

EXECUTIVE SUMMARY

The aim of this visit was to examine the situation in Belgian prisons in the light of the recommendations made in the report on the periodic visit carried out in March/April 2017 and the public statement published in July 2017. The delegation made follow-up visits to Antwerp, Lantin and Saint-Gilles prisons, as well as its first visit to Ypres prison. It paid particular attention to issues such as material conditions, overcrowding, activities, healthcare services (including the situation in psychiatric annexes), staffing – especially in the context of prison staff strikes and the implementation of legal provisions on guaranteed service, the management of the Covid-19 pandemic and the setting up of the national preventive mechanism (NPM).

The delegation received no allegations of physical ill-treatment of detainees by staff in any of the prisons visited, which is to be welcomed. Generally speaking, relations between prisoners and staff seemed relaxed. On the other hand, inter-prisoner violence was a recurrent problem in the establishments visited, a fact that was acknowledged by management and certain members of staff. This problem was clearly linked to overcrowding, staff shortages and inadequate staff presence. The Committee recommends that the Belgian authorities take firm measures to tackle the phenomenon of inter-prisoner violence in the prisons visited (and, where applicable, in all the other prison establishments in Belgium). More must be done to ensure that staff are trained and motivated to take a proactive approach and prevent this violence, including through the identification of vulnerable prisoners and violent prisoners at an early stage.

All the prisons visited were overcrowded to varying degrees. Overcrowding is still a major (and longstanding) problem affecting the entire Belgian prison system. As the delegation was informed during the visit, the Belgian authorities have continued their efforts to tackle the phenomenon of prison overcrowding, partly through legislative initiatives aimed at reducing the number of people sent to prison and the time they spend in prison and partly through the modernisation and expansion of the prison estate. While taking note of these measures (both planned and already implemented), the CPT once again calls on the Belgian authorities to continue reducing the prison population and combating prison overcrowding, in line with the relevant Council of Europe recommendations.

Where overcrowding is concerned, the most dramatic situation was observed in Antwerp prison. In particular, at the time of the visit, 78 male prisoners and 12 female prisoners (two of whom were in the psychiatric annex) had to sleep on mattresses on the floor, in some cases directly next to sanitary facilities that had not been partitioned off. It should be noted in this connection that, in their letter of 8 February 2022, the Belgian authorities informed the CPT that it had been decided to install 284 additional bunkbeds in different prisons to ensure that no inmate had to sleep on a mattress on the floor of their cell.

Regarding the material conditions in the prisons visited, the cells were suitably equipped and adequately lit and ventilated on the whole. Most of them had sanitary annexes; that said, in the vast majority of cells, the annexes were not fully partitioned or, if so, only partially (sometimes with makeshift cloth partitions). In addition, the delegation noted the overall dilapidation of the prisons visited. Moreover, there was often much to be desired as regards cleanliness, which was very worrying where the psychiatric annex cells were concerned.

On the whole, the vast majority of detainees (particularly remand prisoners) had virtually no organised activities outside their cells and spent up to 23 hours a day in the cell. The CPT calls upon the Belgian authorities to greatly step up their efforts to develop programmes of activities for both

convicted and remand prisoners, including activities related to work, education and vocational training.

Regarding the healthcare services in the prisons visited, the number and hours of presence of care staff were clearly inadequate. Persistent issues over the confidentiality of consultations and medical data were also noted. With regard to the recording and reporting of injuries observed on newly arrived prisoners (as well as those caused by violent incidents in the prison), the situation has not improved since the periodic visit in 2017. There were not always dedicated registers for logging injuries in the prisons visited and any entries, of any kind, made in prisoners' individual medical files were usually very cursory. Furthermore, information concerning injuries were generally not reported to the competent prosecutor. Where psychiatric and psychological care are concerned, the delegation's findings point to the inadequacy of both. The Committee has reiterated its longstanding recommendations on these topics.

The delegation briefly visited the psychiatric annexes of Antwerp, Lantin and St-Gilles prisons. It observed that the material conditions have improved overall in the first two establishments. The conditions in the cells of the psychiatric annex of St-Gilles prison were also acceptable on the whole. Where therapeutic activities are concerned, while in principle there was a range of such activities, the frequent lack of prison staff resulted in interruptions of treatment, as there were not enough prison officers on hand to escort prisoners and provide security.

The delegation was told at the end of the visit that the authorities intended to draw up an action plan for transferring responsibility for health care in prisons to the Federal Public Health Care Service. In the light of its delegation's findings in the prisons visited, the Committee recommends that steps be taken without further delay to implement those plans.

Regarding prison staff, the situation continues to be difficult in all the prisons visited (with the exception of Ypres prison, where the staffing situation was satisfactory). Owing to numerous posts remaining vacant and a high level of absenteeism, there could be very few surveillance staff indeed actually present in the zones housing prisoners during a given shift.

The CPT wishes to emphasise once again that it is vital that prison staff working in direct contact with prisoners are sufficient in number, undergo a rigorous recruitment procedure and are given high-quality basic and further training. The Committee calls on the Belgian authorities to make additional efforts in the light of these comments. The CPT also wishes to be kept informed of the steps taken to deal with absenteeism among prison staff and improve recruitment and training procedures.

The staffing situation continues to be exacerbated by frequent strikes by prison staff, a phenomenon described by the CPT in numerous reports on its visits to Belgium and in its public statement. Despite the passing of new legislative provisions on "guaranteed service" in prisons in 2019, strikes have continued to take place, sometimes without the aforementioned provisions on "guaranteed service" being complied with/implemented, usually by taking advantage of the possibility of organising a strike for a short period (up to 48 hours) without the minister or provincial governor being entitled to requisition staff.

One further problem was that the agreements on the minimum staffing required in the event of a strike, concluded locally in each prison (in conformity with the aforementioned law) between management and trade unions, were not always complied with in practice. The CPT recommends that steps be taken to ensure that guaranteed service in prisons are actually implemented during each concerted work stoppage of prison staff.

Where monitoring is concerned, regular visits were made to the prisons by local monitoring committees under the auspices of the Central Prison Monitoring Board (*Conseil Central de Surveillance Pénitentiaire* - CCSP). At the time of the visit, Belgium had still not ratified the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. ("OPCAT") and no National Preventive Mechanism (NPM) was in place. The delegation was told at the end of the visit that there were plans to do so "in the near future" and the NPM would probably be set up within the recently created National Institute of Human Rights, supported by a coordinating mechanism consisting of the CCSP and the federal and regional mediators. The Minister of Justice told the delegation that the NPM should be operational within about a year. The CPT wishes to receive updates on this point.

The report also contains the CPT's comments and recommendations on disciplinary procedures and complaints, as well the possibilities available to inmates to maintain contact with the outside world.