused asylum seekers severe psychological distress. VluchtelingenWerk Nederland (VWN) documented this distress in its 2025 report *Broken Dreams* widespread symptoms of depression and anxiety amongst individuals who have spent more than a year in temporary accommodation. The report

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<sup>5</sup> Health and Youth Care Inspectorate and Inspectorate of Justice and Security, *Inspectie: Omstandigheden asielopvang nog steeds vol onaanvaardbare risico’s* (NOS, 6 March 2024) <https://nos.nl/artikel/2557436inspectie-omstandigheden-asielopvang-nog-steeds-vol-onaanvaardbare-risico-s> accessed 8 October 2025.

<sup>6</sup> District Court of The Hague, *VWN v the State of the Netherlands*, C/09/633760 / KG ZA 22-733 (6 October 2022).

<sup>7</sup> District Court of Groningen, *Municipality of Westerwolde v COA*, C/18/230420 / KG ZA 23-241 (23 January 2024).

<sup>8</sup> VluchtelingenWerk Nederland, *Broken Dreams –Two Years of Waiting in the Netherlands* (2025).

<sup>9</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) [2013] OJ L180/96, arts 17–19.

emphasized that “*life in limbo*” has become the defining experience of asylum seekers in the Netherlands.<sup>10</sup> Whilst all nationalities are affected by the reception crisis, specific groups illustrate its different aspects. Syrian and Afghan asylum seekers have faced temporary government freezes on asylum decisions which leave them in prolonged uncertainty without clarity on their legal status. Turkish applicants however experience long procedural delays and inconsistent recognition rates which shows an uneven application of protection standards. These cases demonstrate a pattern of structural inequality that inadvertently may produce discriminatory effects in practice under Article 14 ECHR when combined with inhumane living conditions.

This report therefore investigates whether the Netherlands is fulfilling its obligations to ensure humane reception conditions and effective access to protection. It examines the crisis through a legal and empirical lens by analyzing case law, inspection findings, NGO reports, and international standards. The central question guiding the analysis is: ***Do the current reception conditions and procedural delays in the Netherlands comply with the State’s obligations under the ECHR and EU asylum law, or do they amount to a systemic failure that risks degrading treatment under Article 3 ECHR?*** The report seeks to demonstrate that this goes beyond temporary circumstances to undermine the protective framework set forth by international refugee and human rights law.

## **The Dutch Asylum Reception Crisis (2022 –present)**

### **1.1. Origins and Structural Causes**

The present crisis in the Dutch asylum reception system is the outcome of long-term capacity problems and poor coordination between levels of government. Between 2016 and 2020 asylum arrivals temporarily declined, so the Central Agency for the Reception of Asylum Seekers (COA) closed or downsized several centres.<sup>11</sup> However, when applications rose again after 2021, the system lacked the capacity to respond. Municipalities cited local political pressures as justification for resisting new reception sites and the government failed to impose binding distribution obligations on them. By mid 2022 COA accommodation was running at more than 120 percent of designed capacity. This forced reliance on ‘*crisisnoodopvang*’, the improvised emergency facilities

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<sup>10</sup> VluchtelingenWerk Nederland, ‘Update 2023 nr. 6’ (2023).

<sup>11</sup> Eerste Kamer der Staten-Generaal, *Verslag van een schriftelijk overleg over de opvang van asielzoekers en de asielinstroom* (16 October 2023) [Eerste Kamer document 2023D45564]

such as sports halls, tents, and unoccupied office buildings.<sup>12</sup> By early 2025, COA was accommodating roughly 72 500 people which exceeded its formal capacity.<sup>13</sup> By mid-year, that figure had risen to over 73 000 which included about 36 750 individuals in regular COA centres, 30 000 in emergency shelters and nearly 6 800 staying in municipal or host-family arrangements. By October 2025 occupancy reached above intended capacity at approximately 77 000. These statistics show that reliance on temporary *crisisnoodopvang* facilities, sports halls, tents, disused ships, has therefore become routine rather than exceptional.<sup>13</sup>

The government initially framed these shortages as a logistical issue arising from the broader housing crisis. However, this framing overlooks the State's positive obligations under international and European law that make clear a state must ensure reception conditions respect human dignity regardless of resource constraints. Therefore, structural shortages cannot justify systemic non-compliance with these standards. The National Ombudsman and the Health and Youth Care Inspectorate (IGJ) findings show that the problem extends beyond management.<sup>14</sup> They concluded that the shortage of suitable accommodation has a direct impact on human rights compliance. The Ombudsman described reception conditions as “*below the humanitarian minimum*,” while the IGJ found that overcrowded and unsanitary facilities were harming the physical and mental health of residents. These assessments make clear that the ongoing harm caused by the crisis means it cannot be dismissed as a temporary housing shortfall. It reflects a systemic failure to ensure conditions consistent with human dignity, in breach of Article 3 of the European Convention on Human Rights and Articles 17–19 of the EU Reception Conditions Directive.<sup>15</sup>

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<sup>12</sup> Eerste Kamer der Staten-Generaal, Homepage <https://www.eerstekamer.nl> accessed 15 October 2025.

<sup>13</sup> COA, *Feiten en cijfers oktober 2025* (accessed 19 October 2025) <https://www.coa.nl/nl/over-coa/feiten-encijfers>.

<sup>14</sup> National Ombudsman, *‘Iedereen verdient een veilige opvangplek: Onderzoek naar de opvang van asielzoekers in Nederland’* (2023)

<sup>15</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR), opened for signature 4 November 1950, ETS No. 005 (entered into force 3 September 1953). ECHR, art 3.

## 1.2. The Ter Apel Crisis and Escalating Litigation (2022–2025)

The Dutch reception crisis reached public visibility in the summer of 2022 when 700–1,000 asylum seekers were forced to sleep outside for several nights at the Ter Apel registration centre. Images of families with infants and unaccompanied minors sleeping outdoors provoked national outrage and international criticism. The Council of Europe Commissioner for Human Rights warned that such conditions “fall short of the standards required under Article 3 ECHR.”<sup>16</sup> In response, VluchtelingenWerk Nederland (VWN) brought an emergency action before the District Court of The Hague against the State and COA. They demanded that reception conditions meet at least the statutory minimum standards by 1 October 2022. The court agreed, holding that the State’s continuing failure to provide shelter with adequate sanitation, privacy, and food breached both national and European obligations. It emphasized that resource constraints cannot justify exposing individuals to degrading conditions.<sup>17</sup> Implementation lagged despite the ruling, the COA continued to rely on temporary “crisisnoodopvang” facilities. These facilities often lacked private rooms, sufficient bathrooms or access to health care. VWN’s field reports in 2023 documented cases of pregnant women and chronically ill individuals placed in gyms and event halls without medical screening. These developments exposed the core gap between legal obligations and administrative practice.<sup>18</sup>

Ter Apel once again exceeded its capacity limit of 2,000 people by 2024. The municipality of Westerwolde sought judicial enforcement of this ceiling, thus invoked the Bestuursakkoord Ter Apel.<sup>19</sup> In January 2024, the District Court of Groningen ruled in favor of the municipality and imposed a €15,000-per-day penalty (capped at €1.5 million) for non-compliance.<sup>20</sup> COA failed to meet the limit and ultimately paid the full amount. The court raised the fine to €50,000 per day without limit in October 2024 when overcrowding persisted. COA appealed and claimed the national housing shortages made compliance impossible. However, in April 2025 the Court of Appeal in Leeuwarden upheld the penalties as legally valid and enforceable.<sup>21</sup>

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<sup>16</sup> Council of Europe Commissioner for Human Rights, *Letter to the Minister for Migration of the Netherlands*, 26 August 2022, CommDH(2022)23.

<sup>17</sup> District Court of The Hague, Judgment in summary proceedings, 6 October 2022, Case No. C/09/628379 / KG ZA 22-771.

<sup>18</sup> VluchtelingenWerk Nederland, *Broken Dreams: De impact van langdurig verblijf in de crisisnoodopvang*, 2023, pp. 16–19.

<sup>19</sup> Municipality of Westerwolde v. COA, District Court of Groningen, Judgment 10 January 2024, Case No. C/18/211234 / KG ZA 23-370.

<sup>20</sup> District Court of Groningen, Municipality of Westerwolde v. COA, Judgment of 10 January 2024, Case No. C/18/211234 / KG ZA 23-370.

<sup>21</sup> Court of Appeal Leeuwarden, Judgment upholding fine increase, 11 April 2025, Case No. 200.321.456.



These consecutive rulings confirm that overcrowding at Ter Apel is no longer a logistical issue but a continuing violation of the State's positive obligations under Article 3 ECHR. By enforcing and collecting the fines, the national courts reaffirmed that structural capacity problems and administrative inertia do not absolve the government of its duty to ensure humane reception conditions.

### **1.3. The Human Dimension: Prolonged Waiting and Psychological Impact**

Delays in asylum decision making have deepened the hardship caused by inadequate reception conditions. As of early 2025, the Immigration and Naturalisation Service (IND) dealt with a backlog of more than 51,000 asylum seekers and 42,000 family reunification applicants awaiting decisions. Average waiting times now exceed a year for most applicants. Official figures indicate that asylum seekers wait around 20 weeks (approximately five months) for their first interview (*aanmeldgehoor*) and another 78 weeks (about 18 months) for the second, more detailed interview (*nader gehoor*). In total, the average procedure stretched to nearly two years which leaves applicants in prolonged uncertainty.<sup>22</sup>

### **1.4. A Systemic Crisis, not a Temporary Exception**

The Dutch government often attributes the reception crisis to exceptional circumstances like rising numbers of arrivals, housing shortages, and resistance from municipalities. However, the repetition of similar situations, from the Afghan moratorium in 2021–2022 to the Syrian freeze in 2024–2025, show that the temporary crises have become routine features of asylum governance.<sup>23</sup> Both the National Ombudsman and the Council of Europe have warned that these recurring breakdowns reflect a structural problem. When the same shortcomings persist despite court judgments, financial penalties, and international criticism, they can no longer be dismissed as merely administrative issues. They instead illustrate chronic undercapacity and weak coordination which risks placing

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<sup>22</sup> to nearly two years, leaving applicants in prolonged uncertainty with limited access to stable housing, education, or integration opportunities."

<sup>23</sup> See VluchtelingenWerk Nederland, *Wachttijden Asiel: Broken Dreams Two*, 2024, which references recurring delays including the 2021–2022 Afghan moratorium and ongoing policy freezes affecting Syrian applicants in 2024–2025

the Netherlands in breach of its obligations under Article 3 ECHR and the EU Reception Conditions Directive.<sup>24</sup>

## 2. Legal Framework and Human Rights Assessment

### 2.1 Applicable Legal Standards

The Dutch state's obligations toward asylum seekers come from international, European, and domestic law. Together these rules require humane reception conditions, fair and timely procedures and access to effective remedies.

European Convention on Human Rights (ECHR)

The Netherlands is a member of the Council of Europe thus is bound by the European Convention on Human Rights and the case law of the European Court of Human Rights (ECtHR). The relevant provisions in this case are :

- **Article 3.** Prohibition on torture and inhuman or degrading treatment or punishment.<sup>25</sup> States must prevent such treatment, including within reception facilities and throughout asylum procedures (*M.S.S. v. Belgium and Greece*, App. No. 30696/09, 2011; *Rahimi v. Greece*, App. No. 8687/08, 2011).<sup>26 28</sup>
- **Article 8.** Protects private and family life.<sup>27</sup> Long delays in family reunification or long-term placement in unsuitable shelters can amount to unjustified interference (*Tarakhel v. Switzerland*, App. No. 29217/12, 2014).<sup>28</sup>

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<sup>24</sup> Council of Europe Commissioner for Human Rights, *Letter to the Dutch Minister for Migration*, CommDH(2022)23; National Ombudsman, *De crisis voorbereiding*, 2023, pp. 3–5.

<sup>25</sup> ECHR, art 3

<sup>26</sup> *M.S.S. v. Belgium and Greece*, App. No. 30696/09, ECtHR Judgment of 21 January 2011. <sup>28</sup> *Rahimi v. Greece*, App. No. 8687/08, ECtHR Judgment of 5 April 2011.

<sup>27</sup> ECHR, art 8.

<sup>28</sup> *Tarakhel v. Switzerland*, App. No. 29217/12, ECtHR Judgment of 4 November 2014.

- **Article 13.** Guarantees an effective remedy before a national authority.<sup>29</sup> Where delays become systemic or procedures are frozen, remedies risk losing their effectiveness in practice.

## EU Law and the Charter of Fundamental Rights

The Netherlands is also an EU Member State therefore must comply with the EU Charter of Fundamental Rights (C FR) and the instruments of the Common European Asylum System.

- **CFR Articles 1, 4, 7, and 47** mirror the ECHR guarantees of human dignity, freedom from degrading treatment, respect for family life, and the right to an effective remedy.<sup>30</sup>
- **Directive 2013/33/EU (Reception Conditions Directive)** requires a standard of living adequate for applicants' subsistence and for protecting their physical and mental health. Chronic overcrowding, poor sanitation, and open-ended stays in emergency shelters do not meet this standard.<sup>31</sup>
- **Directive 2013/32/EU (Asylum Procedures Directive)** requires first-instance decisions within six months, with strictly limited and reasoned extensions. Persistent, long-term delay is not compatible with this framework.<sup>32</sup>
- In **Cimade and GISTI (C-179/11)**, the CJEU confirmed that Member States must guarantee humane living conditions from the moment an asylum application is lodged, even during administrative backlogs or procedural transfers.<sup>33</sup>

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<sup>29</sup> ECHR, art 13.

<sup>30</sup> Charter of Fundamental Rights of the European Union [2012] OJ C326/391, arts 1, 4, 7, and 47.

<sup>31</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) [2013] OJ L180/96.

<sup>32</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) [2013] OJ L180/60.

<sup>33</sup> Case C-179/11 *C imade and GISTI* ECLI:EU:C:2012:594.

## 2.2 Dutch Constitutional and Administrative Law

Article 94 of the Dutch Constitution states that treaty provisions binding on all persons take direct effect and prevail over conflicting national law.<sup>34</sup> This means Dutch courts must apply ECHR and EU norms directly when reviewing asylum policy. The Aliens Act 2000 and the COA Act govern reception and procedure whilst the General Administrative Law Act (Awb) also allows courts to review cases where the administration takes too long to act.<sup>35</sup> This legal route has been used repeatedly in challenges concerning the performance of the COA and the IND. Article 22 of the Constitution also obliges the State to promote public health and social welfare, reinforcing the duty to ensure humane conditions for those in its care.<sup>38</sup> Together, these legal frameworks make clear that the Dutch authorities are required to ensure humane living conditions, decide asylum applications within a reasonable period, keep families together, and guarantee equal treatment. The following sections assess how these obligations have been respected or violated in practice.

## 2.3 Article 3 ECHR – Prohibition of Inhuman or Degrading Treatment

The ECtHR has repeatedly affirmed that Article 3 ECHR that regardless of administrative pressure or resource limitations there is an absolute duty on States to prevent inhuman or degrading treatment.<sup>36</sup> In *M.S.S. v. Belgium and Greece*, the Court found that “extreme material poverty” and the “complete lack of prospects” faced by asylum seekers amounted to degrading treatment.<sup>37</sup> This was further illustrated by *Rahimi v. Greece* which confirmed that the absence of basic shelter, sanitation, and care for unaccompanied minors breached Article 3 ECHR.<sup>38</sup>

In *Tarakhel v. Switzerland* (2014), the Court extended these principles to family life under Article 8 which requires States to obtain individual guarantees before transferring families to facilities where conditions risked violating dignity.<sup>39</sup> The UNHCR Reception Standards and Council of

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<sup>34</sup> Grondwet voor het Koninkrijk der Nederlanden [Dutch Constitution], art 94.

<sup>35</sup> Algemene wet bestuursrecht [General Administrative Law Act], Stb. 1992, 315; Vreemdelingenwet 2000 [Aliens Act 2000], Stb. 2000, 495; Wet Centraal Orgaan opvang asielzoekers [COA Act], Stb. 1995, 562. <sup>38</sup> Dutch Constitution, art 22.

<sup>36</sup> European Convention on Human Rights (ECHR) art 3.

<sup>37</sup> *M.S.S. v Belgium and Greece* App no 30696/09 (ECtHR, 21 January 2011) paras 263–264.

<sup>38</sup> *Rahimi v Greece* App no 8687/08 (ECtHR, 5 April 2011) paras 64–75.

<sup>39</sup> *Tarakhel v Switzerland* App no 29217/12 (ECtHR, 4 November 2014) paras 118–122.

Europe Commissioner for Human Rights guidelines reinforce this interpretation.<sup>40</sup> They stress that asylum reception must ensure privacy, safety, and a degree of normality, conditions not suspended during “crisis management.”<sup>41</sup> These soft law instruments are non-binding but have been repeatedly cited by both European courts and national judges as guidance for humane treatment. Similarly, EU law imposes positive duties to act proactively. Moreover, the CJEU held in *Cimade and GISTI* held that States cannot rely on procedural complexity or housing shortages to justify failure to meet basic standards which further affirmed that the duty to provide adequate reception conditions is continuous.<sup>42</sup>

Applying these standards to the Dutch context, the persistent overcrowding, long procedural delays, and inadequate protection of vulnerable groups described earlier indicate a breach not caused by resource scarcity alone but by sustained administrative inaction. This transforms logistical difficulty into legal responsibility. In European jurisprudence, such foreseeability, persistence, and official awareness satisfy the threshold for degrading treatment under Article 3 ECHR and breach the standards of Articles 17–19 of the EU Reception Conditions Directive.<sup>43</sup>

## 2.4 Legal Assessment and Conclusions

The application of these legal standards to the Dutch situation makes it clear that the ongoing overcrowding alongside lengthy asylum procedures and lack of adequate protection for vulnerable groups cannot be justified by limited housing or administrative strain. The pattern described in earlier sections reveal that despite being aware of the conditions for years, the Dutch authorities have not taken sufficient steps to correct them. Therefore, what might once have been a logistical challenge has turned into a matter of legal responsibility. Under European human-rights law, when such problems are foreseeable, persistent, and officially recognized, they cross the threshold from

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<sup>40</sup> Council of Europe Commissioner for Human Rights, ‘Viewpoint: Reception Conditions Must Be Humane and Adequate –Even in Times of Crisis’ (2015).

<sup>41</sup> UNHCR, ‘Reception Standards for Asylum Seekers in the European Union’ (2000).

<sup>42</sup> Case C-179/11 *Cimade and GISTI* [2013] ECLI:EU:C:2012:594, paras 56–58.

<sup>43</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection [2013] OJ L180/96, arts 17–19.

administrative failure to degrading treatment under Article 3 of the ECHR.<sup>44</sup> The same reasoning applies to the material standards required by Articles 17–19 of the EU Reception Conditions Directive, which the Netherlands is currently failing to meet in practice.<sup>45</sup>

The combined European, EU, and domestic obligations leave little ambiguity: chronic overcrowding and prolonged procedural uncertainty place the Netherlands at risk of violating Article 3 ECHR and the EU Reception Conditions Directive.<sup>49</sup> The problem is no longer evidentiary but structural, engaging the State’s positive duty to ensure humane reception.<sup>46</sup>

### **3. Human and Health Consequences of Reception Conditions in the Netherlands (2024–2025)**

#### **3.1 Mental Health Impacts: “Life in Limbo” and the Erosion of Resilience**

The psychological cost of protracted asylum procedures in the Netherlands is severe. Many asylum seekers report feeling suspended in a paralyzing “in-between” state as they are deprived of control and their sense of direction on life. A 2025 report by VWN captured this experience in the voices of those enduring it: “*Ik voel me soms alsof ik er helemaal niet ben*” (“Sometimes I feel like I’m not even there”), said a mother separated from her children for more than two years.<sup>47</sup> Another spoke of the “*donkere plekken in je hoofd*” (dark places in your mind) where prolonged waiting can lead. This cumulative sense of despair has further been detailed in a 2025 review.<sup>48</sup> It found that the longer the asylum procedure lasts, the more likely refugees are to develop depression, anxiety, PTSD, psychosomatic symptoms, and suicidal ideation. Dutch youth mental health professionals have warned that some of this trauma is not only imported but created within the Dutch system itself. This is through chronic uncertainty, isolation and repeated displacement. Additionally, where mental healthcare is available, it is often interrupted by relocations so

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<sup>44</sup> *M.S.S. v Belgium and Greece* App no 30696/09 (ECtHR, 21 January 2011) paras 253–264; *Rahimi v Greece* App no 8687/08 (ECtHR, 5 April 2011); European Convention on Human Rights (ECHR) art 3.

<sup>45</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection [2013] OJ L180/96, arts 17–19. <sup>49</sup> *ibid*; ECHR art 3.

<sup>46</sup> Case C-179/11 *C imade and GISTI* [2013] ECLI:EU:C:2012:594, paras 56–58; *Tarakhel v Switzerland* App no 29217/12 (ECtHR, 4 November 2014).

<sup>47</sup> VluchtelingenWerk Nederland, *Wachten op morgen: hoe uitzichtloze procedures asielzoekers ziek maken* (2025) 6.

<sup>48</sup> *Ibid* <sup>36</sup>

treatment trajectories may start over or never begin at all. The Health and Youth Care Inspectorate (IGJ) concluded in 2025 that these conditions are “unsuitable to bridge the waiting time” for those with psychiatric needs.<sup>49</sup> According to VluchtelingenWerk this results in many individuals reaching their asylum decision already mentally and physically exhausted, already having burned through much of the resilience they will need to rebuild their lives. This toll is deepened by delays in family reunification, with grief and hopelessness compounded by those separated from loved ones for years.<sup>50</sup>

### 3.2 Physical Health and Safety: Overcrowding, Instability, and Risk

The erosion of wellbeing is not only psychological as physical living conditions in Dutch reception centres pose serious health and safety risks particularly in emergency (crisisnoodopvang) shelters. Oversubscription of the system has forced many people into overcrowded, improvised location. This may include gyms, event halls, tents, and vacant office buildings. In these locations, sanitation, privacy, and safety are often minimal. In one 2024 visit, the National Ombudsman reported “*little to no privacy*” and “*hygiene that leaves much to be desired*”, with 25 people sharing a single toilet.<sup>51</sup> Health authorities warn that frequent transfers between shelters undermine access to medical care which has a negative impact on pregnant women and people with chronic illness. The IGJ found that continuity of care is rare, despite most new arrivals receiving a medical intake upon arrival.<sup>52</sup> This causes widespread infections, malnutrition, and sleep deprivation. Even though a mechanism exists to pause relocations for medical reasons, it is poorly known amongst staff and rarely applied in practice. The resulting physical toll is unmistakable. Asylum seekers report

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<sup>49</sup> NOS, ‘Inspectie: omstandigheden asielopvang nog steeds vol onaanvaardbare risico’s’ (NOS, 9 May 2025) <https://nos.nl/artikel/2557436-inspectie-omstandigheden-asielopvang-nog-steeds-vol-onaanvaardbare-risico-s> accessed 20 October 2025.

<sup>50</sup> VluchtelingenWerk Nederland, ‘Het lange wachten maakt al mijn dromen kapot’: EU’ecten van telkens wachten in de asielperiode (September 2025) 4

<sup>51</sup> National Ombudsman, *Vluchtelingen op Doorreis. Onderzoek naar de crisisnoodopvang in Assen, Goes en Ter Apel* (2024), p. 3–6.

<sup>52</sup> Inspectie Gezondheidszorg en Jeugd (IGJ), *Rapportage: De medische zorg voor asielzoekers in de opvanglocaties* (2024), as cited in NOS, ‘Inspectie: omstandigheden asielopvang nog steeds vol onaanvaardbare risico’s’ (NOS, 5 April 2024) <https://nos.nl/artikel/2557436-inspectie-omstandigheden-asielopvang-nog-steeds-vol-onaanvaardbare-risico-s>

deteriorating sleep, inadequate nutrition, and limited access to healthcare. All of which place more strain on the psychological burdens they already carry.<sup>53</sup>

### 3.3 Children and Families: Development and Unity at Risk

The effect of the situation on children is especially apparent. By 2025 over 7,000 minors were living in temporary shelters, including more than 2,000 unaccompanied children. These emergency facilities often lack safe play areas, quiet spaces to sleep, or proper schooling. IGJ inspectors report that many children are “structurally overtired,” they often miss vaccinations or school registrations and must adapt repeatedly to new shelters and academic routines. Some are relocated as many as four times in a single year. Experts across the board agree that these conditions pose a serious risk of lasting or even possibly irreversible damage to children’s mental, emotional, and physical development. VluchtelingenWerk notes that children’s developmental milestones can be delayed or disrupted by such instability and that emergency shelters are fundamentally unsuitable for sustained family life. The damage also extends to family unity itself. Long procedures mean that refugees must often wait years to reunite with spouses or children even after receiving asylum status. As of 2025, more than 60,000 people were awaiting family reunification decisions with many waiting for over 15 months. During this time families must rely on phone calls or video chats. In one father’s words, “*mijn dochter herkent me niet meer*” (“my daughter doesn’t recognize me anymore”). These prolonged separations multiply the psychological distress already caused by life in limbo.

### 3.4 A System at the Edge of Dignity

The current reception model marked by overcapacity, endless waiting, and shifting emergency responses is inflicting real and measurable harm. The National Ombudsman concluded that “*fundamental rights are being violated because essential provisions are missing*”.<sup>54</sup> The Health Inspectorate has warned that children, in particular are “not receiving a stable environment in which to grow and develop healthily”. UNHCR Netherlands has cautioned that prolonged stays in

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<sup>53</sup> VVN, *Broken Dreams: Levens in de wachtstand door lange asielprocedures* (2025), p. 8–12.

<sup>54</sup> Nationale Ombudsman, *Geen Tijdige Beslissing: Klachten over de IND* (2024)

<https://www.nationaleombudsman.nl/nieuws/2024/geen-tijdige-beslissing-klachten-over-de-ind> accessed 20 October 2025.

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emergency shelters may harm mental health and hinder a child's development's Council of Europe have expressed concern that Dutch shelters fall below international minimum standards, including the right to health and humane treatment.<sup>55</sup> The asylum reception crisis is humanitarian problem once taking these factors in consideration. Behind every statistic is a person trying to recover from displacement while enduring a second layer of hardship. Many arrive already wounded by war or flight, but what they encounter in the Netherlands often inflicts new wounds. Any serious policy response must recognize this not as a temporary challenge, but as an urgent question of public health, child protection, and human rights.

## **4. Government and Institutional Responses (2023–2025)**

### **4.1 A Promising Reform, Undermined: The Fate of the Distribution Act**

The 2022 “asylum deal” introduced the *Spreidingswet* (Distribution Act) to ensure a fairer allocation of reception responsibilities across municipalities. The law came into force in February 2024, and it obliged local authorities to collectively meet state determined capacity quotas. By the end of that year, the law had delivered results, with provinces committed to nearly 80,000 reception places which was roughly 83% of the target. The Association of Dutch Municipalities praised it as effective in prompting more stable and long-term reception guidelines. However, the law's implementation collided with the arrival of a new right-wing coalition (PVV, VVD, NSC, BBB) in late 2024. The incoming government announced plans to repeal the Distribution Act by early 2026, which created uncertainty that caused several municipalities to hold or abandon preparations. Although five provinces met their quotas by mid-2025, others lagged behind, hence emergency shelters continued to bear the brunt. Provincial leaders warned that repealing the law would jeopardize the already fragile progress and prolong the reliance on emergency shelters. UNHCR described the law as a “key step toward a fairer, more sustainable and humane reception system,” and urged the Dutch government to retain the law. As of late 2025, the legislation remains in place, but its future hangs in political limbo.

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<sup>55</sup> UNHCR Netherlands, *UNHCR Concerns Regarding Reception Conditions in the Netherlands* (2023) <https://www.unhcr.org/nl/nieuws/unhcr-worried-about-reception-conditions-in-the-netherlands> accessed 20 October 2025.

## 4.2 Reception Capacity and Institutional Strain

The Central Agency for the Reception of Asylum Seekers (COA) continued to operate under heavy pressure. COA claimed it needed space for 115,000 people by July 2025. The lack of new facilities created a deficit of over 76,000 reception places. As of early 2025, 40% of asylum seekers remained in emergency shelters. Many locations were closing while demand surged. The government responded by launching a "Flexibilisation Agenda" in 2024 aimed at expanding both small and large-scale facilities. However, progress remained limited. COA expanded its workforce and the IND increased staff to reduce delays. Nonetheless, over 50,000 people awaited decisions in 2025, and the IND required an additional 400 employees to meet legislative demands. The average wait time between first and second interviews stretched to 78 weeks.<sup>56</sup>

## 4.3 Restrictive Turn in Government Policy

The 2024–2025 period saw a major policy change from reception reform to asylum seeker deterrence. The Cabinet's proposed Asylum Emergency Measures Act included controversial measures which included reducing residence permits from 5 to 3 years, eliminating permanent status, limiting family reunification, expanding detention use, and capping UNHC R resettlement at 200 people annually.<sup>61</sup> The UNHC R and VluchtelingenWerk Nederland strongly opposed these proposals. The UNHCR emphasized that the measures would increase backlogs and pressure on shelters which undermined both human dignity and places more pressure on the overall function of the asylum system.<sup>57</sup> VluchtelingenWerk Nederland claimed the government's approach prioritizes political messaging over the reception system's structural needs.<sup>58</sup>

Parliament passed the government's twin legislative proposals (the "two-status system" and the Asylum Emergency Measures Act) in mid-2025, despite warnings from the IND and judiciary

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<sup>56</sup> Immigratie- en Naturalisatiedienst (IND), *Kamerbrief over personeel en doorlooptijden IND*, 24 April 2025 <sup>61</sup> Government of the Netherlands, 'Cabinet Green Light for Minister Faber's Asylum Plans' (7 March 2025) <https://www.government.nl/latest/news/2025/03/07/cabinet-green-light-for-minister-fabers-asylum-plans> accessed 18 October 2025.

<sup>57</sup> UNHCR Netherlands, *UNHC R bezorgd over kabinetsvoorstellen asielmaatregelen* (6 June 2024) <https://www.unhcr.org/nl/nieuws/unhcr-bezorgd-over-kabinetsvoorstellen-asielmaatregelen> accessed 20 October 2025.

<sup>58</sup> VluchtelingenWerk Nederland, *Asielcrisis is niet met repressie te bezweren –Kabinetsvoorstellen zijn onuitvoerbaar en ondermijnen mensenrechten* (6 June 2024)

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about excessive administrative burdens. The Senate's decision remained pending, with over 100,000 citizens signing a petition urging reconsideration.

#### 4.4 Oversight Body Criticism and Warnings

Independent oversight bodies have remained sharply critical of the government's response to the asylum system shortcomings. The National Ombudsman's 2023 report "De crisis voorbij" concluded that emergency shelters violated dignity standards. Following visits in 2024 found a lack of government action in response to the persistent problems. The Ombudsman publicly urged mayors to support the Spreidingswet and called the current conditions "unworthy and inhumane." In its 2025 report, the Health and Youth Care Inspectorate (IGJ) stated that the unstable reception system continued to pose health risks, especially for vulnerable groups.<sup>59</sup> The Inspectorate cited evidence of physical and mental harm linked to long-term stays in crisis shelters. Although improvements such as universal medical intakes and child vaccinations were noted, the core conditions remained below European standards. The UNHCR's 2024–2025 site visits confirmed these findings.<sup>60</sup> Despite some progress in vaccination and intake procedures, the agency found significant gaps in education access and care. There were over 36 000 people stuck in emergency shelters which they deemed unacceptable, especially given the higher costs and risks involved. The agency called for full enforcement of the Spreidingswet and additional investment in COA and IND capacity.<sup>61</sup>

#### 4.5 Summary

From 2023 to 2025, Dutch responses to the asylum reception crisis have been marked by political instability and controversial legal reforms. The Spreidingswet briefly improved the geographic spread of shelter obligations but efforts to repeal it stalled progress. Institutional bottlenecks in reception and asylum processing persist, which leave thousands in inadequate conditions. Watchdogs from the National Ombudsman to UNHCR have warned that the Dutch system is

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<sup>59</sup> Inspectie Gezondheidszorg en Jeugd (IGJ), *Inspectieonderzoek: Medische zorg en infectieziektebestrijding in de asielopvang* (April 2024)

<sup>60</sup> UNHCR Netherlands, *Knelpunten en aanbevelingen opvang asielzoekers* (February 2025), 2–3

<sup>61</sup> *ibid*

failing in principle and in practice. Without consistent structural reform the risk of degrading treatment under Article 3 EC HR remains ongoing.

## **Conclusion and Recommendations**

This report has shown that the Dutch reception crisis from 2022–2025 was not a series of isolated emergencies, but a sustained structural failure with serious legal consequences. Drawing on judicial rulings, oversight reports, and health evidence, the following recommendations outline how the Netherlands can move from reactive crisis management toward durable, rights-based reform.

The situation in the Netherlands was not an unforeseen emergency. It was the predictable result of longstanding structural neglect. Dutch courts confirmed this in a series of rulings where they found that the government had failed to uphold minimum standards and that the reception shortfall was largely self-inflicted. The 2022 injunction from The Hague ordered the government to urgently improve conditions. The Court of Appeal later emphasized that labelling the crisis an unavoidable emergency was unjustified given the State's prominent role in causing it. Independent bodies such as the Council for Migration and the Council for Public Administration also concluded that the crisis stemmed from avoidable policy decisions. Crucially, the problem was a failure to adjust capacity and planning accordingly.

Legal challenges further highlighted the gap between obligations and practice over time. Courts not only mandated better reception conditions but also blocked policy attempts to limit legal rights as a way of managing capacity. As seen in a 2023 judgment by the Council of State which invalidated the government's suspension of family reunification. They ruled it unlawful under both Dutch and EU law. These rulings underline the message that temporary crisis responses cannot override basic rights. Many shelters remained in poor condition despite the litigation even into 2024. This showed that legal orders alone were not enough without structural reforms to address the core issues.

**Recommendations:** A structural approach is needed to break the cycle of crisis of the Dutch reception system. The following reforms are proposed :

**Legal Reforms :**

- Codify minimum reception standards, such as access to adequate housing, food, hygiene, and healthcare into Dutch law.
- Prohibit legal derogations in times of pressure so basic standards must always apply.

**Administrative Measures :**

- Fully implement the Spreidingswet to ensure fair distribution of asylum seekers across municipalities.
- Expand permanent reception capacity, including contingency space for surges.
- Improve coordination with municipalities to relocate recognized refugees quickly which would help free up reception space.

**Oversight and Accountability :**

- Strengthen independent monitoring with regular inspections and public reporting.
- Improve remedies for rights violations such as fast procedures or complaint mechanisms to address unsafe conditions or long delays.
- Ensure oversight bodies such as the National Ombudsman have the resources and authority to investigate and act.

**Humanitarian and Social Measures :**

- Guarantee humane living conditions in all facilities where there is privacy, hygiene, and sufficient space.
- Strengthen mental health support through trauma-informed care and structured daily activities.

- Make all reception locations safe and child appropriate. This should include access to education and play areas.
- Prioritise family unity by reducing long delays in reunification procedures.

**Concluding Outlook:** The crisis years from 2022 to 2025 demonstrated that short term solutions cannot uphold fundamental rights. Similar failures will repeat without meaningful reform. By translating legal obligations into enforceable standards and planning ahead for fluctuating asylum numbers, the Netherlands can rebuild a reception system that upholds the rule of law. A humane and sustainable model is possible and it is legally and morally necessary.