

BELGIUM

**SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS
COMMITTEE 126TH SESSION
14 October – 9 November 2019**

Executive Summary

Ahead of the consideration of the sixth periodic report submitted by Belgium, on 15th October 2019 at the 127th session of the Human Rights Committee, Refugee Rights Europe (RRE) submits the following report, based on our independent field research, investigating and documenting the treatment of asylum seekers and refugees in Belgium in 2018. The report additionally includes observations from two frontline non-governmental organisations operating in Belgium: La Plateforme Citoyenne de Soutien aux Réfugiés and Vluchtelingenwerk Vlaanderen, as well as desk research. 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. 'Prohibition Of Torture And Of Cruel, Inhuman Or Degrading Treatment Or Punishment, Security Of Person And Treatment Of Prisoners (Art. 7)

Issues Raised in Par. 13: 'Safe Third Countries' and Non-Refoulement

2.a Safe Third Countries

3. Following the reform of the Aliens Act in March 2018, the Belgian government introduced the concept of "safe third country" as grounds for inadmissibility. However, the Commissioner General for Refugees and Stateless Persons (CGRS) stated that it would apply this concept only under exceptional circumstances and that it did not intend to maintain a list of safe third countries. According to Vluchtelingenwerk Vlaanderen, this concept has yet to be applied.¹
4. To assess the situation for displaced people and asylum seekers in Belgium, Refugee Rights Europe (RRE) interviewed 118 displaced people in June 2018 in and around Maximilian Park.² Refugees and displaced people in Brussels appear to have very little access to information on how to change their situation and on the European asylum system generally, which obstructs them from finding constructive solutions to the precarious situation in which they currently find themselves. 92.7% of respondents told researchers that they could not go back to their own country.³
5. A large number of respondents reported feeling unsafe on the streets of Brussels, largely due to the uncertain living environment, the heavy-handed approach adopted by the Belgian authorities as well as constant fear of deportation or push-backs.
6. A worrying 79.8% of respondents did not have access to information about their rights and opportunities, while 75.2% stated that they were unable to access information about European immigration and asylum rules, including information about family reunion. For example, the Belgian government has admitted to distributing letters discouraging Iraqi and Afghan nationals from applying for asylum.⁴ Moreover, the government allegedly launched a communication campaign on a major social network that attempted to dissuade asylum seekers from coming to Belgium, claiming that they would be arrested or deported to their country of origin if they did, without any mention of the right to seek asylum.⁵

¹ AIDA, Belgium National Country Report, Update 2018, p. 59

² Refugee Rights Europe, *Left in Between*, 2018: https://refugeerights.org.uk/wp-content/uploads/2018/09/RRE_LeftInBetween.pdf. Hereinafter, '*Left in Between*'.

³ Ibid, p. 29.

⁴ Ibid.

⁵ See for example NVA, October 2018: <https://francais.n-va.be/actualite/une-campagne-sur-facebook-deconseille-aux-transmigrants-de-venir-en-belgique>

2.b Non-Refoulement

7. Brussels in September 2017, the Belgian authorities detained 99 Sudanese nationals, 47 of whom they aimed to return to Sudan and the remaining 52 to the EU country where they were first registered. Ultimately, 9 Sudanese individuals were forcibly returned to Khartoum where they were allegedly detained and subjected to beatings by Sudanese authorities.⁶ According to a 2018 report by Amnesty International,⁷ Belgium violated the principle of non-refoulement in three ways:
 - The individuals returned might have come from conflict areas, and those returned were subjected to ill-treatment;
 - The Belgian authorities conducted only ‘summary reviews’ of the risks upon return to the detained, rather than thorough analysis;
8. The Belgian authorities invited Sudanese officials to interview and identify individual who may have needed international protection, and in at least two cases granted them access to sensitive information without properly considering the risks to the individuals upon return. In February 2018, the CGRS issued a report following a general inquiry into the above events, which concluded that it could not determine whether torture or inhuman and degrading treatment had occurred following the forced return. However, it did conclude that Article 3 ECHR had been insufficiently upheld and thus proposed recommendations, which are currently under consideration.⁸
9. Despite the European Court of Human Rights’ stipulation that extremely rigorous standards be maintained when contemplating a forced return to Somalia,⁹ there are alarming reports of the Belgian authorities seeking to return failed asylum seekers who would face near certain death. A recent case involves three failed attempts at return of a young Somali boy, the most recent of which was thwarted when passengers on his flight from Istanbul to Djibouti refused to board the plane upon learning of the young man’s credible fears.¹⁰
10. According to representatives from La Plateforme Citoyenne de Soutien aux Réfugiés, Belgium deports individuals to countries that frequently engage in refoulement, for example, France, the Netherlands, and Sweden. In addition, there are examples of endless and perverse cycles of deportations under the Dublin III Regulation, as evidenced in this case study provided by the online information platform Getting the Voice Out:
11. *S arrives in Italy and is sent to Switzerland as part of the European resettlement plan. His asylum application in Switzerland has been rejected. He continues his way to Belgium. On his way to inquire about a possible asylum application in Belgium: he was arrested at Brussels-Midi station and brought to a closed centre. Fifteen days later he is sent back to Switzerland without being able to warn anyone and then deported to Italy. He returns to Belgium, and goes to the Office des étrangers on 28/06/19 to register. He is told to come back in a month. On the 22/07/19 he goes back to the Office des étrangers. From the moment he set foot there, no more news... disappeared! Appeal to find him has been*

⁶ AIDA, Belgium National Country Report, Update 2017, pp. 96-97

⁷ <https://www.amnesty.org/en/documents/eur14/7811/2018/en/>

⁸ AIDA, Belgium National Country Report, Update 2017, pp. 96-97

⁹ <https://www.skmr.ch/frz/domaines/migration/nouvelles/refoulement-somalie.html>

¹⁰ Case study provided by representative from La Plateforme Citoyenne de Soutien aux Réfugiés. See also: <https://france3-regions.francetvinfo.fr/nouvelle-aquitaine/correze/mobilisation-contre-expulsion-pirate-somalien-menace-mort-son-pays-1668819.html>

*made but unsuccessful in all centres. On 27/07/2019, 5 days later, he tells us that he has been released from a prison in Rome!*¹¹

12. As recently as 28 August 2019, there has been a tragic case of an Iraqi man who was found dead in the North Sea after reportedly applying for asylum in Belgium and being rejected at least five times.¹²
13. Overall, the lack of information and complex asylum procedures have an extremely damaging impact on the emotional and psychological wellbeing of asylum seekers, as evidenced by the following case study:
14. *"I prefer to die in my country over this life in Belgium" says my M. who is once again locked up in a closed centre. His face is drawn. As if something is eating him up inside. I saw him only 5 days ago but nevertheless, I almost don't recognise him. He barely looks at me and his hand squeezes mine so hard that I can feel the bones in my fingers. As soon as we sit down he announces that he wants to ask to be sent back to Sudan. There, he would be put in prison where at last, Allah Karim, he might not have to worry any more. Not at all. For once, in front of him, I do not succeed to hide my tears. They fall on the formica table, in the canteen where the visits take place. Over the course of a year and a half, he has become a bit like a son to me. He bends forward towards me to try and catch my tears before they hit the table, where he will eat tonight. At the end of the visit, he promises that he will not do anything until we have spoken to the solicitor. I know he is doing this for me. He does not like to see me cry.*¹³

3. Refugees and Asylum Seekers (Arts. 7, 9, 10, 12–14 and 24)

Issues Raised in Par. 20: Circumstances Warranting Detention of Migrants and Conditions in Detention

3.a Circumstances Warranting Detention of Migrants

15. Two laws underpin the detention of migrants and the conditions in detention centres: the Entry, Stay, Settlement and Removal of Foreign Nationals law or 'Aliens Act' (1980) and the Reception Act (2007).¹⁴
16. Article 7 of the Aliens Act permits detention of foreign nationals 'unless other sufficient but less coercive measures can be applied effectively'. Removal orders can be issued to foreign nationals who are staying in the country irregularly, pose a threat to public order and security,¹⁵ have been readmitted to Belgium or are about to be removed,¹⁶ present false information regarding their situation to authorities, or are awaiting the fulfilment of a removal order and are considered likely to impede the fulfilment of that order.¹⁷ Under Article 74(5), foreigners can be placed in detention for unauthorised entry at the border by border officials. Asylum seekers who have had a claim rejected can be detained as well as asylum seekers who are being investigated under the Dublin Regulation, in order to prevent them from 'absconding'.¹⁸
17. According to Vluchtelingenwerk Vlaanderen, the time limit to detention under Belgian law is six months, with an extension up to eight months in cases where the individual is

¹¹ <http://www.gettingthevoiceout.org/repeated-deportations-19082019/>

¹² Standaard, August 2019: https://www.standaard.be/cnt/dmf20190827_04577703

¹³ Case study provided by representative from La Plateforme Citoyenne de Soutien aux Réfugiés.

¹⁴ <https://www.globaldetentionproject.org/countries/europe/belgium>

¹⁵ Article 52(4)

¹⁶ Articles 7(9) and 7(10)

¹⁷ Articles 27(3) and 74(6) respectively.

¹⁸ <https://www.globaldetentionproject.org/countries/europe/belgium>

deemed a danger to himself or society. The maximum period permitted under European law is 18 months.¹⁹ However, this time limit can easily be exceeded if the nature of the individual's claim changes. If, for example, an individual decides to lodge an asylum claim in lieu of repatriation, any time they spent in detention during the repatriation decision would not be counted against a total period of 18 months in detention. Effectively, the clock starts over.

18. The Aliens Act prohibits detention in a closed centre of families travelling with minor children. Instead, they must be placed in facilities with conditions that 'meet their needs', these conditions are however not currently defined by law.²⁰ Until recently, in unique circumstances, for example if the family fled from the return home, limited detention of 14 days was permitted with the possibility of an additional 14-day prolongation. On August 14, 2018, a single mother and her four children were detained for 28 days, the maximum period, before being transferred to a return home. Following their escape from the return home, the family was again placed in detention. Only on October 9th was the family released, a period which amounted to more than 50 total days of detention in the family units.²¹ Between August 2018 and January 2019, a total of 19 children were detained with their families in closed family units.²² Following several rulings by the European Court of Human Rights, the Belgian State Council suspended this practice in April 2019.²³
19. Unaccompanied minors are the only group exempt from detention by law.²⁴ In accordance with the Reception Act, unaccompanied minors apprehended at the border are to be transported to Observation and Orientation Centres (OOC) for unaccompanied children. However, this only applies to unaccompanied children whose age claims have not been disputed, leaving many unaccompanied minors at risk of being unlawfully detained in Belgium.²⁵ A representative from Vluchtelingenwerk Vlaanderen asserted that "these classic age tests are really quite inconclusive. They are based on outdated science and the individuals don't enjoy the benefit of the doubt. They are presumed adults until proven otherwise".²⁶ A 17-year-old boy from Somalia detailed his experience with the state-administered age test in a report for UNICEF:
20. *As regards age, it's not a fair situation; no one knows, except our parents. I was 16 when I arrived, I'm sure of my age, they told me 'you're 18' and it's written 18 in the letter. I think this method isn't fair, I find it difficult that someone else is telling you how old you are. The fact that we don't receive any explanation about the results makes it all very difficult to understand.*²⁷

¹⁹ Article 15, Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals.

²⁰ http://www.asylumineurope.org/sites/default/files/resources/181205_myriadoc_detention_2018.pdf

²¹ AIDA, Belgium National Country Report, 2018 Update, p. 97. See also Myria, 'Myriadoc 8: Retour, détention et éloignement, December 2018':

https://www.myria.be/files/181205_Myriadoc_de%CC%81tention_2018.pdf, p. 43.

²² *Ibid.*, p. 98.

²³ Information provided by Vluchtelingenwerk Vlaanderen.

²⁴ <http://www.asylumineurope.org/reports/country/belgium/detention-asylum-seekers/legal-framework-detention/detention-vulnerable>

²⁵ *Ibid.*

²⁶ Personal communication with representative from Vluchtelingenwerk Vlaanderen.

²⁷ UNICEF Belgium, *What Do You Think? The Voice Of Migrant And Refugee Children Living In Belgium*, 2018, p. 70: <https://emnbelgium.be/publication/what-do-you-think-voice-migrant-and-refugee-children-living-belgium-unicef>. Hereinafter: 'What Do You Think?'.

21. Beginning in August 2015, Belgian authorities began to exempt from detention asylum applicants with a high chance of receiving protection status, e.g. Syrians, and those with particular vulnerabilities, assigning them instead to special NGO reception sites.²⁸ 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”.²⁹
22. While Article 7 of the 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.³⁰ 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 reviewing the detention of a Belgian national in prison. As noted by a representative from Vluchtelingenwerk Vlaanderen,
23. *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.*³¹
24. In interviews with displaced people conducted by RRE in Brussels in 2018, 54% of respondents reported having been arrested or detained during their stay in Belgium. A large percentage of the respondents had been subjected to physical and verbal abuse by police. This often took the form of intimidation tactics, in an attempt to uproot people from their sleeping places. Respondents also stated that the police frequently confiscated their belongings including shoes, clothes, money and phones.³² Moreover, some participants claimed to have been injected with sedatives or asked to strip off their clothing in an underground room at cold temperatures.
25. Some respondents were under the impression that the police can arrest and detain “without reason”. A number of interviewees stated that individuals provide false names when detained due to fear. This leads to further complication as local charities and friends are thus unable to trace and help said individuals.³³ One Sudanese minor told researchers that his brother had been detained for approximately four months. He did not know where his brother was being held or how he could contact him. A 16-year-old Eritrean similarly described that he had witnessed the Belgian police detaining people in unknown locations and that people could go missing for several weeks and sometimes months. This was confirmed by numerous Sudanese respondents. Other interviewees added that when the police release individuals from detention, they often do this at night and in locations that are far away from the Brussels city centre,³⁴ putting these individuals in a highly vulnerable situation.
26. Furthermore, RRE received disconcerting reports of unconventional forms of abuse. For instance, respondents claimed that police would sometimes inject refugees at the police

²⁸ AIDA, Belgium National Country Report – December 2015, p. 62.

²⁹ AIDA, Belgium National Country Report – 2018 Update, p. 98.

³⁰ As stipulated in Art. 72(2) of the Aliens Act.

³¹ Personal communication with representative from Vluchtelingenwerk Vlaanderen.

³² RTBF, September 2018: https://www.rtbf.be/info/societe/detail_deux-policiers-flamands-accuses-de-vol-d-argent-sur-un-migrant?id=10015868

³³ Refugee Rights Europe, *Left in Between*, p. 18.

³⁴ Ibid.

station with sedatives that caused side-effects in the aftermath, such as mental health issues and prolonged drowsiness. Individuals were issued no medical records of what substances had been injected and those administering the doses did not check whether individuals might be allergic or intolerant to the substance, which raises serious health and safety concerns. A 26-year-old Sudanese man recounted his interaction with the police: “I got beaten by police when I was in the station and in the park.” Other respondents, including female interviewees, reported that the police had taken them “underground” and made them take off their clothes. One 17-year-old Eritrean girl had allegedly been arrested, placed in handcuffs and made to ‘go underground’ at very cold temperatures.³⁵

27. A 16-year-old Eritrean boy similarly commented on the extent of police violence, reporting that he had been ‘grabbed’ by police and that two of his friends had been detained while walking to the train station. The local host of a group of young Ethiopian asylum seekers recounted an episode of police violence endured by one of her wards:
28. *About twelve days ago, he found himself without a ticket on board a train with four friends. Following a ticket inspection, three policemen in plain clothes arrived. The young people were taken to the toilets, where they had to take turns undressing themselves – permitted only to keep their underwear on – while their clothing was ‘searched’. One of the policemen found a small kitchen knife in A’s pocket. He grabbed him by the throat and started to strangle him. A. explained to me that he could not breathe. Then, the policeman hit him by the mouth with his fist and told him “if I see you again, I will kill you”.*³⁶

3.b Conditions in Detention

29. According to Belgian law,³⁷ individuals subject to detention should have access to free legal assistance for judicial review of the detention decision. However, aside from the closed centre in Vottem,
30. *(The) centres have no first line legal assistance service³⁸ and the assignment of a lawyer depends entirely on the social services in the centre. The “Transit group” coordinates a system of regular visitors that monitors migrants entering detention, provides them with free first line advice and refers them to an NGO for more specialised assistance if necessary. In practice, asylum seekers are often referred to inexperienced lawyers... The system organised by the law does not offer sufficient means to enable lawyers to specialise themselves in migration and asylum law. This creates a structural shortage of qualified legal aid.*³⁹
31. There are concerning reports of detainees being unaware of their right to free legal representation. According to La Plateforme Citoyenne de Soutien aux Réfugiés, when the

³⁵ Ibid, p. 16.

³⁶ Case study provided by La Plateforme Citoyenne de Soutien aux Réfugiés.

³⁷ Articles 39(56) and Article 90 Aliens Act.

³⁸ “The so-called “first line assistance” is organised by local commissions for legal assistance, composed of lawyers representing the local bar association and the public centres for social welfare (CPAS / PCSW). There, first legal advice is given by a lawyer or a person is referred to a more specialised instance, organisation or to “second line assistance”, completely free of charge, regardless of income or financial resources. The first line assistance is organised in each judicial district by the Commission for Legal Assistance. Besides these lawyers’ initiatives, there are also other public social organisations and NGOs providing this kind of first line legal assistance.”

³⁹ AIDA, National Country Report, Update 2018, p. 105.

right is invoked, certain pro bono lawyers accept cases but ultimately fail to represent their clients. Reportedly, some officials working in the detention centres fail to accurately share detainees' information with lawyers. Still more alarming are accounts of detainees being intentionally fed misinformation to prevent them from invoking this right, including being told that recourse to a lawyer prolongs detention, that lawyers share their clients' information with the police, or that recourse to a lawyer can only be invoked after five days in detention, when in fact detainees have five days to challenge their detention under Belgian law.⁴⁰

32. After being detained, asylum seekers are informed in writing of the detention decision, the reason for detention and the ability to lodge an appeal. However, the reasons given for detention are often generalised, and translation of the decision is not required by law. In some centres, detainees can request interpreters.⁴¹ Owing to the complex linguistic, administrative and geographical context in Belgium, NGOs report that pro bono lawyers are frequently unable to appeal before relevant courts. As a result, there are very little jurisprudence challenging detention.⁴²
33. Access to medical care varies among detention centres and depends largely on the medical infrastructure and the doctor in place. 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 A representative from La Plateforme Citoyenne de Soutien aux Réfugiés shared similar observations about inadequate medical care in closed centres:
34. *To my knowledge, people detained in closed centres do not have access to psychological support and often claim to be suffering from [mental] troubles linked to prolonged detention. They also claim to be medicated without understanding what the treatment is. Guards distribute blue pills "under the table" to help them sleep.*⁴⁵
35. In detention centres, sites La Plateforme Citoyenne de Soutien aux Réfugiés called "theaters of violence," there are worrying reports of authorities employing racist and hateful language against detainees, hitting and slapping them 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:
36. *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*

⁴⁰ Information provided by La Plateforme Citoyenne de Soutien aux Réfugiés.

⁴¹ AIDA, National Country Report, Update 2018, p. 103.

⁴² Caritas International, CIRÉ, Ligue des Droits de l'homme, MRAX, 'Centres Fermés Pour Étrangers – État Des Lieux', December 2016: <https://www.cire.be/presse/communiqués-de-presse/les-centres-fermes-pour-étrangers-un-mal-non-nécessaire-communiqué-de-presse-23-janvier-2017>.

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

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

⁴⁵ Information provided by a representative from La Plateforme Citoyenne de Soutien aux Réfugiés.



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.

37. *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's the weekend and neither the doctor nor the director are present. 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.*
38. *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.⁴⁶*
39. *Detainees also reported a lack of privacy in detention centres, amid regular 'searches' of the facilities and infrequent access to showers.⁴⁷ 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 emergency. Electrical wires hang loose in many of the cells".⁴⁸*
40. *In interviews conducted by Getting the Voice Out in 2012, individuals detained at 127 Bis centre reported on the quality of the food, "What they give us for food is really a disaster. Food is insufficient, both in quantity and quality. Many people have lost weight here. It's misery".⁴⁹ One detainee stated: "It's a shame, the situation for eating is really bad. There isn't enough. Imagine the best dish here is rice, it's rice alone! Some of us went on hunger strikes... but it doesn't change anything in the end".⁵⁰ Another individual reported that he feared the food was being mixed with a sedative: "As soon as you eat*

⁴⁶ Case study provided by representative from La Plateforme Citoyenne de Soutien aux Réfugiés.

⁴⁷ Ibid.

⁴⁸ <https://www.infomigrants.net/en/post/12585/belgium-s-controversial-migrant-detention-center-they-don-t-even-have-access-to-showers>

⁴⁹ <http://www.gettingthevoiceout.org/your-plane-leaves-tomorrow/>

⁵⁰ <http://www.gettingthevoiceout.org/i-dont-have-enough-courage-anymore/>

you get quieter and you sleep all the time. You are knocked out. Your body becomes weak. I think they put that in the soup or the bread. As soon as you take it, you calm down”.⁵¹

Issues Raised in Par. 21: Acts of Police Violence During Deportation Operations

3.c Acts of Police Violence During Deportation Operations

41. Vluchtelingenwerk Vlaanderen reports that it is often difficult to maintain contact with failed asylum seekers following repatriation. The circumstances of their repatriation and the treatment they receive during the process are therefore difficult to ascertain. Even so, there are concerning reports of excessive force employed by police during forced returns. The following case studies illustrate these circumstances:
42. *One example is a young Ethiopian who was removed over the course of the year 2019 and who recounted the story of his deportation over the phone to his host. Taken one early morning from his room in the centre at 127 Bis in Brussels, he was sedated and his hands and feet were tied up, he was gagged and hooded during most of the journey. His restraints were only loosened several hours later.*
43. *A further example is G., Kurdish, who resisted twice 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.*⁵²

3.d Unaccompanied Minors

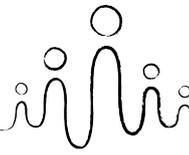
44. The lack of legal migration routes to Europe forces children to take perilous risks and to entrust their lives to smugglers, who are often members of criminal networks. There is disturbing evidence of abuse and exploitation of minors, especially of girls, in the hands of these criminal organisations.⁵³ Once they arrive in Belgium, unaccompanied minors, while legally exempt from detention, face their own struggles as they attempt to navigate the opaque asylum system. A 15-year-old girl from Angola expressed her frustrations with the process in a report for UNICEF:
45. *The asylum procedure is difficult to understand. It’s a difficult issue. Some young people have been here for four or five months and others for much longer, before receiving an answer: positive or negative. Why? Why do some people receive the decision more quickly? We would like there to be more clarity right from the start, as soon as we arrive. It would be clearer and we could start our lives.*⁵⁴
46. A group of young people between the ages of 8 and 17 from eight countries expressed similar anxieties regarding the unpredictable and lengthy asylum process:
47. *The procedure is very difficult for children who are alone here in Belgium. The procedure is far too slow. Some of them wait four, five, six years before getting an answer. In our group, some young people have been here for three years and still haven’t got an answer. It’s impossible to imagine the future in these conditions. You don’t know where*

⁵¹ <http://www.gettingthevoiceout.org/they-put-things-in-our-food-to-calm-down/>

⁵² Case study provided by representative from La Plateforme Citoyenne de Soutien aux Réfugiés.

⁵³ UNICEF Belgium, *What Do You Think?*, pp. 43-44.

⁵⁴ *Ibid*, p. 60.



you'll have to go afterwards, you've studied, but what's the point in studying if you don't know where you're going to go? Everything is ruined. There should be a procedure limited to one or two years for unaccompanied children. [There] should also be less time between the second interview and the answer. If we get an answer faster, we can start another procedure. If that takes more time, we should at least be told why it's taking so long. Children [who] have spent five years in Belgium and who arrived here when they were little, should receive papers, because they don't know their country of origin anymore.⁵⁵

48. Unaccompanied minors are held in reception centres rather than detention facilities. However, they nonetheless struggle to adapt to the crowded and sometimes violent surroundings. An 18-year-old boy from Syria recalled his experiences being housed in a large reception centre:
49. *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 thing, we didn't speak the same language. I don't speak English.⁵⁶*
50. There are further alarming reports of police putting individuals in detention without first verifying their age, a practice which, according to Vluchtelingenwerk Vlaanderen, appears to be frequently employed with Sudanese boys. Vluchtelingenwerk Vlaanderen also reports that police often apprehend minors on trains or during attempts to board boats, and rather than following legal protocols that would grant minors guardianship and access to services until the age of 18, they just put them back on the streets.⁵⁷
51. There are also disconcerting reports of officials across Europe, including in Belgium, delaying the launching of minors' asylum claims through bureaucratic means until the child turns 18. The following case study does not involve Belgium, but according to a representative from La Plateforme Citoyenne de Soutien aux Réfugiés, is emblematic of similar practices occurring there:
52. *M., 17 years old, arrived in Europe at the age of 15. His fingerprints were taken in Italy, where he was not taken care of. He thus travelled to Luxembourg where he requested asylum as a minor. They refused his claim to be a minor and after a nine-month process he was sent back to Italy, where he was again not taken care of. He subsequently went to Holland, where he filed an asylum claim as a minor. He was then 16 years old. His claim to be a minor was not accepted and he was sent back to Italy after a 10-month process. Today, he is almost 18 and is trying to cross the channel to the UK, where he hopes he will get a chance to submit an asylum claim that will be processed. He only has three months left to launch the claim as a minor and has little hope that he will succeed.⁵⁸*

⁵⁵ Ibid, p. 62.

⁵⁶ Ibid, p. 78.

⁵⁷ Personal communication with representative from Vluchtelingenwerk Vlaanderen. See also Standaard, October 2018: https://www.standaard.be/cnt/dmf20181008_03820135

⁵⁸ Case study provided by representative from La Plateforme Citoyenne de Soutien aux Réfugiés.