

CCSP
Conseil central de
surveillance pénitentiaire



CTRG
Centrale toezichtsraad
voor het gevangeniswezen

MONITORING COMMISSION

**INDEPENDENT MONITORING ENSURING
THE RIGHTS OF INMATES ARE RESPECTED**

COMPLAINTS COMMISSION AND APPEAL BOARD

**IMPARTIAL BODIES RESPONSIBLE FOR THE PROCESSING
OF COMPLAINTS RAISED BY PERSONS IN DETENTION**





**This brochure is a publication by
the Central prisons supervisory council**

The Central prison monitoring Council (CCSP/CTRG) is an **independent** and **impartial** body that coordinates the activities of all monitoring commissions.

The CCSP/CTRG strives to ensure respect for the rights and human dignity of prisoners in all Belgian prisons.

www.ccsp.belgium.be – www.ctrq.belgium.be



Each prison in the country has a **monitoring commission**. Its purpose is to ensure the rights and human dignity of persons in detention.

The commission is entirely independent from the prison and the judiciary. Its members visit the prison at least once a week.

Three members of the commission make up the **complaints commission**. This is an independent and impartial body.

Would you like to know who you can contact? Check out the summary on the next page!

I AM CURRENTLY IN PRISON AND I HAVE A QUESTION, COMMENT, PROBLEM...



MONITORING COMMISSION

(see pg. 4 of this brochure)

To **discuss** any issues, comments, problems, you can contact the **monitoring commission**.

The monthly commissioner may, if you so wish and where possible, act as a **mediator**: they will discuss your problem with the management and request management look into your case.

The monitoring commission may act as a mediator, but it **cannot make decisions**.

Please note !

If your problem relates to a decision made by the management relating to you and you wish to lodge a **formal complaint** against this decision, you must address the **complaints commission (see opposite)**.

If you do not agree with a placement or transfer decision or with a decision to place you under RSPI, you must take action via other formal procedures (**see opposite**).

Even if a decision cannot be repealed, you can always contact the monitoring commission to express your concerns and comments.

The **monitoring commission** is an **independent supervisory body** which monitors the prison and your treatment within the prison environment.



COMPLAINTS COMMISSION

(see pg. 5 of this brochure)

Your problem relates to a **decision made by the management** (or a member of staff on its behalf) **against you** and you would like this decision to be overturned or modified.

You can lodge a **complaint** with the **complaints commission**.

Submit your case **in good time**: ideally within **seven days** of the decision being published.

The complaints commission will process your complaint and will make a **decision**.


The complaints commission is an **independent body**.



APPEAL BOARD

(see p. 8 of this brochure)

If you do not agree with **the decision by the complaints commission**, you can appeal this decision with the **appeal board**.




You have been **transferred to another prison** and you do not agree with the transfer:

If you would like to contest this decision by the Detention Management Department (DGD), firstly:

RECOURSE TO THE DIRECTOR GENERAL OF THE DIRECTORATE-GENERAL OF PRISON FACILITIES (DG EPI)

Submit your case **in good time**: ideally within **seven days** of the decision being published.



If you do not agree with the **decision of the director general relating to the complaint**, you can appeal this decision with the **appeal board**.



APPEAL BOARD

(see pg. 8 of this brochure)

Following a decision by the director general of the DG EPI, you are placed under a **special individual security regime (RSPI)** or this decision has been renewed.

If you do not agree with this decision made by the director general, you can **appeal** this with the **appeal board**.

Submit your case **in good time**: ideally within **seven days** of the decision being published.

The appeal board is an **independent body**.

MONITORING COMMISSION

Why contact the monitoring commission?

You can request a meeting with the monthly commissioner to discuss your rights and treatment within the prison.

All meetings are confidential. The commission members have access to all areas and documents within the prison.

PLEASE NOTE! Questions relating to legal proceedings should be directed to your lawyer. The monitoring commission is not competent in this regard.



What can the monitoring commission do for you?

Mediation – If you have reported a problem to the monitoring commission (see below), a member of the commission will handle the monitoring of your issue. If necessary, you will be invited to a meeting. Depending on the problem, the commission will make contact with the management or other prison departments to facilitate the resolution of your problem.

Monitoring and report – The monitoring commission will also carry out monitoring of the prison irrespective of any specific questions that it receives. It produces a report of everything observed within the context of detention conditions.



How can you contact the monitoring commission?

Write a letter to the monitoring commission. The contact details are listed on the back of this brochure.

All correspondence with the monitoring commission is confidential and is not monitored by the prison.



COMPLAINTS COMMISSION

Why submit a complaint to the complaints commission?

The director (or member of staff acting on their behalf) made a decision concerning you. You do not agree with this decision.

⇒ For example: a disciplinary action or individual security measure, strip search, denial of visitation right, withdrawal from workshop work, etc.

The director has not made a decision concerning your situation within the statutory or reasonable time frame, upon your request or as obliged to do.

⇒ For example: you have not received a response to your unsupervised visit request.



What is the time frame?

You must submit your complaint **7 days** after publication of the decision at the latest.

If you have not filed your complaint within this time frame, please provide the reason. Your complaint may still be processed, if it appears that, given all the circumstances, you submitted your complaint within the shortest time frame that could be reasonably required of you.



How do you submit a complaint?

Write a letter indicating the director's decision (including the date) and the reasons for your complaint. You can use the **complaint form** available in your wing.

Send the complaints commission (see contact details on the back of this brochure).



In which language?

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

If you do not understand the language of proceedings, you can ask the staff, your lawyer, a trusted person or a fellow inmate to help draft your complaint.



Who can help you?

- A lawyer;
- Someone you trust approved by the complaints commission (a fellow inmate, a family member, friend, etc.).



How will your complaint be processed?

The complaints commission will forward your complaint to the director. The director may formulate some comments. These comments will also be sent to you.

If the complaints commission deems it necessary, it will organise a **prison hearing**.

During this hearing, the complaints commission will hear from both you and the director. The complaints commission may request additional explanations.

If the file is straightforward and the complaints commission can process your complaint without further investigation, no hearing will be organised and you will be informed of the complaints commission's decision at the earliest opportunity.

Before your complaint can be dealt with fully by the complaints commission:

- The chairperson of the complaints commission may **suspend** execution of the management's decision while a the complaint is re-examined;
- The complaints commission may decide to transfer your complaint to a member of the the monitoring commission for the purpose of **mediation** with the director.



(...)

- o If you reach an agreement, you can withdraw your complaint.
- o If you are unable to reach an agreement, the procedure before the complaints commission will continue.

How might the complaints commission rule?

The complaint is **inadmissible**

- ⇒ The complaints commission cannot examine your complaint because it does not relate to a decision made by the prison director or on their behalf, it is unclear, it is submitted too late, it is drafted in the wrong language, etc.
The director's decision is maintained.

The complaint is **founded**

- ⇒ The complaints commission rules that the director's decision is unlawful, unreasonable or unfair. The complaints commission will overturn or review the director's decision. The complaints commission may in some cases award you compensation. This compensation cannot be of a financial nature, but may be additional privileges such as, a walk, shower time, a video visit, an unsupervised visit, etc.

The complaint is **unfounded**

- ⇒ The complaints commission rules that the director's decision is legal, reasonable or fair. The director's decision is maintained.²

You do not agree with the decision of the complaints commission?

You can appeal the decision by the complaints commission at the appeal board of the Central council (see hereafter).

APPEAL BOARD

Why submit an appeal to the appeal board?

An appeal may be submitted to the appeal board:

- Against a decision made by the complaints commission regarding your complaint (see above);
- Against a decision by the director general regarding your complaint against a decision to place you in a particular prison or transfer you to another prison. If you do not agree with a decision regarding your placement or transfer, you will first need to submit a complaint to the director general. You may only submit an appeal to the appeal board against the decision by the director general regarding your complaint;
- Against a decision by the director general to place you under or continue your placement under a special individual security regime (RSPI).



What is the time frame?

Within 7 days of receipt of the complaints commission's ruling or the decision of the director general.

If you have not filed your appeal within this time frame, please provide the reason. Your appeal may still be processed, if it appears that, given all the circumstances, you submitted your appeal within the shortest time frame that could be reasonably required of you.



How do you file an appeal?

Write a letter indicating the complaints commission ruling or the director general's decision and the reasons for your appeal. You can use the **appeal form** available in your wing.

Send your appeal to the appeal board (see contact details on the back of this brochure).

As regard the language in which to submit your appeal, the same rules apply as for the complaints commission (see above).



How will your appeal be processed?

The appeal board follows a written procedure. The appeal board will make its ruling as soon as possible and notify you.



HOW CAN YOU CONTACT THE MONITORING COMMISSION, COMPLAINTS COMMISSION AND APPEAL BOARD?

- Via the letter box or the monthly commissioner of the monitoring commission
- Via the digital platform already available in some prisons
- By letter: Rue de Louvain 48/2 – 1000 Brussels
- By email :

MONITORING COMMISSION:

andenne@ccsp-belgium.be

COMPLAINTS COMMISSION:

- klachten@ctrg-klachten.be
(for complaints in prisons located in Flanders) and
- plaintes@ccsp-plaintes.be
(for complaints in prisons located in Wallonia)
- you can choose for prisons located in Brussels

COMMISSION D'APPEL :

- beroep@ctrg-klachten.be
(pour les appels dans les prisons situées en Flandre) et
- appel@ccsp-plaintes.be
(pour les appels dans les prisons situées en Wallonie)
- you can choose for prisons located in Brussels

The complaint forms and appeal forms are available in the prison (wings) and on

www.ctrg-belgium.be / www.ccsp-belgium.be



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