

# Press Release

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## **"Belgium should improve detention conditions and strengthen migrants' rights" says Commissioner Hammarberg in a report**

Strasbourg, 17.06.2009 – "Belgium has a good system of human rights protection, but more efforts are needed in certain areas, in particular on prison conditions, asylum procedures and the protection of the rights of migrants", said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, when presenting his [report](#) on the Kingdom today.

The report welcomes the adopted programme for renovation and the construction of new prison facilities, but stresses that there is a need for immediate action to reduce overcrowding and to address inhumane detention conditions in some prisons. "Alternatives to imprisonment should be developed. Untried, convicted and psychiatric detainees should be detained separately and an effective and independent mechanism to deal with prisoners' complaints should also be set up."

In addition, the report raises issues on the system of youth justice and recommends that resources be increased to ensure the effectiveness of alternatives to detention. To lock up minors must be the very last resort and they should never be detained together with adult prisoners.

Although the asylum procedures have been improved, the Commissioner calls for more transparency and better access to information. "Frontline legal advice services should be created to advise and inform detained migrants of their rights."

The Commissioner welcomes the new policy not to detain most of the irregular migrant families and considers the new housing system a substantial improvement. However, he regrets that in certain cases children and their parents continue to be detained and calls for an appropriate solution. "Living conditions and access to health care should be improved in the closed centres for aliens."

Furthermore, Commissioner Hammarberg stresses that "terrorism related offences and special methods of investigation should be defined with greater precision" and stresses that anti-terrorism measures should be used in a proportionate manner. The report suggests a review of the restrictions placed on the rights of the defence and on the collection and use of personal data.

On discrimination, the Commissioner highlights the need to promote gender equality and to improve services for women victims of violence. He also recommends the setting up of an impartial and effective body for treating complaints about discrimination based on language under the new anti-discrimination legislation.

After having assessed the overall human rights situation in Belgium Commissioner Hammarberg suggests that his recommendations be analysed as part of a general review of further steps to be taken. He proposes that work is started to develop a national plan of action for the systematic implementation of human rights.

The report is based on the findings of a visit carried out last December and it is published together with the Government response.

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