

I'M IN PRISON, HOW CAN I ENSURE MY RIGHTS ARE RESPECTED ?



YOU CAN MAKE A COMPLAINT TO THE COMPLAINTS COMMISSION

Independent and impartial organ responsible for the processing of complaints raised by persons in detention

FROM 1 OCTOBER 2020

Under which circumstances?

A **decision** was made regarding you **by the prison director**.

E.g.: disciplinary measure, body search, visitation rights refused, etc.

You believe that this decision **does not respect your rights**, is **unreasonable** or **unfair**.



When?

At the latest **7 days** after becoming aware of the direction's decision.



How?

By completing the **complaints form** (available from the section) referencing the direction's decision and reasons for your complaint.

Addressing the form to the Complaints Commission:

- Either by **post**
- or by **email**
- or via the **commissioner of the month** at the Monitoring Commission



In which language?

- In **French** if your prison is located in **Wallonia**
- In **Dutch** if your prison is located in **Flanders**
- **In either French or Dutch** if your prison is located in **Brussels**



Who can help you?

- **A lawyer**
- **Someone you trust** approved by the Complaints Commission.
 - ▶ A cell mate
 - ▶ A family member
 - ▶ A friend, etc



How will your complaint be processed?



The Complaints Commission may decide to forward your complaint to the monthly commissioner for the purpose of **mediation** with the direction

- ▶ If an agreement is reached, you can withdraw your complaint.
- ▶ If an agreement cannot be reached, the procedure continues before the Complaints Commission.



A prison hearing will be organised, if the Complaints Commission deems this appropriate

- ▶ You will then have the opportunity to **explain why** you have raised the complaint, at the same time, the direction will also have the opportunity to explain why he/she made the decision.
- ▶ You will be able to **be heard** separately.
- ▶ You will have the right to **consult the documents in your complaint file**.



The Complaints Commission will issue its **decision** within 2 weeks. You will receive a copy.



How might the Complaints Commission rule?



The complaint is **founded**

- ▶ The Complaints Commission rules that the direction's decision is contrary to the law, unreasonable or unfair.
 - ▶ The direction's decision is overturned or reviewed
 - ▶ Compensation (non-financial) will perhaps be awarded to you



The complaint is **unfounded**

- ▶ The Complaints Commission rules that the direction's decision is in line with the law, reasonable or fair.
 - ▶ The direction's decision is maintained



The complaint is **inadmissible**

- ▶ The Complaints Commission cannot examine your complaint because it is incomplete, unclear, presented too late, drafted in the wrong language, etc.
 - ▶ The direction's decision is maintained



What recourse against the Complaints Commission do you have?

You can **appeal** the decision issued by the Complaints Commission at the **appeal board** of the Central Council.

A decision will be issued within 2 weeks.



When?

Within **7 days** of receipt of the Complaints Commission's ruling.



How?

By completing the appeal request available in the prison.





USEFUL TO KNOW

Does the Complaints Commission have jurisdiction on all types of complaints?

NO.

The Complaints Commission only has jurisdiction for decisions made:

- By the direction or on behalf of the direction.
- About you (individual decision).
- On the basis of applicable law and rules.

Example: The Complaints Commission won't have jurisdiction if you make a complaint because it is cold in your cell.

Additionally, certain complaints must be submitted directly to the appeal board:

- Complaint against the decisions of the Director General following a complaint regarding a decision on placement or transfer.
- Complaint against decisions of the Director General relating to the Special individual security regime.

Is the Complaints Commission the only means available to ensure your rights are respected ?

NO.

Whatever your issues relating to prison life or your rights while detained, you can always address your concerns to the prison direction and/or the Monitoring Commission.

Posters and information brochures relating to the Monitoring Commission are available in the prison.

Who are the members of the Complaints Commission?

The Complaints Commission is composed of 3 members from the Monitoring Commission of which at least one is a lawyer.

THE COMPLAINTS COMMISSION

*Independent and impartial organ responsible for the processing
of complaints raised by persons in detention*

Postal address: rue de Louvain 48/2 1000 Brussels

Email: in French at plaintes@ccsp-plaintes.be
in Dutch at klachten@ctr-g-klachten.be

Complaint form available at the prison (from the section)
and on www.ccsp-belgium.be / www.ctr-g-belgium.be

