

Interim Resolution CM/ResDH(2024)331 Execution of the judgments of the European Court of Human Rights L.B. group and W.D. v. Belgium

*(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)*

Application	Case	Judgment of	Final on
22831/08	L.B.	02/10/2012	02/01/2013
22283/10	LANKESTER	09/01/2014	09/04/2014
49484/11+	SMITS	03/02/2015	03/02/2015
73548/13	W.D.	06/09/2016	06/12/2016
46130/14	VENKEN AND OTHERS	06/04/2021	06/09/2021

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”);

Recalling that this group of cases concerns the prolonged detention of internees in prison psychiatric wings without sufficient and adapted therapeutic support, which also affects the effectiveness of the preventive remedy, due to a lack of suitable places in the external care circuit and of qualified staff in the prisons;

Recalling its decision adopted at its 1475th meeting in which it expressed its concern at the significant increase in the number of internees in prison and urged the authorities to increase their efforts to resolve, as soon as possible and definitively, the structural problem already identified by the Court in 2012;

Expressing its deep concern that the structural problem still persists after 12 years, despite the undeniable recent efforts of the authorities, the majority of which are being currently implemented;

In view of the steady increase in the number of internees in prison since 2019 and the clear insufficiency of the measures taken and planned to extend the regular external mental health care circuit, URGED the authorities to rapidly finalise the study of the reasons for the growing recourse to the internment measure and to adopt all relevant measures to remedy the situation;

URGED the authorities once again to speed up the creation of places for internees outside prisons (forensic psychiatric centres, long-term placements centres, psychiatric hospitals and care homes and protected home initiatives) and to reinforce the outpatient care services to improve the smooth flow of the care pathway of all internees;

NOTED WITH INTEREST the significant efforts made with regard to health care in prisons and URGED the authorities to continue to improve and reinforce this care for internees, pending their transfer to suitable facilities;

NOTED WITH SATISFACTION that the compensatory remedy now appears to be applied uniformly and in accordance with the *Venken and Others* judgment, while encouraging the authorities to keep it informed of the amounts of compensation awarded;

NOTED WITH INTEREST the increased use of the interim remedy, resulting in decisions ordering the transfer of internees from prison to a place suited to their needs, but EXPRESSED CONCERN about its effectiveness in practice, given the constant increase in the number of internees in prison and the prolonged length of waiting lists to be placed outside prison; URGED therefore the authorities to do their utmost to resolve the substantive structural problem as soon as possible, while reiterating its invitation to them to consider, at the same time, strengthening the monitoring by the social protection chambers of the situation of internees in prison;

DECIDED to resume consideration of this group of cases at its Human Rights meeting in March 2026 and STRONGLY ENCOURAGED the authorities, in the meantime, to strengthen their dialogue with the Secretariat.