

Freedom of Common Worship for prisoners overruled by Wardens' Union Strikes in the Belgian Prison System!

The Belgian Federal Constitution is clear about freedom of religion for inhabitants in its territory. The present Federal Constitution reads in article 19:

“Freedom of worship, its public practice and freedom to demonstrate one’s opinions on all matters are guaranteed, but offences committed when this freedom is used maybe punished”¹

Only recently - five years ago - this fundamental human right of freedom of worship was implemented in the Prison Principles Act of 15th January 2005 concerning the fundamental rights of prisoners². Before this, freedom of religion in the Belgian prison system was organised by a Royal Decree of 21 May 1965³ and a Ministerial Decree of 12 July 1971⁴. It took more than a century and a half to organise a fundamental debate on the rights of prisoners in the Belgian Federal Parliament. This debate was provoked by the Belgian ratification of the Minimum European Prison Rules⁵. This Federal Law concerning the fundamental rights of prisoners in the Belgian prison system stipulates, among other things, the freedom of religion in Chapter IV, article 71 – article 75. The basic article 71 § 1 reads:

“The prisoner has the right to practice and confess his worship or his philosophy of life individually or in public with others, in full respect of the rights of others (own translation)”.

Some of these articles were the first to be implemented by a Royal Decree of 25 January 2005, with the exception of art.72 § 2 and art. 74 § 5 and art. 75⁶. All of these exceptions are articles that relate to the modalities for the ministry of the prison chaplains. So to conclude briefly, freedom of worship was implemented for the prisoners without supplying clear instructions and rights for the prison chaplains and humanist advisers and muslim advisers. Since the implementation of the Belgian Prison Principles Act in the Royal Decree of 25 January 2005, frequent local and national strikes by the Wardens' Unions for better working conditions have regularly overruled the prisoners' right to common worship. Neither the Belgian Government nor the Belgian Central Prison Administration seems to react to this dehumanising situation. With this article, the special adviser to the European steering committee of the International Prison Chaplains' Association, Rev. C. L. T. Bultinck would like to attract the attention of the Church and Society Commission of the Conference of European Churches and all Members of the European Parliament who follow matters on human rights, especially religious rights.

15 December 2010

¹ www.legislationsonline.org *The Belgian Constitution*

² *The Belgian State Gazette of 1 February 2005*

³ *Ibid, 25 May 1965*

⁴ *Ibidem, 10 August 1971*

⁵ wdc.coe.int/viewDoc.jsp?id=955747-108k

⁶ *The Belgian State Gazette, idem, 10 November 2005*