

BELGIUM

**SUBMISSION TO THE UNITED NATIONS COMMITTEE ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS 67TH SESSION
17 February – 06 March 2020**

Executive Summary

Ahead of the consideration of the fifth periodic report submitted by Belgium, on 19th February 2020 at the 67th session of the Committee on Economic, Social and Cultural Rights, Refugee Rights Europe (RRE) submits the following report, focusing on Belgium's failure to adequately fulfil its obligations under Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (the Covenant) with regards to refugees and asylum seekers on its territory. The information included in this report is based on our independent field research, documenting the treatment of asylum seekers and refugees in Belgium in 2018, as well as contributions from the frontline non-governmental organisation operating in Belgium, La Plateforme Citoyenne de Soutien aux Réfugiés (La Plateforme). The report is also informed by desk research carried out by Refugee Rights Europe. The report covers the following topics:

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1. About Refugee Rights Europe (RRE)

1. Refugee Rights Europe is a human rights organisation and registered UK charity founded in late 2015 in response to the humanitarian crisis experienced by refugees and displaced people in Europe. The organisation is run by professionals from a range of different sectors, and its advisory group and board of trustees include academics and researchers, human rights specialists, media and communications experts, asylum workers, NGO managers, refugees, policy analysts and students.
2. The organisation is independent of any political ideology, economic interest or religion. We believe in the indivisibility of human rights and are united by our aim to defend the rights of some of the world's most vulnerable individuals.

2. The right of everyone to an adequate standard of living, including food, clothing and housing, and to the continuous improvement of living conditions (Article 11).

3. In its State Party report of 2019, Belgium outlines its commitment to the 'right to reception' in reception facilities for 'applicants of international protection' as enshrined in Belgian law with the aim of enabling these individuals 'to lead a life in accordance with human dignity', including guaranteed 'housing and food of sufficient quality' (para. 83). In practice however, Belgium and its authorities progressively implement policies centred on raids and criminalisation of refugees and asylum seekers, coupled with increasingly restrictive legislation as well as attempts at unlawful withdrawal of reception conditions.¹ Current policies and practices in Belgium thus contribute to a hostile and sometimes life-threatening environment for displaced people, asylum seekers and refugees, in which their human rights are not upheld.

(Illegal) exclusion from and withdrawal of reception conditions

4. In recent years, there has been a disturbing development on the part of the Belgian State to withdraw reception conditions from certain categories of individuals, an act not only contrary to Belgium's obligations under the Covenant and the UDHR, but also deemed illegal under European and EU law.² The Belgian Minister for Asylum recently announced this decision, targeting individuals who arrived in Belgium after travelling from other EU Member States (in particular Greece) and those wishing to apply for asylum in Belgium, after having been subject to severe mistreatment in other European states previously granting protection. As outlined in a letter directed at the Minister by a coalition of NGOs³ on 7 January 2020,⁴ in both cases, the Minister's characterization of these individuals as 'abusing' the asylum system

¹ For example, the introduction of a system of pre-registration, the introduction of new criteria for the rejection of asylum claims and campaigns to dissuade asylum applicants from seeking to remain, see: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=20070112; and <https://francais.nva.be/actualite/une-campagne-sur-facebook-deconseille-aux-transmigrants-de-venir-en-belgique>.

² See Art. 20 Directive 2013/33/EU (Recast Reception Conditions Directive) and Art. 1 of the Charter of Fundamental Rights.

³ Coordination et Initiatives Pour Réfugiés et Etrangers, Ligue des Droits Humains, Médecins Du Monde, Avocats.be, Plateforme Citoyenne de Soutien Aux Réfugiés, Médecins Sans Frontières and Nansen Belgian Refugee Council.

⁴ See <https://www.cire.be/quand-letat-resout-la-saturation-du-reseau-daccueil-par-l'exclusion-de-certains-beneficiaires-presentes-a-tort-comme-des-abuseurs/>.

(including the Dublin regulation) is erroneous according to EU⁵ and Belgian⁶ law. It is worth noting the broadly documented, severe human rights violations as well as inhumane and undignified conditions prevailing on the Greek islands and mainland, where many of the individuals concerned by this decision have arrived in Belgium from.⁷

5. In November 2019 the Court of Justice of the European Union ruled unlawful⁸ an attempt by Belgian authorities to withdraw material reception conditions from an asylum seeker who seriously violated the house rules of a reception centre, deeming it – even as a temporary measure - incompatible with states’ duty to ensure applicants a dignified standard of living under Article 20(5) of the recast Reception Conditions Directive and Article 1 of the Charter of Fundamental Rights.⁹ To date in Belgium, the right to reception could be suspended for a maximum of one month as a sanction for having seriously violated the house rules.¹⁰ This measure was taken against 36 individuals in 2017.¹¹ While Fedasil is undoubtedly facing a situation where its reception facilities are at or over capacity, needless to say, illegal practices of withholding or withdrawing reception conditions contrary to international, European, EU as well as national laws, are not a solution and must urgently end.

Restrictive policy and legislation

6. RRE and other civil society organisations are deeply concerned that the legislation on asylum and reception implemented in March 2018,¹² has lowered Belgian asylum-related standards on several counts, to the absolute minimum prescribed by EU Directives. According to NGOs such as MSF, this is done with the aim of ‘dissuading asylum seekers and migrants from choosing its territory as their destination’, according to MSF Belgium.¹³ This approach has been confirmed in statements by leading State officials, such as Belgium’s former Secretary of State for Asylum and Migration, Theo Francken, who announced the planned closure of individual reception centres, to be replaced with ‘collective centres offering only the most basic services’, in order to ‘make clear to asylum seekers that they are in the waiting room of Belgian society’ as these individuals ‘don’t yet have permission to stay, as half of all applications are rejected’.¹⁴ As such in March 2018, the Belgian

⁵ According to the Dublin Regulation, if Belgium misses the 6 month deadline for transferring individuals back to the first EU country of entry, the Belgian state becomes responsible for examining the asylum application and including asylum applicants in the Fedasil Network.

⁶ Where individuals have obtained protection status in another European state yet are unsafe or subject to severe discrimination there, the Belgian General Commission for Refugees and Stateless Persons may grant a new protection status, e.g. if their living conditions in the previous state constitute inhuman and degrading treatment contrary to the Convention European Human Rights.

⁷ Ibid footnote 9.

⁸ <https://www.asylumineurope.org/news/12-11-2019/belgium-withdrawal-material-reception-conditions-not-lawful-sanction-violation-house>

⁹ See also https://www.asylumineurope.org/sites/default/files/aida_brief_withdrawalconditions.pdf

¹⁰ Article 45(8) Belgian Reception Act.

¹¹ AIDA, Country Report Belgium 2017, p.68.

¹² See http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007011252&table_name=loi

¹³ MSF, 2018, p. 4 : <https://www.msf-azg.be/sites/default/files/imce/Rapport%20MSF%20migration%20Hub.pdf> (hereafter ‘MSF, 2018’).

¹⁴ Le Vif, March 2018 : <https://www.levif.be/actualite/belgique/francken-dement-gaspiller-l-argent-des-contribuables/article-normal->

government announced its plan to reduce its provision of reception facilities, by closing 6454 reception places.¹⁵ Apparently in line with this logic, administrative measures as well as legislative changes were taken to enable, inter alia, the placement of families in detention, the expulsion of displaced people from makeshift camps they have been forced to live in due to the lack of housing and reception facilities provided by the State party, as well as forced return to countries of origin such as Sudan.¹⁶

7. Moreover, due to the Belgian asylum procedure being extremely long and sometimes lasting for several years,¹⁷ there is a higher number of individuals seeking asylum and requiring a space in the reception network, than individuals leaving the network once their case is processed. This had led to a bottle-neck situation where reception centres are far over capacity and by November 2019 some families were forced to live in tents in these reception centres despite the cold temperatures, due to a lack of space.¹⁸ According to La Plateforme, despite the general goodwill of reception center staff, the living conditions of asylum seekers are highly uncertain. Living in centers filled beyond their capacity, they have little access to training, even linguistic training in national languages and limited contact with the Belgian population. Asylum seekers depend on donations and solidarity to dress and equip themselves, sometimes even for basic hygiene products such as soap. In addition, the budgetary restrictions imposed by the government for the reception of refugees in recent years have also had a clear impact on the food offered.
8. Unaccompanied minors living in reception centres reportedly struggle to adapt to these crowded and sometimes violent surroundings. An 18-year-old boy from Syria recalled his experiences of being housed within a large reception centre: “Many things were difficult in the centre where I was living: the food, four people in the room, being far from home, the racism. My centre was very far away. Everything was far. You had to walk for five kilometres to go to the shop. There were four people from different countries in the room. We were all very different. We didn’t eat the same things, we didn’t speak the same language. I don’t speak English”.¹⁹
9. With the dubious objective of avoiding a ‘Belgian version of the situation in Calais’ and ‘countering smuggling’, the Belgian Interior and Immigration Ministers have also stated their position that Belgium cannot take any responsibility nor provide any services to individuals in an irregular situation, who do not claim asylum in Belgium. This includes denying access to education for minors, social and legal assistance and medical care.²⁰ This lies in stark contrast to Belgium’s obligations under Articles 11 and 12 read in conjunction with Article 2 of the Covenant, to ensure an adequate

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¹⁵ Fedasil, March 2018: <https://www.fedasil.be/fr/actualites/accueil-des-demandeurs-dasile/reduction-de-6454-places-daccueil>

¹⁶ Ibid.

¹⁷ La Plateforme reports a case in which several people were left waiting for more than a year and had still not been invited for their initial asylum interview.

¹⁸ Fedasil, November 2019: <https://www.fedasil.be/fr/actualites/accueil-des-demandeurs-dasile/pression-toujours-plus-forte-sur-le-reseau-daccueil>

¹⁹ UNICEF Belgium, ‘What Do You Think?’, 2018, p. 78: <https://emnbelgium.be/publication/what-do-you-think-voice-migrant-and-refugee-children-living-belgium-unicef>

²⁰ <https://www.ft.com/content/4848628a-0831-11e8-9650-9c0ad2d7c5b5>; see also MSF, 2018: p. 4

standard of living as well as adequate health care to *everyone*, ‘without discrimination of any kind’ such as ‘national or social origin... or other status’. Belgium’s systematic practice of withholding even the most basic services to individuals with an irregular migratory status thus appears to directly contravene its obligations under international law.²¹

Lack of shelter

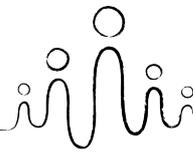
10. In practice, Belgium’s policy is particularly concerning as, based on RRE’s research findings, the desired destination of many refugees and displaced individuals in Belgium is in fact the UK, due to a general belief that the chances of being granted asylum there are higher.²² This means that many do not claim asylum in Belgium and that, despite a relatively stable and manageable number of asylum applications lodged on its territory in recent years, a humanitarian crisis is unfolding, where large numbers of vulnerable individuals²³ are ineligible for shelter and forced to sleep rough without access to basic rights or services. The situation in Brussels appears to have intensified since the destruction of the so-called ‘Jungle’ camp in Calais, France, which hosted up to 10,000 individuals at its peak.
11. In Brussels, most displaced individuals and refugees live rough in Maximilian Park, Gare du Nord and surrounding areas. In mid-2019, it was estimated by groups operating on the ground that there were between 1000 and 1200 displaced individuals in Brussels, possibly more. Where individuals were previously able to seek shelter in the Gare du Nord train station, this place of refuge is now regularly evicted, with displaced people being driven away with nowhere else to go.²⁴ However, this situation is not limited to Brussels, extending across Belgian territory, with hundreds of refugees and displaced individuals currently living in makeshift camps in the south of the country, alongside motorways. According to the La Plateforme, their precarious facilities in these locations are regularly dismantled by the police and in most cases individuals only survive with the help of citizens.
12. Even those who have applied for asylum in Belgium, however, are sleeping rough. At the time of RRE’s study in 2018, 10.4% of participants had indeed already applied for asylum in Belgium, but were nonetheless sleeping rough in the park and the surrounding streets, despite Art. 3 of the EU Reception Conditions Directive clearly defining the scope of its provisions as applying to ‘all’ individuals who have applied for asylum in the Member State concerned. One Afghan male, aged 27, who had claimed asylum in Belgium and was waiting for a decision explained: “I am a young guy, and I don’t want to smell bad but I live in the streets [under a cardboard box] and I can’t shower often. When I go on the train I think people can smell my bad smell and I feel so horrible. I ran away from the Taliban and they bombed my

²¹ See also Universal Declaration of Human Rights (UDHR), Arts. 22, 25 and 26, read in conjunction with Articles 1, 2, and Preamble rec. 1.

²² RRE, 2018, p. 4

²³ According to Médecins Sans Frontières, who provide essential mental health care for refugees and displaced individuals in Belgium, the most frequently reported life events leading to the mental health problems of patients were ‘detention or kidnapping’ (28,5%), torture (19,7 %) and physical violence due to conflict (19,1%) experienced in their countries of origin or transit, in particular Libya, meaning many individuals arrive in Belgium in an ‘extremely vulnerable’ condition. See MSF, 2018, p. 11.

²⁴ RRE, 2019, p. 6: <https://refugee-rights.eu/wp-content/uploads/2019/12/Belgium-2019-v3-web.pdf?fbclid=IwAR1qN2D-XYBb0LN03jbXTYPq5ILq2QX5S9nDHoteHmNAvdBLZ69RLIf> (hereafter ‘RRE, 2019’).



village”.²⁵

13. To indicate the scale of harm caused by Belgium’s current policy of withholding reception and services from refugees and displaced individuals on its territory, in MSF’s patient history database reveals that the most often cited category of reasons for patients’ mental health problems is ‘Other’. According to MSF, the events most commonly occurring in this category are related to living conditions in Europe, especially Belgium, which cause or worsen individuals’ mental health condition. One quarter of MSF’s patients in fact explicitly mentioned the following: suffering due to living conditions in Belgium, including sleeping on the street; social exclusion and the lack of dignity (the inability to take care of yourself) and discrimination. Moreover, patients described how these factors directly linked to their situation in Belgium, remind them of and aggravate the trauma arising from their experiences in countries of origin and transit, such as Libya. For example, sleeping on the street leads and police violence risk leading to reactivation of trauma.²⁶ In June 2018 an alarming 94% of respondents reported that they were currently living in the street, the park or in the surrounding area and 7.7% reported that they were staying in accommodation centres.
14. A network of local citizens has also been providing shelter to displaced people throughout the year. Since August 2017 there has been a large increase in the number of such homestays, with displaced people now having had a bed in a Belgian home for the impressive equivalent of 50,000 nights.²⁷ However, despite the overwhelming generosity of large numbers of citizens in Brussels, the number of displaced people greatly exceeded the number of available homestays, which meant that the majority still had to endure the realities of the park instead.²⁸ Moreover, in response to such citizen solidarity, the Belgian Government proposed introducing warrants, which would grant police the right to break into the homes of people suspected of helping migrants who have been ordered to leave the country, which has led to protests.²⁹ In other words, Belgium is currently not only failing to withhold its obligations under Article 11 of the Covenant, but actively penalizing and criminalizing civil society attempting to make up for its failures, to uphold refugees and asylum seekers’ right to an adequate standard of living and specifically, housing.
15. Living conditions for displaced people in Brussels (the majority of which live in and around Maximilian Park), and for those living in other parts of Belgium such as in the makeshift camps in the Wallonia region of southern Belgium, remain wholly inadequate. The conditions in which people are forced to live are characterised by little access to appropriate sanitation facilities and reliance on the limited food distributions arranged by local organisations and civil society, in contrast to Belgium’s obligation under Article 12 of the Covenant, to take steps to achieve the full realization’ of the ‘right of everyone to the...highest attainable standard of physical and mental health’, including ‘the improvement of all aspects of environmental and industrial hygiene’. As a result of these inadequate living conditions, coupled with police violence (see below), an alarming 82.5% of respondents told RRE in June 2018 that they ‘don’t feel safe’ or ‘don’t feel safe at all’

²⁵ RRE, 2018, p. 26

²⁶ MSF, 2018, p. 12

²⁷ RRE, 2018, p. 4

²⁸ RRE, 2018, p. 19

²⁹ EU Observer, January 2018: <https://euobserver.com/migration/140768>.

in Belgium. Only four individuals stated that they felt 'safe' or 'perfectly safe', whilst 14% felt 'so-so'. This lack of a sense of security was brought on by the insecure and unhealthy living environment in Maximilian Park and the surrounding streets, and the desperation that was felt by many.³⁰

Food

16. In addition to the poor living conditions and lack of shelter, 72.6% of respondents told RRE that they did not have access to sufficient food every day. The majority of displaced people in the area relied on food handouts from local volunteer groups, who are distributing food in the park. Whilst food distributions appeared to take place on a daily basis, many respondents explained that they would sometimes miss the distribution time, which meant that they would then not eat all day. The regularity of food intake was therefore disrupted for many people.³¹ Poor quality food that may be insufficient in quantity or portion size has also been widely reported within detention facilities in Belgium.³²

Clothing

17. Contrary to Belgium's obligation under Article 11 of the Covenant to 'recognise the right of everyone' to adequate clothing, it appears that Belgian police in fact engage in arbitrary confiscation of personal possessions and clothing of displaced individuals and refugees.³³ 51.4% of respondents interviewed by RRE in June 2018 reported that their possessions had been taken since arriving in Brussels with 68.4% stating that their items were removed by the police.³⁴ RRE would like to draw the Committee's attention to Article 17(2) of the Universal Declaration of Human Rights, stating "No one shall be arbitrarily deprived of his property". The belongings that were removed were often items of clothing, with a number of respondents reporting that the police had taken their shoes.³⁵ One Algerian man alleged that the police had taken money from him and several other people reported having had their phones seized. The confiscation of mobile phones is of particular concern, because the device – and the address book within it – is often the only way for displaced individuals and refugees to contact the family they have left behind.³⁶ RRE would like to note the Covenant's emphasis on the importance of family as outlined in Article 10(1).

18. Living conditions for displaced individuals held in detention in Belgium are similarly inadequate. Detainees reported a lack of privacy in detention centres, amid regular 'searches' of the facilities and infrequent access to showers.³⁷ As reported by the NGO Info Migrants in their coverage of the police union strikes: "Several of the cells aren't fit to house people: some lack windows, others daylight, and many lack video surveillance or means for the detained person to contact the guards in case of an

³⁰ RRE, 2018, p. 11

³¹ RRE, 2018, p. 20

³² RRE, 2019, p. 5

³³ RRE, 2018, p. 13

³⁴ Ibid.

³⁵ See also RTBF, September 2018: https://www.rtb.be/info/societe/detail_deux-policiers-flamands-accuses-de-vol-d-argent-sur-un-migrant?id=10015868

³⁶ RRE 2018, p. 13

³⁷ Case study provided by representative from La Plateforme.

emergency. Electrical wires hang loose in many of the cells”.³⁸ Vluchtelingenwerk Vlaanderen reports that violence and mistreatment endangering the physical and mental health of individuals is similarly widespread during forced returns carried out by Belgian authorities, though it is often difficult to maintain contact with failed asylum seekers following repatriation.³⁹

19. The following case studies are illustrative of such situations: “The first example is that of a young Ethiopian who was removed during 2019 and who recounted the story of his deportation over the phone to his host. He was taken early one morning from his room in the centre at 127 Bis in Brussels and was then sedated and his hands and feet were tied up. He reports that he was gagged and hooded during most of the journey, and his restraints were only loosened several hours later. A further example is G., a Kurdish national, who twice resisted against his removal to Romania. During the second attempt, the police officers hit him with batons. In accordance with the account he provided over the telephone, he still bore marks of the blows several weeks later. He asked to be seen by the centre’s doctor, who refused. Without a solicitor, he has not been able to file a complaint about this mistreatment”.⁴⁰

3. The Right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Art. 12)

20. In Belgium, it appears that non-governmental organisations (NGOs) are filling the void that is left by the Belgian Government, in contrast to Belgium’s obligation under Article 12(2d) of the Covenant, to create conditions that ‘assure to all medical service and medical attention in the event of sickness’. For example, in and around Maximilian Park, Médecins du Monde and Médecins Sans Frontières (MSF) offer health checks, while La Plateforme offers clothing, counseling and legal advice.

21. The poor living conditions experienced are likely to have a detrimental impact on the health of the refugees and displaced people. In Brussels, 45.1% of respondents reported that they had experienced a health problem since arriving in Belgium. 37.3% of these respondents believed that these problems were caused by the unhealthy living environment on the streets of Brussels. 58% of those who had experienced a health problems told researchers that they had been unable to access medical care in Belgium. Worryingly, 29.4% of respondents referred to their health concern as a mental health problem, rather than a physical ailment.⁴¹ The length of time that respondents had spent in displacement, coupled with their precarious living situation, appears to be having a detrimental impact on their mental health. Indeed, a number of the displaced people interviewed demonstrated signs of potential psychological illness. For instance, a 27-year-old Afghan man, who was awaiting the outcome of his asylum claim in Belgium whilst living on the streets, said: “I am going completely crazy. I am afraid I will kill myself”.⁴²

³⁸ Ibid.

³⁹ RRE, 2019, p. 16

⁴⁰ Case study provided by La Plateforme.

⁴¹ RRE, 2018, p. 19

⁴² RRE connected the individual with local groups for support and guidance.

22. Access to medical care is similarly lacking in Belgian detention centres, and varies depending on the medical infrastructure and the doctor present. There are reports of limited care available for individuals with mental health issues.⁴³ In 2018, inadequate conditions at the detention centre 127 Bis contributed to the decision by four police unions to go on strike. According to Thierry Belin, national secretary of the police union SNPS: "People arrive in terrible sanitary conditions. They only get looked at by the doctor if they show any outward sign of disease".⁴⁴ In August 2015, the Belgian authorities began to exempt from detention asylum applicants with a high chance of receiving protection status, e.g. Syrian nationals and those with particular vulnerabilities, assigning them instead to special NGO reception sites.⁴⁵ However, no vulnerability assessment is carried out before detaining asylum seekers at the border or within Belgium. According to Vluchtelingenwerk Vlaanderen in its report for the Asylum Information Database, "organisations visiting detention centres have reported pregnant women and persons with mental and physical health conditions inside detention centres, without adequate access to healthcare".⁴⁶
23. While Art. 7 of Belgium's Aliens Act stipulates that detention should be used only when less coercive measures are exhausted, judges who oversee cases of migrant detention are limited to checking whether detention is strictly legal.⁴⁷ They are not tasked with determining whether the vulnerability of the detainee was taken into consideration or whether alternatives existed. This limited mandate stands in contrast to that of the same judge in reviewing the detention of a Belgian national in prison. As noted by a representative from Vluchtelingenwerk Vlaanderen: "You can come before the same judge but in one case the judge can take into consideration your health and the opportunities to avoid detention. In immigration cases, the same judge can only check the legality—whether it was made in the right manner, whether the articles were followed, even though the law stipulates that detention should only occur if all other options are exhausted".⁴⁸ It thus appears that the State Party is in fact obstructing access to adequate medical care for certain individuals through their application of national laws.
24. A representative from La Plateforme shared similar observations about inadequate medical care in closed centres, stating that individuals held 'do not have access to psychological support and often claim to be suffering from [mental] troubles linked to prolonged detention'. Individuals also report of being medicated without understanding what the treatment is, with Guards allegedly distributing blue pills "under the table" to help them sleep.⁴⁹

⁴³ AIDA, National Country Report, Update 2018, p. 102.

⁴⁴ Info Migrants: <https://www.infomigrants.net/en/post/12585/belgium-s-controversial-migrant-detention-center-they-don-t-even-have-access-to-showers>

⁴⁵ RRE, 2019, p. 12

⁴⁶ AIDA, Belgium National Country Report – 2018 Update, p. 98.

⁴⁷ As stipulated in Art. 72(2) of Belgium's Aliens Act.

⁴⁸ Personal communication with representative from the NGO Vluchtelingenwerk Vlaanderen.

⁴⁹ Information provided by a representative from La Plateforme.

Police Violence

25. This lack of medical care is combined with excessive police violence in closed detention centres, dubbed “theatres of violence”,⁵⁰ further endangering the physical and mental health of detainees. There are worrying reports of the authorities hitting and slapping individuals, and placing them in solitary confinement. These incidents are underreported because asylum seekers fear retaliation. The story of A., a Sudanese man, illustrates the violence:
26. A. was arrested in Belgium in January 2019 and placed in the Bruges centre. He has not had his fingerprints taken anywhere. Two other Sudanese men who arrived in Bruges at the same time are in the same situation. On his arrival in the centre, A. is summoned to an assistant who explains to him that because he does not have fingerprints, he will have to claim asylum in Belgium from the centre. A., who is aware of the manner in which asylum claims are processed through the closed centre (very low chance of success, no support, etc.), refuses. He leaves the office and returns to his room (shared room for six, linked to a common room). Two guards come to fetch him and tell him that he is expected for his asylum claim interview (by videoconference, with an officer from the Foreigners Office (l’Office des Étrangers) based in Brussels). He refuses. The guards call for backup. Six guards try to take him to the interview room but A. resists. He is beaten and during the assault one of the guards twists or breaks his wrist. A. is taken to a cell and the guards threaten the two other Sudanese men with the same treatment, if they do not accept to go to the asylum interview. They therefore accept. A. is left in the cell for 48 hours (maybe more) and does not receive any care for his wrist, which is swollen and painful. He is not authorised to file a complaint about his injury, under the pretext that it is the weekend and neither the doctor nor the director are present.
27. In the days that follow, he requests a medical consultation and is eventually attended to by the medical assistant, who records his request and declares that he has hurt himself during a football match. Finally, he is examined by the doctor with a fellow detainee who acts as a translator. During the medical consultation, the doctor gets annoyed with A., asking him to move his hand. The doctor grips A.’s hand and moves it by force. A. moves due to the pain and the doctor hits him in the face violently with the flat of his hand. A. falls off his chair. The episode is overheard by guards and other detainees in the waiting room. The guards, who think A. has hit the doctor, rush in and when they discover the situation they laugh and make fun of A. Then A. is put into medical isolation for almost a week, until volunteers from an NGO, accredited for visits, report the situation. The blow given by the doctor was acknowledged by the director of the Foreigners Office, but as far as we are aware, no administrative or legal follow-ups, nor any sanctions, have taken place. A. stayed in the Bruges centre for several more weeks, during which time he says he was put in a cell and beaten on several occasions. He was then removed, in a manner which to date has still not been explained, to Italy, where he had no fingerprints recorded.⁵¹

⁵⁰ RRE, 2019, p. 15

⁵¹ Case study provided by representative from La Plateforme.

Forced evictions and raids

28. Far from honoring its obligation to ‘take steps to achieve the full realization of’ everyone to the highest attainable standard of physical mental health, it appears that the Belgian police’s harassment and violence toward displaced people and refugees in fact endangers displaced individuals’ mental and physical health. 44.7% of respondents who RRE interviewed in 2018 stated that they had experienced violence from the police in Belgium, with 66.7% describing it as physical violence, 19.5% had experienced tear gas in Belgium, while 52.9% had experienced verbal abuse by police in Belgium. Moreover, 54% reported having been arrested or detained during their stay in Belgium.⁵² A large percentage of these people had been subjected to physical and verbal abuse by the police, often taking the form of intimidation tactics, in an attempt to uproot people from their sleeping places. One individual described how the police used their boots to kick individuals who were sleeping in the park. A 26 year old man from Sudan stated “I got beaten by police when I was in the station and in the park”.⁵³ A 25 year old Eritrean man explained “I had heard about the cruelties and hardships in Libya so they did not surprise me but since I am in Europe I am truly shocked. I did not imagine it so bad”.⁵⁴
29. Alarmingly, during RRE’s study, there were also several accounts of unconventional forms of abuse. For instance, respondents claimed that police would sometimes inject refugees at the police station with a sedative; some reported having felt side-effects in the aftermath, such as mental health issues, anxiety and prolonged drowsiness. There appeared to be no medical records of what substances had been injected, and those administering the doses did not appear to check whether the people were allergic or intolerant to the substance, raising serious concerns. Other individuals reported that the police had taken them ‘underground’ and made them take off their clothes; including female interviewees. For example, one 17-year-old Eritrean girl recounted being arrested, placed in handcuffs and forced to go ‘underground’ in ‘very cold’ temperatures.⁵⁵
30. In Belgium RRE has also identified a systematic practice of forced dispersals/ evictions of displaced individuals from their (already inadequate) makeshift sleeping places, without offering an alternative. 86.6% of those interviewed had been driven away by police from their sleeping spot, 70.8% of whom described the incident as ‘violent,’ whilst 15.6% said that it was ‘peaceful’. Only 11.3% of these individuals had been told where they could sleep instead. In this context, a 27-year-old man from Afghanistan, who had claimed asylum in Belgium but was left to sleep rough whilst waiting for the outcome of his claim, explained that the police had woken him up, refused to look at his asylum papers and instead accused him of being in Belgium illegally.⁵⁶
31. He explained to researchers: “The police asked me why I came here illegally. I showed them my asylum claim papers but they didn’t want to look and didn’t believe me. I’m not doing anything wrong”. Meanwhile, a 21-year-old man from

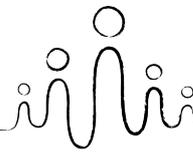
⁵² RRE, 2018, p. 18

⁵³ Ibid., p. 15

⁵⁴ Ibid., p. 14

⁵⁵ Ibid., p. 16

⁵⁶ Ibid., p. 17



Sudan explained: “They kicked me when I was sleeping and said ‘go away’”.⁵⁷ A representative from a local grassroots group explained to RRE that Maximilian Park borders two boroughs of Brussels, and that the police from one borough drive displaced people away from the park and tell them to sleep in the train station.⁵⁸ This is followed by raids in the train station by the police from the other borough, typically telling people to go back to the park. Such practices provide a probable explanation for respondents stating that they kept being sent back and forth, and describing confusion about where they could sleep. Some individuals interviewed by RRE cited the general treatment by the authorities as a major reason for wishing to leave Belgium. For instance, a 17-year-old boy from Egypt explained: “I don’t want to stay here because it’s not good here. The police is not good here”. A 16-year-old boy from Eritrea also commented on the extent of police violence, reporting that he had been ‘grabbed’ by police and two individuals in his group of friends had been detained while walking to the train station.⁵⁹

⁵⁷ Ibid.

⁵⁸ For documentation of the raids, see e.g.: <https://www.zintv.org/Rafles-au-parc-Maximilien>.

⁵⁹ RRE, 2018, p. 26