

**Belgian Prison Policy:
Half a Century of Broken Promises**
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**ANTWERP'S BEGIJNENSTRAAT
THEN AND NOW**

Almost half a century ago, in 1973, I was locked up for a month in the prison of the Begijnenstraat in Antwerp. I was 20 years old when I got to know for the first time about the interior of a police station, then a cell in the basement of the Antwerp courthouse, followed by a prison cell, the one in Begijnenstraat,¹ and finally with a courtroom.

As a young activist, I had joined about 20 other people from *Alle Macht aan de Arbeiders* (AMADA, All Power to the Workers), a Maoist organization, in the dockers' strike of April-May-June 1973 in Antwerp and Ghent, a so-called wildcat strike – that is to say, a strike not recognized by the trade unions. It was the period “after May 68”. AMADA was looking for a candidate to be its spokesperson in this strike and that is how I became the man with the megaphone. This would lead to my arrest and imprisonment, after a violent clash between police, strikers and activists on May 14, 1973.²

The incident took place during a demonstration in which women dockworkers were beaten by the police armed with truncheons, to prevent them from going to the building of the ABVV (Flemish FGTB) union offices to claim strike pay. Some of the demonstrators, noticing that a police car from the specialist surveillance unit – the *Brigade de Surveillance et de Recherche* (BSR) (Surveillance & Research Brigade) – was tailing the demonstration, broke off. The violence they had just seen inflicted by truncheon-wielding officers on the mothers and sisters of the strikers had provoked anger and a culprit was needed. A few hours later, after the gendarmerie hermetically sealed the dockers' recruitment office, the public prosecutor issued an arrest warrant in my name. But a dock worker had hidden me under a blanket in the back seat of his car and I was able to escape, although not for long. On May 15, I was sent to prison. One month later, on the day the strike ended, I was released.

MEMORIES OF THE BEGIJNENSTRAAT

Short as my prison stay was – many of my comrades received far heavier sentences in the years to come – I have vivid memories of my few weeks

stay in the Begijnenstraat. And it is probably one of the reasons why I became a prison teacher a couple of decades later.

I remember entering the prison and being stripped of every personal belonging. I received oversized shoes and an oversized uniform – they did not have my size, they said. I remember my little cell. Eating there alone with the plastic toilet bucket next to the table. The lack of daylight. The once a week shower. Walking in the yard every day for an hour. Limited contact with other prisoners and the sensation of the ways in which aggression, poverty, and social misery were concentrated in the prison. Military-style orders from some guards if you shout something out of your cell window to your fellow walkers. The light that turns on and off at a fixed time. No television, but a radio, the volume of which could not be adjusted. Then, there was the older prisoner, crying like a child in the prison car that transported us to the courthouse. A contraband cigarette and matches were in the cell in the basement of the Antwerp Court house, as we waited to go to the council chambers. My mother and my sister visiting me and the way my mother cried when she saw me behind glass and in prison clothes.

It was my introduction to a world that cannot produce anything positive, if only because concentrating people ‘in difficulty’ in one place can only create more difficulties. But at the time, the prison was anything but overcrowded. I saw no rats or other vermin there. No mattresses on the floor. Having an individual cell was not a problem at the time. And surely one could only expect that over time things would get better and more humane?

FROM OVERCROWDING TO THE ‘PRISON VILLAGE’

In 1995, Stefaan De Clerck became Minister of Justice in the Dehaene government.³ On June 12 1996, he wrote the “Orientation Note on Criminal Policy and Penitentiary Policy”, which came to be considered by “academics, lawyers and politicians as the new starting point for Belgian penal and penitentiary policy”.⁴ In this policy document, the minister both pleads for fewer prisons and opposes the harmful effects of the long-term deprivation of liberty. With a more selective use of the prison sentence, the locking up of fewer people as a preventive measure and shorter sentences, the current situation could change, says the minister. More work needs to be done on

provisional release based on an individual assessment of the prisoner. Priority must be given to measures aimed at rehabilitation and reintegration.

What happened to this policy document? It quickly disappeared into the wastebasket.⁵ I doubt even the current Minister of Justice, Van Quickenborne, has ever seen or read this text from 1996. I doubt if he knows about the existence of the texts of 2008, also promising the humanization of prisons (i.e. “The Master Plan Detention and Internment Under Humane Conditions”)⁶ of another Minister of Justice, Jo Vandeurzen, the successor of De Clerck.

Be that as it may, what is the current situation now in 2022, 25 years after De Clerck’s intervention? In an opinion published in *De Standaard*,⁷ Van Quickenborne⁸ outlines his “new ideas on prisons”. Van Quickenborne announces a revolution, certainly an incremental one, but a revolution all the same. The minister declared no clear choices were made in the past and too little was invested. We now know the consequences. High rates of recidivism, inflated sentences and overcrowding that has gone on for decades, he notes. But today, according to his plan, everything will change. “Beneath the waterline, a silent revolution is taking place in the prison system”. So exactly what is the nature of this “silent revolution” and how does Van Quickenborne intend to capitalize on it? By investing millions of Euros, creating the new post of detention guides (aside the prison guards) to monitor detainee’s individual detention plan, and by building new prisons in Brussels-Haren and Dendermonde. According to the Minister, the prison at Haren will become the model prison of the future: “A prison village: a sum of small entities in which we live as a community”. Seven halfway houses, adding up to 450 new places, and 15 additional detention houses will also be created, thus creating 720 more places, and it is claimed that detention will be individualized. That is, from now on, detainees will leave prison in a better position than when they entered it.

At the same time, the minister wants to increase the number of prisoners. Yes, from the first of June all shorter prison sentences will be executed (until now the sentences of less than three years were often not executed). From that date on, some 700 extra persons are expected to enter the already overcrowded prisons. But, announces the minister, those short sentences will take place in detention facilities for between 20 to 60 people. By effectively executing the shorter sentences, magistrates will be freed from the burden of imposing increasingly severe sentences because of recidivism.

REPLICATING THE LOGIC OF THE OLD PRISON SYSTEM

Far from being new, Van Quickenborne's so-called new ideas remind me of the beginning of the modern prison 200 years ago. Then, too, the grand narrative was about making punishment more humane, while the underlying reality was less savory: the evolution of new punishments and other forms of violence, such as solitary confinement and permanent observation. Van Quickenborne has absolutely no intention of reducing the number of prisoners and even less of questioning the prison institution. Like his predecessors, the minister deals with the consequences of crime and never what creates it, what precedes prison – a social model of profit and inequality, a lack of care, education, housing and work. Under Van Quickenborne there will be more detention, but it will be in “a penal village like Haren where people live together as a community”⁹ or in detention houses. All this is constructed on the neoliberal model of individualization of guilt and punishment, a model that refuses to seek responsibilities and solutions at the collective and societal level.

THE COUNTER-REVOLUTION IN PRACTICE

Since the 1980s, the situation in Belgian prisons has only got worse. Every decade, politicians promise to reform the penitentiary system is repeated. So why is the situation for prisoners worse today than it was half a century ago?

If there has been a turning point, it is in the opposite direction to progress. Like most other European countries, Belgium's punitive shift from the 1980s involved adopting a harsher detention policy and longer sentences. Between 1980 and 2000, the number of detainees in Belgium rose from 5,000 to more than 11,000, which contributed to a situation where prisons became out of control. The case of the Antwerp prison illustrates this.

On May 6, 1999, the headline in the Flemish newspaper *De Standaard* was “Severe overcrowding in Antwerp prison”. On that date, there were 450 detainees for 285 places (an occupancy rate of 157 percent), compared to 760 detainees for 440 places today (an occupancy rate of 172 percent).

In 2003, Antwerp's Begijnenstraat was already the subject of a fairly lively debate within the Committee for Welfare, Public Health and Equal Opportunities that centered on overcrowding and an "explosive situation" aggravated by "degrading conditions". By 2003, prison guards at the Begijnenstraat had acted against this state of affairs over four years! In February 2003, they went on a work-to-rule strike that involved blocking access to prison for 60 social workers for 11 weeks, which resulted in two months of technical unemployment for them.¹⁰

Two years later, in 2005, nothing was resolved and the newspapers, including those abroad, spoke of the "medieval conditions in the prison of Antwerp".¹¹ Ten years later, in 2015, and nothing had changed. Nagib Amari found himself in this same prison for three months after the discovery of a cannabis plantation in a warehouse he rented. An unfair accusation, as it turned out later when Nagib was fully acquitted. But during the three months of his detention, he contracted a serious eye infection that was so badly treated that he almost completely lost the use of his left eye. In prison, he had to sleep on a mattress on the floor. There was an open toilet in the cell and he was only allowed to take a shower once a week due to the lack of staff. Nagib suffered from a serious eye disease and wore contact lenses. When he arrived in prison, he had to hand over the suction cups that he used to put on the contact lenses. He got them back three days later, but in the meantime, he had to remove his lenses with his hands. He had red eyes from his first day in prison, but he was not allowed to see an eye doctor at the hospital and had to settle for a prison doctor. When his wife came to bring him extra lens fluid, they refused to give it to him and he was told he had to buy the fluid through the prison. However, this was not possible, as his bank accounts had been blocked. After his release, Amari had to undergo 13 operations and filed a lawsuit against the Belgian state for the errors and the lack of medical care. The court ruled that he was entitled to compensation of 51,000 euros.¹² Small consolation for the loss of an eye and costs that amount to tens of thousands of euros.

In 2018, a Dutch newspaper wrote, "Suffering in the Antwerp cells: no ventilation, hot cells, no visitors and rats in the corridor. Conditions in the former prison in Antwerp are inhumane, Dutch inmates say".¹³ Two years later, in November 2020, the Minister of Justice and the Mayor of Antwerp visited the prison. The mayor of Antwerp, Bart De Wever, repeated what was said 20 years earlier: "The situation is difficult, I'm going to have trouble

falling asleep”. He asked the Minister of Justice Vincent Van Quickenborne to quickly find a solution to the overcrowding.¹⁴ Again, nothing changed. Perhaps a visit of GAIA (Global Action in the Interest of Animals) could help. They could certify that locking people up in cages has the same effect on humans as on chickens, rabbits, and other animals. All you have to do is replace the word ‘animal’ with the word ‘human’ in this statement from the animal rights organization: “Science shows that locking animals in cages is cruel. Animals have feelings and are capable of feeling pain and joy. Caging causes severe suffering because the animals are severely restricted in their movements and have few opportunities to express their natural behaviour. This leads to stress and frustration”.¹⁵

2021: “MICE ON THE WALLS, MATTRESSES ON THE FLOOR”

In November 2021, Frederik Janssens wrote an opinion piece on behalf of the Antwerp Prison Supervisory Board, entitled: “Mice on the walls, mattresses on the floor”.¹⁶ In the piece, he gives the example of a prisoner locked up in the Begijnenstraat since April 2020. The man was sentenced to eight years in prison in August 2021. He wants to go to another prison and is on the transfer list to Leuven-Centraal but the management of the Begijnenstraat cannot decide on this independently. Meanwhile, the man finds himself with four people in a cell that is far too small. He sees the mice running on the walls. If the guards go on strike, it means no walks or showers. The prison can hold 439 prisoners, but as of mid-November, 769 people are locked up there. An occupancy rate of 175 percent. There is a big humidity problem, mould stains in several places and there is a smell of sewage. Prisoners can only take a shower on certain days – and then only if the water pressure is sufficient. On other days, they can ask for hot water to wash at their sink. Some complain of insect bites. In several cells, the pipes are broken, and it stinks. Attempts have been made to fix them with tape, but the tape is coming off. In other cells, peeling paint falls to the floor. The connection of the drainpipes to the ceiling is covered with newspaper. In some cells, the toilets are open and exposed next to the cell door, with no screen in front of them. The safety and health of staff and prisoners are thus endangered. Captives are crammed into cells that are tiny. Several imprisoned people do not have a bed. They sleep on a mattress on the floor. The stress in the cells increases, leading to more

quarrels and violence. Staff can no longer guarantee the services to which prisoners are entitled. There are waiting lists for the fitness facilities and the library. Various activities are regularly cancelled due to lack of staff. Sports activities are limited. The health system is failing. The high demand for medical consultations has given rise to the famous one-minute consultations and it is necessary to wait several weeks for dentists. There is also a waiting list to be allowed to work as a prisoner.

The damning picture painted by Frederik Janssens, on behalf of the Antwerp Prison Surveillance Committee was followed by articles in the newspapers with some testimonies of prisoners and guards in the Begijnenstraat. “During the day we put that (third) mattress (in a 8m² cell) right against the wall, but even then, there is barely room to stretch our legs”. Sitting at the table to eat is impossible, so the men do it on their beds or take turns. Food scraps and waste are everywhere in the cell, including the sink. It is not an uplifting environment. “We can do nothing but sit still on our bed and watch TV”. A prison guard added:

The prisoners say they have no breathing room. They become angry because activities to which they used to be entitled – sports, receiving visitors – are much less possible. Due to the size of the prison sections, we can only organize the walk once a day, because going outside with 200 is of no use to anyone. Then it’s from one sardine can to the next. Taking a shower every day is no longer an option. Today it’s the turn of the left side of the corridor, tomorrow the right side.

ARE THERE SOLUTIONS?

Solutions exist. A first solution consists in the immediate reduction of the number of prisoners incarcerated in the Begijnenstraat, by half. The second solution consists in the pure and simple closing of the prison, not in five years, but on the spot. If they think that these solutions are not possible, our political decision-makers have only to draw inspiration from the following two examples from the United States, their closest friend and ally.

In June 2011, a court ordered the state of California to end overcrowding in its 33 state prisons. Ten thousand prisoners, nearly 8 percent of all state detainees, were to be released by the end of the year, the court ruled. The judgment stated: “The overpopulation which has caused extreme suffering and even death must be ended. Depriving prisoners of their rights violates

the Constitution, which prohibits cruel and inhuman treatment. This measure should improve medical and mental care in prisons”. The state of California appealed but the Supreme Court upheld the judgment and ordered the state to reduce the number of prisoners by 33,000 over the next two years. After this court ruling, the state and prison administrations sought not to release prisoners but to transfer them from state prisons to local prisons. However, this in no way diminishes the importance of this historic verdict.¹⁷

There is another, more recent example. On August 26 2021, the Metropolitan Correctional Center (MCC), a prison in New York, was closed indefinitely due to “inhumane prison conditions”. Two years earlier, Jeffrey Epstein had committed suicide there and in May 2020, an inspection revealed that “inmates showing symptoms of coronavirus were neglected and ignored”. They found that there was virtually no physical distance between the prisoners and that “some of them slept on bunk beds within easy reach of each other”.¹⁸

SPOT THE DIFFERENCES BETWEEN MCC AND BEGIJNENSTRAAT

In the Begijnenstraat, the prisoners no longer even sleep in bunk beds, but 62 of them sleep on a mattress on the floor. Deaths by suicide have also taken place there. In 2015, Nick Van Laethem hanged himself in the prison laundry room. Most recently, on October 26 2021, another prisoner committed suicide in his cell. The only real difference between the MCC and the Begijnenstraat is that one is closed and the other remains open.

The question arises as to whether anyone responsible for the current situation in the Antwerp prison will be prosecuted for failing to provide aid to persons in need, in this case the prisoners. Following the Belgian law:

If help is not provided to a person in need, one risks a prison sentence of eight days to one year and a fine of € 400.00 up to and including € 4,000. The maximum prison sentence is increased to two years if the person in danger is a minor or is in a vulnerable condition due to age, pregnancy or illness or physical or mental infirmity or disability, if this condition was clearly known to the person who gave no help.¹⁹

If convicted upon the basis of this law, Belgian officials will for sure regret the day they decided to execute all prison sentences.

ENDNOTES

- ¹ The prison of Antwerp was built in 1854-59. Its architecture followed the example of the Pennsylvanian prison system and the concept of the English model prison of Pentonville, built in 1840-1842, with a regime of total cellular seclusion and a new type of prison architecture, namely the cell prison based on the panopticon plan. Several prisons in the country, including Tongeren, Brussels, Marche, Verviers, Liège, Charleroi, Dinant, Kortrijk, Bruges, and Leuven, were built following the same model. In 2020, Belgium counted 35 prisons. The official capacity of the prison system was 9,545 (as of 1 January 2021). The total prison population (including pre-trial detainees / remand prisoners) was 10,379 as of 31 January 2021 according to the Council of Europe. Source: <https://www.prisonstudies.org/country/belgium>
- ² A police colonel called Van Geet wrote the only book that exists on this strike entitled *De Dokstaking 1973* (The Dockstrike, 1973).
- ³ Stefaan De Clerk (Christian Democratic and Flemish party) was Minister of Justice of Belgium from 1995 until 1998 and from 2008 until 2011.
- ⁴ Source: https://libstore.ugent.be/fulltxt/RUG01/001/787/137/RUG01-001787137_2012_0001_AC.pdf
- ⁵ In 1996, in his note on penal policy, De Clerck clearly opposed the increase in prison capacity and advocated for the development of alternative penalties and measures. He made a U-turn 12 years later. In his complement to “The Masterplan Detention and Internment Under Humane Conditions”, under the heading “Social Impact of Prisons”, he promoted the construction of new prisons, highlighting the importance of the economic benefits of prisons, in terms of direct jobs (e.g. a prison with 444 places would provide 500 jobs for “at least 100 years”) or indirect (local police for prisoner transport, prisoner aid organizations, houses of justice, various prison suppliers, etc.), not to mention the activity generated by the arrival of staff members settling in the region with their families (housing, shops, schools, etc.). Source: <https://revueobservatoire.be/Place-sens-de-la-prison-en-Belgique-entre-discours-et-pratiques> (extract from « La politique pénitentiaire », Philippe Mary, CRISP | 2012/12 n° 2137 | pages 5 to 47)
- ⁶ The document entitled “The Masterplan for Detention and Internment in Humane Conditions” appeared in 2008. It outlined the long-term policy for detention in Belgium, centred around the construction of new prisons to humanize living conditions in prison. In the following years it was updated several times. The most recent edition dates from 2016. See: Masterplan 2008-2012-2016 pour une « infrastructure pénitentiaire dans des conditions humaines ». Sources: https://justice.belgium.be/fr/nouvelles/communiqués_de_presse/masterplan_2008_2012_2016_pour_une_infrastructure_penitentiaire and <https://news.belgium.be/fr/masterplan-prisons-iii-adaptation-du-masterplan-pour-une-detention-dans-des-conditions-humaines>
- ⁷ “De stille revolutie in onze gevangenissen” (The silent revolution in our prisons), *De Standaard*, by the Minister of Justice, Vincent Van Quickenborne – 1 May 2022.
- ⁸ Since 2020, Vincent Van Quickenborne (Open Flemish Liberals and Democrats) is the actual Minister of Justice. He is the eightieth minister of Justice of Belgium during a period spanning twenty years.

- ⁹ See the critical report of the Central Prison Supervisory Board on Haren prison after their visit at the site under construction on 3 November 2021. Source: https://ccsp.belgium.be/wp-content/uploads/2021/12/Avis_Advies-Haren-Visite_Bezoek-nov.21FR.pdf
- ¹⁰ Meeting of the Committee for Welfare, Public Health and Equal Opportunities from the Flemish parliament on 6 May 2003. Source: <https://docs.vlaamsparlement.be/website/htm-vrg/341633.html>
- ¹¹ The Dutch paper *Nederlands Dagblad* on the medieval conditions in Antwerp prison: <https://www.nd.nl/nieuws/buitenland/687720/middeleeuwse-toestanden-in-antwerpse-gevangenis>
- ¹² “Man goes blind in one eye after wrongly staying in prison”: <https://www.pzc.nl/antwerpen/zakenman-raakt-blind-aan-een-oog-na-onterecht-verblijf-in-gevangenis-sinds-vrijlating-al-128-keer-op-consultatie-geweest~a8b3630b/?referrer=https%3A%2F%2Fwww.google.com%2F>
- ¹³ The Dutch paper *Algemeen Dagblad* article on the situation of Dutch detainees in Antwerp prison entitled “Suffocating in an Antwerp cell”: <https://www.ad.nl/buitenland/afzien-in-de-antwerpse-cel-niet-luchten-geen-bezoek-en-ratten-in-de-gang~afc52ea8/?referrer=https%3A%2F%2Fwww.google.com%2F>
- ¹⁴ Bart De Wever on Facebook. Source: <https://www.facebook.com/bartdeweever/photos/vandaag-bezocht-ik-de-gevangenis-in-de-begijnenstraat-om-er-te-praten-met-direct/10157627770327057/>
- ¹⁵ Source: https://www.gaia.be/sites/default/files/campaigns/attachments/2018_-_stop_de_kooien_-_report_online_compressed.pdf
- ¹⁶ Source: https://www.standaard.be/cnt/dmf20211129_97638409
- ¹⁷ Source: <https://www.npr.org/2011/05/23/136579580/california-is-ordered-to-cut-its-prison-population?t=1641485944852>
- ¹⁸ Source: <https://www.npr.org/2021/08/26/1031541974/u-s-closing-jail-jeffrey-epstein-metropolitan-correctional-center>
- ¹⁹ “Guilty neglect: when should a person in need be helped?”: <https://www.destrafrechtsspecialist.be>

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