



Mapping Solitary Confinement: Belgium country report

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1. Country general Criminal Justice System facts & numbers

Both the federal state and the communities are involved in the criminal justice system in Belgium. In recent years there has been an evolution towards privatisation due to the complex institutional structure of Belgium, for example to be able to build new prisons without going through the complex institutional processes.

Number of prisons / jails

36

Number of prisoners.

11,539 the 1st of July 2023

2. Legislative and administrative bases for use of solitary confinement

There are three official measure that can be described as solitary confinement. The Belgian Prison act law of 12 January 2005 lists the following: (1) use of punishment cells, (2) use of security cells (mostly the security of the prisoner or within the prison) and (3) individual special security regime for prisoners who are seen as difficult to manage and who post a continuous threat to the safety of the prison. (See 2021 [report](#) of the CTRG/CCSP about the use of the punishment and security cells in the Belgium prisons (in French).

3. Reasons for use, process, and administrative regulations

a. Solitary confinement as punishment

1. Under no circumstances may the stay in the punishment cell exceed 14 days as a result of these consecutive decisions.
2. The prisoner shall retain the following rights: the right to have his meals under conditions, the right to decent clothing and footwear, the right to take care of one's appearance and physical hygiene, the right to sufficient reading material at his disposal, the right to spend at least one hour a day in the open air, the right to continue individual educational activities which are not incompatible with the solitary confinement, the right to correspondence, the



right to practice his religion individually and to receive daily visits from the representative of his religion, the right to have recourse to a lawyer and to psychosocial and medical assistance and the right to receive to be visited by the authorities responsible for the supervision and control of prisons.

3. After three days the detainees are entitled to family visits behind glass. All other rights are suspended for the duration of the disciplinary sanction (except the right to contact their lawyer).
4. The furniture in the isolation cell is in most cases very limited. Often there is only bedding, only a minority of cells have additional objects such as a clock, a mirror or a smoke detector.
5. Additional restraints can be applied to people but only as an exception. However, the legislation describes the regulation of additional coercive measures too briefly and not thoroughly enough, which may lead to abuse of coercive measure.

Punishments can also be served in the prisoner's own cell. (**l'isolement dans l'espace de séjour attribué au détenu – art. 140 – 142 Loi des principes**). This is a punitive measure in which the detainee is isolated in his/her personal cell and can be denied participation in communal activities with the general population. However, the prison director can decide that the detainee may participate to training programs and religious activities with the general population. They can receive visits from their relatives and religious representatives and are allowed to make phone calls. Sometimes, in practice quite often, they are mutated to another (solo) cell.

b. Solitary confinement as management of prisoners labelled as 'difficult' or 'dangerous'.

1) Terror.

There are "de-radicalisation" units with a special and separated regime. These "terror" prisoners are separated from the other inmates. There is a minimum regime (outdoor walks, exercise.). The two "de-radicalisation" units are almost empty and were being used as standard units nowadays during the pandemic. Following the COVID pandemic, the de-radicalisation units remain empty. In the new prison of Haren, all the suspects of the terrorist attacks in Belgium are housed in a separate security unit with a limited regime.

The Belgian monitoring Council plans to visit these units in the near future. After a similar visit by the CTRG/CCSP the sole remaining high security unit in the prison of Bruges (the AIVB) was closed in 2018. The prison administration has no plans to (re)-open such high security units.

c. Solitary confinement for the prisoner's own protection

Placement in a security cell for the prisoner's own protection can last up to 30 days. The regime is similar to the regime in the disciplinary cells (see: https://ccsp.belgium.be/wp-content/uploads/2021/10/Cellules_Punition_2021_FR.pdf).



d. Solitary confinement pre-trial

Pre-trial detainees have a basic regime often characterised by few activities like work or education. It differs between prisons. A distinction is not always made between convicted and accused persons, due to the overpopulated prisons. When it comes to solitary confinement as punishment, for safety or as a mean of management; the same rules are applicable for pre-trial "prisoners".

4. Restraints and chemical irritants

[See reports by the Conseil Central de Surveillance Pénitentiaire \(Rechtspraak CTRG \(belgium.be\)\)](#) including:

- 1- [Cellules Puniton 2021 FR.pdf \(belgium.be\)](#) (research on the use of punishment and disciplinary cells in Belgium).
- 2- [Avis infrastructure.pdf \(belgium.be\)](#) (from p.33)

Note that the prison administration has since indicated its willingness to reduce the number of fixation beds in new prisons.

- 3- [Rapport-visite-Haren2-FR-2.pdf \(belgium.be\)](#) (par. 8)

5. Protected populations

Women (including pregnant, lactating, with child in prison)

Pregnant women and women with child in prison may not be placed in a solitary confinement.

Children and young people: Not protected

People with mental illness Not protected.

People suffering from mental illness are quite often placed in solitary confinement because its is difficult to manage them in the general population and adequate psychological care is not available in Belgian Prisons.

LGBTQI+ people: Not protected

In youth institutions solitary confinement is solely used as a measure of safety of staff, the young person or others and only for a period of time that is as short as possible. When the situation de-escalates, the youngster returns to his living unit and his personal room.



6. Authorisation

The prison director can authorise solitary confinement as a punishment or as a safety measure. When solitary confinement is used as a punishment a disciplinary procedure is initiated. If the Director considers that the facts require disciplinary action, the prisoner shall be informed in writing (within 24 hours), by issuing a form, of the charges, that disciplinary proceedings will be initiated against him, that he may consult his disciplinary file and that he will be heard on a date and at a time specified by the Director (within 7 days after the rapport of the incident).

A lawyer can be present during the disciplinary hearing and since the 1st of October of 2020 the prisoner may appeal against the decision of the Director, the disciplinary sanction may be suspended during this period. Before the Director takes a decision on the imposition of a security measure, the detained person shall be heard. In cases where the situation of danger allows no delay, he shall be heard as soon as possible. The decision shall be notified in writing to the detained person, together with the reasons for the decision. Any individual decision of the director may be subject to appeal before the independent complaints committee and, in second instance, the Appeal Committee (both independent Committees (attached to the national supervisory body)). Where the situation of danger cannot be delayed, other prison staff may also impose special security measures for the time being, subject to immediate notification to the director. The Director shall be informed immediately of the provisional measure and may maintain or suspend it. The detainee shall be heard by the prison director within 72 hours and the duration of the provisional measure shall be deducted from any additional measures taken against the detainee.

In order to impose an IBVR/RSPI (individual special security regime), concrete circumstances or behaviour must show that the detainee poses a persistent threat to prison security. In addition, it must be proven that other measures that have or can be taken are inadequate. The decision to impose an IBVR/RSPI is made by the Director-General of the penitentiary administration or his delegate. The final decision is preceded by a proposal from the Director. In this proposal, the Director mentions the concrete circumstances or behaviour of the detainee that shows that he represents a permanent threat to the security and is accompanied by a medical assessment considering the impact of the measure on the health of the detainee. It also mentions the modalities of the placement in an IBVR/RSPI, with detailed justification for each of the proposed measures. The proposal of the Director shall be accompanied by a medical opinion regarding the compatibility of the detailed rules of the of the proposed regime with the state of health of the detainee. After the notification, the detainee shall be given the opportunity, assisted if he so wishes by a legal adviser or by a person of his own choice, to submit his views to the competent authorities. the prisoner, assisted if he so wishes by a legal adviser or by a trusted person chosen for the purpose by the director, to put forward his defence. This shall be recorded for the purpose of the decision to be taken by the Director-General. In this decision the Director-General, the Director-General shall indicate the detailed rules governing the placement, with detailed justification for each of the measures. The IBVR is imposed for a period of two months, which may be renewed. Every month, the prison director submits a report to the director general who, based on this report, reassesses the necessity of imposing each measure.

7. Statistical data on use of solitary confinement/segregation

Statistics about the use of solitary confinement are not publicly available in Belgium.



8. Jurisprudence on solitary confinement

See:

[Home - Rechtspraak CTRG \(belgium.be\)](#)

9. Reports on the use of solitary confinement

https://ccsp.belgium.be/wp-content/uploads/2021/10/Cellules_Punition_2021_FR.pdf

(In French)

10. Good practice

In the new detention houses, small-scale and new form of detention (see: www.rescaled.org), there are no cells for solitary confinement. In addition, there is also a trend towards job differentiation among correctional officers, whereby there will be a greater focus on the guidance of detainees. This might have a positive impact on decreasing the use of solitary confinement. And the Belgian Monitoring Council states in its report that we should strive for the abolition of the use of solitary confinement in Belgium.