

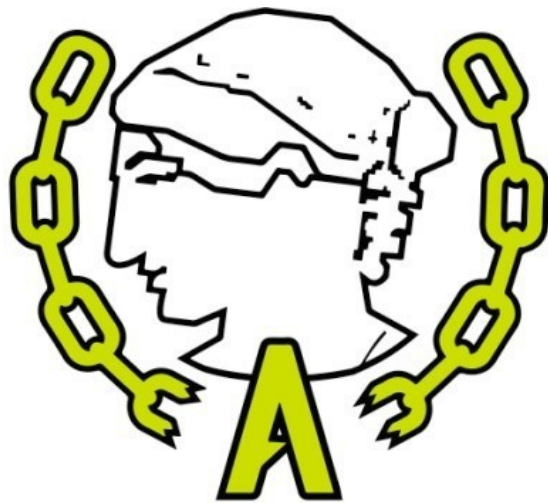
# ANTIGONE

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**Have prisons learnt from Covid-19?  
How the world has reacted to the pandemic  
behind bars**



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## N. 1/2020 HAVE PRISONS LEARNT FROM COVID-19? HOW THE WORLD HAS REACTED TO THE PANDEMIC BEHIND BARS

edited by Susanna Marietti and Alessio Scandurra

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# BELGIUM - So far, so good? Health and prisons in Belgium during Covid-19 pandemic

*Elena Gorgitano<sup>1</sup>, Adriano Martufi<sup>2</sup>*

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## 1. Introduction

The present contribution provides a summary of measures taken by Belgian authorities in response to Covid-19 pandemic in the prison system. The analysis encompasses the provisions adopted during the first months of the Covid-19 pandemic in Europe, March-October 2020. In Belgium, on 13 March 2020, by the time the *state of emergency* was officially declared at federal level, followed by a conferral of special powers to the Government with a law of 27 March 2020 (N. Bernard, 2020), the General direction of prisons (*Direction générale des Établissements pénitentiaires*, Dgepi, here with Gdp) issued the first instructions to face the crisis within Belgian prisons. From that moment on, prison rules and detention regime have mainly been managed by the Gdp through instructions or ministerial notices<sup>3</sup> which relied substantially on the role of prison directors. While under Belgian law prison directors can take all urgent measures required by the circumstances<sup>4</sup>, in the wake of the emergency they were given new powers to routinely implement

measures aimed at reducing prison population (par. 3).

The Belgian government, on the basis of law of 27 March 2020, issued royal decree 9 April 2020 n.3 (hereinafter Rd) on temporary<sup>5</sup> rules related to criminal proceedings and the enforcement of sentences. The decree provided some measures to reduce prison population but stopped short of regulating conditions within prisons. This left prisoners ineligible for release to experience a deterioration of their ordinary conditions due to Covid-19 (Y. Cartuyvels, O. Nederlandt, M. Nève, 2020; L. Teper, 2020; OipBelgian section, 2020a; Conseil central de surveillance pénitentiaire, 2020).

## 2. The prisoners' conditions within Belgian prisons

During this early phase of the emergency, detention conditions were mainly managed by the Gdp via the so-called *Coronavirus instructions*. These rules were communicated to prison staff across the country but not officially published<sup>6</sup>.

These instructions contained rules applicable to all prisoners, related to internal organisation and about the working conditions of the staff. With regard to prisoners, these instructions included several rules concerning medical and preventive measures such as the obligation of wearing masks, social distancing, preventive isolation of incoming prisoners and medical isolation of prisoners with symptoms (*suspected cases*).

In addition, the relations with the outside world had been significantly reduced to avoid the spread of disease in prisons coming from free society.

The Gdp originally suspended all visits, with exception of professional ones, from 14 March until the 3 April – but they officially resumed only as of 25 May (O. Nederlandt, 2020, p. 242); in addition, supervisory commissions and external support services for detainees suspended their entrances.

Thanks to the telephone credit given to prisoners *in exchange*, it became possible to contact families via telephone and as of the end of April also receive virtual visits via videoconference (by Webmax). Considering that the royal decree suspended all provisions granting prison leave, telephone and the videoconference represented the only way prisoners could maintain contacts with their family (see article 14 Rd).

Moreover, internal activities have necessarily been adapted to the rules of social distancing, except for the prayer which could already be carried out in small groups. In some prisons work activities would continue, but not in others. Yet a remarkable (albeit anecdotal) episode is

that prisoners working for an autonomous service of the Ministry (*Cellmade*) have produced protective masks (O. Nederlandt, 2020, p.229).

Finally, as of 25 May 2020 family visits resumed but in a considerably limited manner with regard to the number of visits, visitors and modalities: in particular prisoners could only see their relatives through a plexiglas and without any contact. Moreover, visits without surveillance could not take place (Oip Belgian section, 2020c). Therefore, these instructions brought to a significant limitation of personal relations, leading some Belgian Ngos to sign a *carte blanche* asking for the need to re-establish certain visiting methods (Oip Belgian section, 2020c).

### **3. The measures adopted to reduce prison population. Back door and front door policies**

#### **3.1. Iep-Covid-19 and the controversies surrounding its application**

Along with the instructions on the detention regime, Belgian authorities adopted measures to curb prison overcrowding primarily via a *back-door* strategy, i.e. increasing the number of prisoners released. As stated in the explanatory memorandum, royal decree 9 April 2020 n. 3 aimed at introducing “measures and modalities to ensure that pressure on prisons was reduced where possible by releasing (provisionally) sentenced prisoners who were already enjoying benefits or who are being closer to their release if they do not pose a threat for public safety”.

In particular the decree introduced two



new measures: the *interruption of the execution of punishment - coronavirus Covid-19* (Iep-Covid-19) and a special form of *early release*. Both could be granted if some specific requirements were fulfilled.

First of all, the Iep-Covid-19 measure allowed temporary leaves from prison for convicted prisoners having a fixed address, with the exception of certain categories of offenders and when the risk of re-offending could not be ruled out (articles 6-13 Rd). The measure represented a development of an existing scheme – though rarely granted in practice (O. Nederlandt, 2020) – governed by article 15 of law 17 May 2006 (regulating the alternatives to a prison sentence), allowing prisoners to leave prison for three months on serious grounds and exceptional family issues. According to the explanatory memorandum, the Iep-Covid-19 measure had to be granted discretionally by prison directors and could not be regarded as an individual right.

While the Iep-Covid-19 was designed to avoid contaminations for vulnerable prisoners and obtain rapid access to external cares, the legal prerequisite medicals described above made this scheme hardly applicable to its addressees.

To challenge these limits – in particular as regards the type of crime committed – a district court issued a reference to the Constitutional court to rule on the exclusion from the Iep-Covid-19 for prisoners belonging to risk category, under the meaning of persons vulnerable to develop the Covid-19. However, due to the lack laws confirming the royal decree the Court relinquished its jurisdiction and avoided to rule on this point<sup>7</sup>.

In any case, one of the biggest points of contention was the rule suspending the enforcement of sentences during periods the application of Iep-Covid-19: in other words, according to article 6.2 Rd, the period spent outside prison should have been considered as not served and therefore the end of the prison term postponed.

This provision was brought to the attention of the Supreme court (*Cour de cassation*). On 19 August 2020 the Supreme court annulled a decision by a lower court (a sentence implementation court, or *tribunal d'application des peines*). In particular, the issue examined by the Supremecourt was the absence of grounds for suspending the time course of a prison sentence during the application of Iep-Covid-19. Importantly, this rule is not foreseen for the *congé pénitentiaire* which is a different modality of execution and therefore does not suspend the sentence. The *Cour de cassation* ruled that the Iep-Covid-19 should be regarded as substantially akin to a *congé pénitentiaire*<sup>8</sup> under the terms of article 6 Law 17 May 2006. The Court based its decision on the principle of equality, by restating that all those in the same situation shall be treated equally unless there is objective and reasonable justification for a different treatment. In this connection, the Court held that the royal decree should have justified the adoption of a different rule on more specific grounds and observed that the need to deal with the pandemic could not justify a different regulation and, in particular, the rule suspending the time course of the sentence<sup>9</sup>.

This judgment was welcomed by experts and advocates (O. Nederlandt 2020, p. 229; Oip Belgian section 2020b) who had

already stressed this principle, claiming that the time spent during Iep-Covid-19 had to be considered as a period when the sentence was effectively served.

### 3.2. Early release and the postponement of new sentences

As indicated, prison directors could also grant a special form of *early release* if the remainder of the sentence is not higher than six months (art. 15.1 Rd) and only for certain categories of offences. Further prerequisites impose the applicant to have an accommodation and sufficient means of subsistence to rely on.

This form of early release could also be granted to prisoners who had benefited of an Iep-Covid-19. Interestingly, in this case, in order to calculate the period yet to be served the director had to consider the time spent outside prison as part of the sentence served.

In a somewhat remarkable move, the Gdp sought to reduce the scope of application of both Iep-Covid-19 and early release, perhaps in a bid to tackle political concerns over an excessively wide implementation of these schemes. In a notice issued on 24 April 2020, the Gdp made clear that both measures were applicable only to prisoners sentenced to more than three years while others could not benefit of these measures (O. Nederlandt, D. Paci 2020, p. 345; O. Nederlandt 2020, p. 233). In addition, a few days earlier, a Gdp's clarification had stated that these measures were applicable only to those who were physically in prison, and not under electronic surveillance (O. Nederlandt 2020, p. 230).

Interestingly, Belgian government officials were quick to see the need for further

measures in order to reduce the inflow of prisoners. In this connection, the Minister of Justice requested the College of public prosecutors to issue specific instructions to allow the postponement of the enforcement of non-urgent sentences, thus flanking a *back-door* strategy with further *front-door* action.

On 26 March 2020 the College of public prosecutors approved a memo (*circulaire*) enabling the competent prosecutors to delay the enforcement of prison sentences until further notice for some categories of offences. As a result, the enforcement of new sentences could be postponed, bar for some main exceptions. The suspension would not apply to persons under arrest or subject to pre-trial detention. Further categories of individuals have been excluded by the College of public prosecutors. The order of enforcement may not be suspended if the sentence involves a term of imprisonment higher than 5 years. Further grounds to refuse suspension are the dangerousness of individuals concerned (as it emerges from the case file) and the nature of offences (such as serious offences involving the use of violence or terrorist offences).

### 4. The limited scope of the measures adopted and right to appeal

The royal decree gave prison directors an essential role in granting or rejecting measures summarized above (see articles 7, 15 Rd). Directors could also revoke measures based on specific circumstances and their motivated rejection could not be appealed (articles 12, 15 Rd)<sup>10</sup>.

Importantly, the *right to complain* against a director's decision has only been in force as of 1 October 2020 (S. Berbuto, 2020, p.53), thus giving prisoners (and their

lawyers) extra opportunities to appeal.

Before this innovation, prisoners could only lodge their appeals with the President of local district courts *en voie de référé*, namely via an interlocutory proceeding under article 584 Judicial code (O. Nederlandt, D. Paci 2020, p.346). This judge, according to article 159 Constitution, could (and should) verify the compatibility of this decision with other higher constitutional principles, but only if it appeared that the situation was urgent and requiring immediate action (Y. Van Den Berghe, 2006, p.94). This aspect is of relevance in that until October 2020 a decision to reject a prisoner's claim to protect his or her *subjective rights* (including the right to health) could only be filed through this interlocutory proceeding, thus significantly restricting access to justice for prisoners (V. Eechaudt, J. Clayes, T. Vander Beken, 2019, p.13)<sup>11</sup>.

In addition, the limited applicability of measures adopted to reduce (albeit temporarily) the prison population prompted many to consider other possible avenues to obtain a release during the pandemic. In a recent contribution Olivia Nederlandt and Delphine Paci suggested that vulnerable prisoners may be eligible for provisional release on health grounds (O. Nederlandt, D. Paci, 2020, p.346). While this measure allows only for temporary release, it may be granted to all those whose conditions are allegedly incompatible with their status as prisoners. Interestingly, some courts have followed this line of interpretation, arguing that this measure may be granted to prisoners with *pre-existing conditions* as promiscuity, lack of ventilation and poor hygiene in prisons may have a bearing on

an individual's health during Covid-19 pandemic<sup>12</sup>.

Arguably, even when prisoners were eligible for lep-Covid-19, some lawyers have requested the enforcement of punishment outside prison (e.g. via electronic monitoring or probation). In this sense, on some occasions the judiciary solicited by defence lawyers might have played an important role in releasing convicted prisoners for health reasons, granting non-custodial alternatives or, at the sentencing stage, pronouncing non-custodial sanctions. This might have played a role in reducing prison population during the early months of the pandemic<sup>13</sup>.

### **5. The doubtful effects of measures adopted and the persisting issue of overcrowding in Belgian prisons**

Measuring the effects of said measures is a challenging task. Uncertainty surrounds both data on the prison system as well the role of different criminal justice actors in the implementation of new provisions. The objective of reducing prison population has long been a political *hot potato* in Belgium. In 2014 the European court of human rights has issued a judgement condemning Belgian authorities for violating article 3 Echr (prohibition of inhuman and degrading treatment), taking note of the structural problems arising from prison overcrowding (along with unhygienic and dilapidated prison institutions) and recommending the adoption of general measures to guarantee adequate prison conditions<sup>14</sup>. While the Court did not explicitly lay down an obligation to reduce prison population it referred to need of restoring *conditions compatible with article 3*,

thus effectively triggering a debate as to the need of a new reductionist penal policy (C. Guillain, D. Scalia 2015, p.424).

More recently, the District court of Brussels has acknowledged the responsibility of the Belgian government for the lack of personal space in the prisons of Forest and Saint-Gilles (in the Brussels region) following a civil lawsuit filed by the Order of French- and German-speaking bar associations. In January 2019, this court urged the government to take appropriate measure to redress the situation within 6 months, ordering the State to pay periodic fines in case of failure to comply with this decision.

Despite the inertia of Belgian authorities (and a new European court of human rights's judgement condemning the government on grounds of poor prison conditions<sup>15</sup>), the early months of the emergency witnessed a significant (and somewhat unexpected) reduction of prison population (Ligue des droit humains, 2020). Some commentators have observed that between 12 March and the 1 May – the peak of the public health emergency – prison population plummeted by more than 1,300 units, almost 13% of the stock prior to the declaration of the state of emergency (O. Nederlandt, D. Paci 2020, p. 348). Yet frustratingly these statistics have not been made public, as Belgium's prison administration refused to take part in the SpaceI-Covid-19's questionnaire launched by the Council of Europe and the University of Lausanne in order to gather specific information about prison population in the Member states during the pandemic (M. Aebi, M. Thiago, 2020, p. 3).

Be that as it may, prison population seems to be picking up again. This is partially due to the expiry of Iep-Covid-19, whose beneficiaries were sent back to prison as of 16 June 2020. Yet as Olivia Nederlandt noted, one can observe a steady increase of prison population long before this measure would cease its effects (O. Nederlandt, 2020, p.247). Most notably, the number of prisoners was constantly on the rise all throughout May and until half-June as the measures described in this article (including Iep-Covid-19) were still in force. In essence, this upward trend brought prison population back to square one, with a registered number of prisoners on 1 July 2020 (10,368) almost equal to that recorded on 12 March 2020 (10,906) before the emergency broke out.

## 6. Conclusion

While it is impossible to ascertain what might have caused this new rise of prison population, one should recall that Belgium has started to ease its lockdown restrictions since the beginning of May (so called phase 1b, as of 11 May 2020). It could be argued that this effectively ended the emergency and inaugurated a timid return to normality. Further research is needed to investigate whether, and to what extent, this might have had an effect on prison gatekeepers (directors and prosecutors), thus nullifying the (already limited) effect of measures adopted to ease pressure on the prison system.

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## Notes

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<sup>3</sup> On 20 March 2020 the Minister of Justice adopted the notice n. 1820 introducing the *cong  prolong *.

<sup>4</sup> According to article 114 of Law 12 January 2005 in the case of a serious event that could threaten the security of the detainees, prison directors take all urgent measures required by the circumstances and shall inform the Minister by the quickest means possible.

<sup>5</sup> The royal decree established a time framework: from 18 March 2020 to 3 May 2020 that was then prorogated to 17 May by the royal decree 28 April 2020 and again to 17 June by the royal decree of 13 May 2020.

<sup>6</sup> Some of these instructions could be found on <https://www.europris.org/covid-19-prevention-measures-in-european-prisons/> (accessed 1 October 2020).

<sup>7</sup> Constitutional court, 4 June 2020, n. 83.

<sup>8</sup> Originally the draft decree included two

measures: a new one called *cong  prolong * (just included in the ministerial notice n. 1820 of 20 March 2020) and the interruption of punishment for more vulnerable prisoners in relation to Covid-19. Following an analysis of the draft decree by the Council of State, the final decree simply combined the *cong  prolong * and the interruption of punishment in the Iep-Covid-19 measure. See also (O. Nederlandt 2020, 231-232).

<sup>9</sup> Cass., 19 August 2020, n. P.20.0840.F.

<sup>10</sup> The collective letter n. 153 of 9 April 2020, which replaced the ministerial notice of 20 March 2020, underlined that a rejection provision should have been motivated (art. 1 c).

<sup>11</sup> Significantly, the European court of human rights found that this proceeding does not guarantee an effective remedy for the purposes of article 13 Echr in that it often proves unable to *directly remedying the situation complained of* thus depriving applicants of reasonable prospect of success, see European court of human rights, 25 November 2014, *Vasilescu v. Belgium*, paras. 74-75.

<sup>12</sup> See Jap Bruxelles, 80e ch., 8 Avril 2020, Rgno 20/341/Lprm referenced in O. Nederlandt, D. Paci, 2020, 347.

<sup>13</sup> See the statements of the Minister of Justice, Koen Geens, who in April declared that during the first month of the Coronavirus emergency the prison population had experienced a reduction of 10%, see *Coronavirus: la population carcerale r duite   10.000 d tenus* in <https://www.dhn.et.be/actu/belgique/coronavirus-la-population-carcerale-reduite-a-10-000-detenus-5e8eb7ee9978e228415a5057> (accessed 1 October 2020).

<sup>14</sup> European court of human rights, 25 November 2014, *Vasilescu v. Belgium*, para. 128.

<sup>15</sup> European court of human rights, 4 June 2020, *Detry and others v. Belgium*, para. 10; see also, 28 May 2010 *Clasens v. Belgium*, paras. 33-39.

## Bibliography

Aebi Marcelo, Thiago Mélanie (2020), *Prisons and prisoners in Europe in pandemic times: an evaluation of the short-term impact of the Covid-19 on prison populations* [https://wp.unil.ch/space/files/2020/06/Prisons-and-the-COVID-19\\_200617\\_FINAL.pdf](https://wp.unil.ch/space/files/2020/06/Prisons-and-the-COVID-19_200617_FINAL.pdf) (accessed 1 October 2020).

Berbutto Sandra (2020), *Le droit de plainte des détenus, faut-il s'en plaindre?*, in *Le Pli Juridique*, 2:53-61.

Bernard Nicolas (2020), *Le pouvoirs du gouvernement fédéral en période de crise: le gouvernement Wilmès face à l'épidémie de Covid-19*, in *Journal des tribunaux*, 18:372-375.

Cartuyvels Yves, Nederlandt Olivia, Nève Marc (2020), *La prison face au covid19: zoom sur un angle mort de la démocratie* <https://plus.lesoir.be/292621/article/2020-04-06/la-prison-face-au-covid19-zoom-sur-un-angle-mort-de-la-democratie> (accessed 1 October 2020).

Conseil central de surveillance pénitentiaire (2020), *La crise sanitaire doit être prise en compte pour la durée de la détention* [https://ccsp.belgium.be/wp-content/uploads/2020/06/AVIS-csq-crise-sanitaireFR\\_22.06.20.pdf](https://ccsp.belgium.be/wp-content/uploads/2020/06/AVIS-csq-crise-sanitaireFR_22.06.20.pdf) (accessed 1 October 2020).

Echautd Vincent, Clays Jasmien, Vander Beken Tom (2019), *National norms as regard to access of detained persons to the law and to court*, in *Research project Eupretialrights Improving the protection of fundamental rights and access to legal aid for remand prisoners in the European Union*, Ghent: Ghent University.

Guillain Christine, Scalia Damien (2015), *Conditions de détention: la Belgique (enfin)*

condamnée par la Cour européenne, in *Journal des tribunaux*, 19:423-425.

Kennes Laurent (2020), *L'influence de la pandémie sur la détention préventive*, in *Journal de Tribunaux*, 16:292-294.

Ligue des droit humains (2020), *Surpopulation carcérale: des effets inattendus de la pandémie...* <https://www.liguedh.be/surpopulation-carcerale-des-effets-inattendus-de-la-pandemie/> (accessed 1 October 2020).

Nederlandt Olivia (2020), *Actualités en droit de l'exécution des peines privatives de liberté: un état de crise permanent?*, in Christine Guillain - Franklin Kutty (eds.), *Actualités en droit pénal et exécution des peines*, Bruxelles: Larcier.

Nederlandt Olivia, Paci Delphine (2020), *La prison face au Covid-19: des mesures déséquilibrées au détriment des personnes détenues et/ou condamnées*, in *Journal des tribunaux*, 18:341-348.

Oip Belgian section (2020a), Press release *Les décisions prises par le gouvernement à l'égard des condamnés à des peines de prison: les personnes condamnés et leurs proches paient à nouveau la facture!*, 16 April 2020, [www.oip.be](http://www.oip.be) (accessed 1 October 2020).

Oip Belgian section (2020b), *Une victoire pour les détenus: le temps passé hors de prison pendant la pandémie n'est pas une interruption de leur peine*, 20 August 2020, [www.oip.be](http://www.oip.be) (accessed 1 October 2020).

Oip Belgian section (2020c), Press release *La crise sanitaire ne peut continuer à justifier l'atteinte au droit à la vie privée et familiale des personnes détenues et de leurs proches*, 25 August 2020, [www.oip.be](http://www.oip.be) (accessed 1 October 2020).

Teper Léa (2020), *Coronavirus et droits de la défense: le diable se cache dans les détails* <https://plus.lesoir.be/294175/article/2020-04-13/coronavirus-et-droits-de-la-defense-le-diable-se-cache-dans-les-details> (accessed 1 October 2020).

Van Den Berghe Yannick (2006), *De tussenkomst van de rechter in detentiegeschillen*, in *Tijdschrift voor Strafrecht*, 2:94-98.

