



General Information

- Number of inhabitants: 10.76 million at the beginning of March 2009.¹
- Prison population rate per 100,000 inhabitants: 94.
- Link to Probation Services:
 - www.just.fgov.be (Federal Government Justice Department).
- Links to websites:
 - www.belgium.be/nl/justitie/Organisatie/justitieuhuizen/ (Information regarding the Houses of Justice);
 - www.steunpunt.be (Assistance Services for Law Subjects).
- Member of the CEP in: 1984.

Characteristics of the Probation Services

- In Belgium, the definition of probation is restricted. The judge can decide to defer the pronouncement of a sentence or to postpone the execution of a sentence. He can link conditions to these decisions, which is called probation in Belgium. The Probation Service is integrated in the Directorate-General Houses of Justice, but probation work in the broad sense of the term (rehabilitation) is also executed within other departments and associations.
- The Federal Government Justice Department (formerly called Ministry of Justice) is assigned with the task of ensuring the balanced enforcement of judicial decisions and consists of 4 Directorates-General, of which two take care of probation work in the broad sense. The Directorate-General 'Houses of Justice' is responsible for the enforcement of penalties and alternative measures (which includes probation tasks). The Psychosocial Services (which are part of the Directorate-General of Penitentiary Institutions) deals with tasks related to management and planning of detention and psychosocial expert assessments.
- From an organisational point of view, the Directorate-General Houses of Justice can be divided in two levels: a central and a decentralised (local) level. At local level, there is a House of Justice in every court district (in total 28). Each House of Justice is managed by a director, sometimes assisted by one or several key process manager(s), depending on the size of the House of Justice concerned. The actual fieldwork is carried out by approximately 1,100 justice assistants (probation workers, mediators, victim support workers, etc.). At central

¹ International Centre for Prison Studies (2009), *Prison Brief for Belgium*. London: King's College. Available online at: www.kcl.ac.uk/depsta/law/research/icps/worldbrief/

level, the Directorate General consists of different departments (amongst others: the Expertise department and two Regional departments), which are managed by a Director General. Two regional directors (one for the Northern and one for the Southern region) have a managerial position between the central level and the local Houses of Justice.

- Each prison in Belgium has a Psychosocial Service, which operates only inside the prison. The Service is composed of social workers and psychologists. A central Psychosocial Service manages the different Services at central level.
- The regions and communities grant subsidies to associations, known as Assistance Services for Law Subjects. Professionals and sometimes volunteers offer support and assistance to citizens, offenders and victims (and their families), during all stages of the penal process. With regard to inmates, the Assistance Services provide social assistance, which serves as an interface between the custodial environment and society.

Tasks of the Directorate General Houses of Justice

The Directorate General Houses of Justice has been assigned with different tasks. A distinction can be made between penal matters, victim support, civil applications and primary social and legal work. In the text below, only the penal matters will be discussed.

All the penal assignments are carried out with a specific mandate from the judicial authority (judge, prosecutor, investigating judge, etc.). This mandate is very important because it defines the type and range of the intervention by the justice assistant towards the offender. The authorities can impose conditions related to guidance or imperative and prohibitive conditions. The first type of conditions are followed up by the justice assistants, while the latter are monitored by the police.

The justice assistants offer assistance and guidance in ensuring compliance with the conditions imposed. The intention is to ensure that the implementation of sentences or measures passes smoothly and to prevent reoffending. Besides offering assistance and guidance, justice assistants are also involved in writing pre-sentence reports (brief information reports or social inquiries) for judicial authorities. The purpose of a brief information report is to answer a specific question (of the authorities) regarding the attainability of a certain measure. The intention of a social enquiry is to situate the offence in a larger psycho-social context and to propose an individualised measure.

During the pre-trial phase conditional release of pre-trial detention allows the investigating judge or the courts, in cases where preventive detention can be ordered or sustained, to leave defendants un-apprehended or to release defendants by imposing prohibitive or positive terms and conditions. The justice assistant reports to the investigating judge or the court regarding the course of the guidance and the way the offender deals with the conditions imposed. The

public prosecutor can also propose penal mediation instead of instituting proceedings. A mediation process can result in a mediation agreement. Several conditions may be imposed regarding the offender (community service work, educational efforts and/or therapeutic follow-up). The justice assistant deals with the actual mediation work and the arranging of community service work, educational efforts, and/or therapeutic follow-up. The justice assistant reports to the public prosecutor, regarding the course of the process.

Within the trial phase a judge can decide to postpone the execution or to defer the pronouncement of the sentence. As explained above the judge can link conditions to these decisions, which is called probation. A probation committee follows the accomplishment of the measure and the justice assistant has to report regularly to this committee. Apart from probation stands the work punishment, which is an autonomous sanction in Belgium since 2002. Under this sanction the offender is compelled to do unpaid work in his spare time. The justice assistant is assigned with the task of finding a place to execute the work punishment and is in charge to do the follow-up. Regarding the course of the punishment, the justice assistant reports to the probation committee.

In the post-trial phase, a person can be monitored electronically. For the inmates sentenced to three years in prison or less, the prison director is in charge of the sentence and makes the decisions. For the inmates sentenced to more than three years in prison, the penal enforcement tribunal is the authorized authority, to which the justice assistant reports. The justice assistant makes up an hour schedule with the offender and the offender is obligated to wear an anklet which monitors whether or not he holds on to his schedule. The National Centre of Electronic Monitoring checks the movements of the offender.

Limited detention is another form to conduct part of a prison sentence outside. The offender may leave the prison during the day (not more than 12 hours) to follow lessons, to work or due to familial reasons. Conditions can also be imposed and the justice assistant reports frequently to the penal enforcement tribunal. Conditional or custodial release of prison also belongs to the possibilities. The offender is released early (at least after 1/3rd of his sentence), but has to follow conditions to facilitate his reintegration process. For offenders sentenced to three years in prison or less the justice assistant reports to the Service of Detention Management (custodial release) and for the offenders with more than three years the penal enforcement tribunal is the authorized authority (conditional release). The offender can also be put under protection of the government. The Direction of Detention Management decides whether the offender stays in prison or is released under conditions. The justice assistant reports to the Direction regarding the guidance and the conditions imposed. Furthermore, a court in Belgium can decide internment. The Community Protection Committee regulates in which ways the internment must be executed. The Committee can decide that the offender will be released on conditions (conditional release of mentally disordered offenders), which will be followed up by the Houses of Justice. The task of the justice assistant is to guide and help the offender in accomplishing the conditions and to report to the committee.

Tasks of the Psychosocial Service

In prison the Psychosocial Services have different tasks regarding probation. The Services prepare the psychosocial reintegration of the inmates from a scientific point of view, limit the risk on recidivism and cooperate to a safer and more humane execution of the sentences. The duty of the Psychosocial Service in the pre-trial stage is to offer the accused a first hearing, to provide information and answer questions from the inmate, to compile a review of his personal and social situation, as well as putting in place any urgent steps that are required. During the trial and enforcement phase the Psychosocial Service takes part in the elaboration and administration of an individual detention plan aimed at the rehabilitation of inmates.

Number of staff regarding the Houses of Justice (on 30/11/2009)²

- Management:	38.5
- Justice assistants:	804.88
- Administrative and other staff	178.79
Total:	1022.17

New developments

- Penal enforcement tribunals, which create an internal and external legal statute for persons who have been given a custodial sentence and duly recognize the rights of victims, have been installed.
- On the 1st January 2007, the Directorate General of Execution of Sanctions and Measures was divided in two separate Directorates General: the 'Directorate General Houses of Justice' and the 'Directorate general of Penitentiary Institutions'. These 'new' Directorates General were made responsible for the management of the detention of persons entrusted to its care. Both contribute to accomplishing one of the missions of the Federal Public Service of Justice, namely the task of ensuring the balanced enforcement of judicial decisions.
- The federal platforms of consultation have been set up by the Royal Order of 1 October 2008. A first platform of consultation deals with probation, autonomous work punishment, penal mediation and conditional release of pre-trial detention. A second platform of consultation deals with conditional and custodial release, limited detention, electronic monitoring (in brief, the competences of the Penal Enforcement Tribunals). The first platform is composed of the following members: the first presidents of the appeal courts, the chief public prosecutors, a few members of the public office with the court of first

² These numbers do not include Electronic Monitoring.

instance, the regional directors of the houses of justice (North and South), members of the Directorate-General Houses of Justice. The chairman of this platform of consultation is the Director-General Houses of Justice, who decides the agenda, in dialogue with the other members. The second platform of consultation (of the Penal Enforcement Tribunals) is composed of the same members, completed with the presidents of the Penal Enforcement Tribunals and the Director-General and the regional directors of the Directorate-General of Penitentiary Institutions. The chairman of this platform of consultation is a magistrate-emeritus. The Directorate-General Houses of Justice is a member of the meeting. The platform of consultation meets 2 to 3 times a year, but has no real power of decision. It is a consultation body, created to coordinate (to tune) the action of the different partners and to structure the consultation on all levels. At the level of the Courts of Appeal and at the level of the court districts, regional and local meetings of consultation take place. The goal is to tune the organization and the content of all meetings and finally to reach a uniform cooperation between the authorities and the Houses of Justice.

- The last few years an introduction of managerial methods occurred in the Houses of Justice. The business process reengineering (BPR) started in May 2005 and had the objective to improve and to match the work methods and organization structure regarding the different Houses. The workload will be measured and balanced scorecards and resource planning will be introduced in the Houses of Justice.

Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Primary social care and support and information	x	x	x
Victim support	x		x
Penal mediation/ offender/victim	x		
Mediation: organisation execution education, therapeutic follow-up, community service	x		
Support and information during remand	x		
Summary information report/social inquiry report alternatives to remand	x		
Guidance/ release under remand conditions	x		
Summary information report or social inquiry with a view to a suspended or conditional sentence or probation	x	x	
Enforcement and follow-up of autonomous		x	

work sentence			
Elaboration and management of individual detention plan		x	
Specialist opinion/sex offenders.		x	
Inquiries with a view to awarding sentence enforcement modalities		x	
Inquiry with a view to release under conditions (internees)		x	
Inquiry with a view to inter-state transfers		x	
Evaluation of leave permits, penitentiary holidays, limited detention		x	
Inquiry with a view to provisional release in case of mandatory expulsion or return to country of origin.		x	
Probation guidance and supervision of terms and conditions		x	
Organisation and supervision of electronic monitoring		x	x
Guidance, supervision of provisional release/medical reasons		x	
Guidance and supervision of conditional release			x
Guidance and supervision of release under conditions/internee			x

This summary is based on the country chapter in the book *Probation in Europe*, the most comprehensive survey of probation systems and services in Europe today. If you wish to order it, please click [here](#).

