

## EXECUTIVE SUMMARY

The report on the November 2022 visit to Belgium examines the treatment of foreign nationals deprived of their liberty under immigration legislation and the safeguards afforded to them in the context of their removal. The CPT's delegation monitored a joint removal operation (JRO) by air from Belgium to the Democratic Republic of Congo (DRC), via Cyprus, on 8 November 2022, supported by the European Border and Coast Guard Agency (Frontex). The delegation observed all stages of the operation, including the preparations at the Repatriation Centre 127bis and at the airport, the in-flight phase, the stop-over in Cyprus, and the handover of the 18 returnees to the authorities of the DRC. The delegation received excellent cooperation during the visit from the Belgian authorities.

The CPT did not receive any allegations of ill-treatment from persons removed from Belgium to the DRC by escort officers of the Belgian Federal Police. On the contrary, the removal operation was carried out professionally throughout and returnees were treated with respect and dignity.

Nevertheless, the CPT considers that there is a need to further strengthen the procedural safeguards against *refoulement*, including the legal remedies against the removal order, to ensure that no-one is sent back to a country where they run a real risk of ill-treatment when removed. It is important that the risk of ill-treatment is adequately assessed at the time of removal. The Committee also encourages the authorities to put in place additional safeguards against *refoulement*, such as a "last call procedure" before handover and post-return monitoring. Moreover, all returnees should be notified of their scheduled removal at least several days in advance and be more systematically informed on possible assistance and support upon their return.

The Belgian authorities should also actively facilitate the possibility for returnees to inform a third person of their choice of their imminent removal and ensure that all returnees can contact their lawyer up to the moment of boarding. In addition, the safeguards in the context of issuing a "fit-to-fly" certificate should be strengthened and medical examinations prior to removal should be conducted in a dedicated examination room and without the presence of police officers.

The CPT takes note of the detailed guidelines and operational instructions on the use of force and means of restraint, which reflects the Committee's position on this matter. It welcomes the proportionate and gradual resort to force and means of restraint, based upon an individual risk assessment and a dynamic security approach adopted by all federal police escorts. Police escorts should however wear a visible identification tag. Further, returnees should not be required to remove all their clothes at the same time when strip searches are carried out prior to boarding the aircraft. In addition, several recommendations are made to improve medical confidentiality and the coordination of transmission of medical information.

Moreover, the CPT highlights the importance of ensuring that returnees are appropriately informed of the Frontex complaint mechanisms. It also considers that the General Inspectorate of the Federal Police and Local Police (AIG) should be provided with the necessary resources to effectively carry out its mandate as the national forced return monitoring system.

The treatment and conditions of detention of the returnees at the Repatriation Centre 127bis were also examined. The CPT welcomes the Belgian authorities' decision to no longer detain children in removal centres. It also notes the plans to create additional immigration detention places. As regards the 127bis Centre, the material conditions in the segregation section should be improved and all decisions concerning the placement of foreign nationals in segregation should be notified in writing. The Committee also makes recommendations concerning the healthcare services provided within, including on the independence of healthcare staff and the need for systematic and comprehensive medical examination of returnees after an unsuccessful removal attempt.