



## Belgium

Membership to the Council of Europe	5 May 1949
Entry into force of the European Convention on Human Rights	14 June 1955
First case under supervision of execution	<b>De Becker</b> (214/56) Judgment final on 27 March 1962
Total number of cases transmitted for supervision since the entry into force of the Convention	242
Total number of cases closed by final resolution	207

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS-ONGOING SUPERVISION\*

#### > Actions of security forces

**Commitment by the authorities to provide an appropriate structural response to the issues raised in the field during police interventions with persons with mental health disorders.**

**Kaya** (59856/18)  
Friendly settlement of 12/09/2019

**Status of execution**  
Standard supervision

#### > Conditions of detention

**Prison overcrowding, poor conditions of detention, lack of out-of-cell activities, problems of hygiene and dilapidation; lack of effective remedy.**

**Vasilescu** group (64682/12+)  
Judgment final on 20/04/2015

**Status of execution**  
Enhanced supervision

Degrading treatment due to the **lack of a minimum service** to meet the basic needs of **prisoners during strikes; lack of effective remedy.**

**Clasens** group (26564/16+)  
Judgment final on 28/08/2019

**Status of execution**  
Standard supervision

#### > Detention of persons suffering from mental disabilities

**Detention of inmates suffering from mental health disorders for long periods in prison psychiatric wings without appropriate care; lack of effective remedy.**

**L.B.** group (22831/08) and **W.D.** pilot judgment (73548/13)  
Judgments final on 02/01/2013 and 06/12/2016

**Status of execution**  
Enhanced supervision

#### > Reception / Expulsion / Extradition

**Removal and ban on entry on the territory of a Tunisian national without taking due account of his paternity towards a Belgian child; lack of prompt review of the detention in two cases by a tribunal.**

**Makdoudi** group (12848/15+)  
Judgment final on 18/06/2020

**Status of execution**  
Standard supervision

\*Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS-ONGOING SUPERVISION\*

**Commitments by the authorities** to review possible new asylum applications in accordance with the **requirements of the right to an effective remedy** combined with the prohibition of torture.

**H.G.S** group (26763/18+)  
Friendly settlement of 07/03/2019

**Status of execution**  
Standard supervision

> **Length of judicial proceedings**

**Excessive length of civil proceedings** before first instance courts; no complete statistics to date.

**Bell** (44826/05)  
Judgment final on 06/04/2009

**Status of execution**  
Enhanced supervision

> **Freedom of religion**

**Disproportionate exclusion from a courtroom due to the refusal to remove a hijab**, based on article 759 of the Judicial Code on "police des audiences".

**Lachiri** (3413/09)  
Judgment final on 18/12/2018

**Status of execution**  
Standard supervision

> **Right to free elections**

**Inadequate, in particular in terms of impartiality, and insufficient procedural safeguards to ensure effective examination** of a complaint lodged by a candidate against **the results of the elections**.

**Mugemangango** (310/15)  
Judgment final on 10/07/2020

**Status of execution**  
Enhanced supervision

**Lack of procedural safeguards against arbitrariness in the process of accepting the resignation of a Senator**, who alleged that she was forced to resign by members of her party.

**G.K.** (58302/10)  
Judgment final on 21/08/2019

**Status of execution**  
Standard supervision

## SUPERVISION CLOSED - MAIN MEASURES ADOPTED\*\*

## &gt; Reception / Expulsion/ Extradition

**Acquisition of guarantees to avoid or reduce the risk for the applicant to be sentenced to an irreducible life sentence in the USA:** commitment of the Federal Prosecutor to try to reach a plea agreement and, in case of trial, not to seek such a sentence; commitment of the Belgian authorities to intervene in the proceedings if the risk of such a sentence would nevertheless materialise. **General awareness-raising measures and commitment to respect the Court's interim measures henceforth.**

*Trabelsi* (140/10)  
Judgment final on 16/02/2015

**Final Resolution**  
**CM/ResDH(2018)460**

**Improvement of the treatment of unaccompanied minors:** nomination of a personal tutor whose mission is to safeguard the minor's interests and who is empowered to lodge any appeal necessary to enforce the law, and notably to contest an expulsion order (including the right to appoint an attorney); **abolition of the use of detention for minors** (except at the border in case of doubt regarding the age of the "minor"), etc.

*Mubilanzila Mayeka and Kaniki Mitunga* (13178/03)  
Judgment final on 12/01/2007

**Final Resolution**  
**CM/ResDH(2014)226**

**Adoption of the principle of non-detention of families with children,** development of alternatives to detention, which remains possible only in limited circumstances and under certain conditions.

*Muskhadzhiyeva and Others* group  
(41442/07)  
Judgment final on 19/04/2010

**Final Resolution**  
**CM/ResDH(2016)41**

**Reinforced possibilities of postponement of the removal of a foreigner** in case this would expose him to a violation of the **principle of "non-refoulement"**; development of alternatives to detention in such situations.

*M.S.* (50012/08)  
Judgment final on 30/04/2012

**Final Resolution**  
**CM/ResDH(2015)84**

## &gt; Fairness of judicial proceedings – criminal charges

**Reform and modernisation of proceedings before the assize courts:** requirement that jury verdicts be motivated, strengthening of the rights of the defence, better readability and quality of judgments rendered.

*Taxquet* group (926/05)  
Judgment final on 16/11/2010

**Final Resolution**  
**CM/ResDH(2012)112**

**Strengthening of the guarantees against the use of evidences obtained by torture abroad** – the accused has henceforth only to prove that there is a "real risk" that the evidences incriminating him were obtained through a treatment contrary to Article 3, and then the criminal judge will dismiss them.

*El Haski* (649/08)  
Judgment final on 18/03/2013

**Final Resolution**  
**CM/ResDH(2014)110**

**Repeal of the requirement to provide factual or legal evidence of innocence** in order to obtain compensation in the event of pre-trial detention which has not led to a conviction.

*Capeau* (42914/98)  
Judgment final on 13/01/2005

**Final Resolution**  
**CM/ResDH(2011)43**

**Amendment in 2003 to the Code of Criminal Investigation: possibility of being represented in all circumstances by a lawyer and of lodging an appeal in cassation even without being detained** in accordance with a court decision.

*Van Geyseghem* group (26103/95)  
Judgment final on 21/01/1999

**Final Resolution**  
**CM/ResDH(2010)2**

\*\*This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

## SUPERVISION CLOSED - MAIN MEASURES ADOPTED \*\*

**Individualization henceforth of all questions to the accused** before the assize courts; **Act of 1 April 2007 allowing the reopening of criminal proceedings following a judgment of the Court** with transitional measures for the benefit of the applicant.

**Goktepe** (50372/99)  
Judgment final on 02/09/2005

**Final Resolution**  
**CM/ResDH(2009)65**

## &gt; Length of judicial proceedings

**Legislative reforms aimed at reducing the judicial backlog before civil and criminal courts, and at improving management methods and ensuring the uniformity of the case-law.**

**Dumont** (49525/99)  
Judgment final on 28/07/2005

**Final Resolution**  
**CM/ResDH(2015)245**

**Introduction of compensatory remedies in case of excessive length of civil and criminal proceedings;** in criminal proceedings, possibility to obtain other forms of compensation, for example a mere declaration of guilt or the imposition of a sentence inferior to the legal minimum one. Possibility to obtain also the acceleration of both civil and criminal proceedings.

**Measures to tackle the "backlog" of criminal investigations and to monitor their processing time,** particularly in economic and financial matters.

**De Clerck group** (34316/02)  
Judgment final on 25/12/2007

**Final Resolution**  
**CM/ResDH(2017)149**

**Measures in order to absorb the backlog of the Council of State** and of the courts within the jurisdiction of the Court of appeal of Brussels (procedural measures, creation of the "Brussels Backlog Commission", increased staff and financial resources).

**Enterprises Robert Delbrassinne S.A.** (49204/99)  
Judgment final on 01/10/2004

**Final Resolution**  
**CM/ResDH(2015)132**

**Measures aimed at reducing the judicial backlog, in particular at the level of the Brussels Court of Appeal** ("Commission arriéré Bruxelles", additional chambers, more human and material resources).

**Oval S.P.R.L. group** (49794/99+)  
Judgment final on 15/02/2003

**Final Resolution**  
**CM/ResDH(2011)189**

## &gt; Freedom of expression

**Consecration of the principle of protection of journalistic sources** in 2005, with exceptions provided for by law.

**Ernst and Others group** (33400/96)  
Judgment final on 15/10/2003

**Final Resolution**  
**CM/ResDH(2010)39**

## &gt; Discrimination

**Amendment in 2016 of the Judicial Code extending the benefit of legal aid to all foreigners residing illegally in Belgium,** under certain conditions.

**Anakomba Yula** (45413/07)  
Judgment final on 10/06/2009

**Final Resolution**  
**CM/ResDH(2016)243**

**Legislative amendments in 1987 in matters of filiation:** no more voluntary recognition by the mother necessary to establish her filiation and **abrogation of discrimination against natural children with regards to inheritance rights.**

**Marckx** (6833/74)  
Judgment final on 13/06/1979

**Final Resolution**  
**DH(88)3**

## SUPERVISION CLOSED - MAIN MEASURES ADOPTED \*\*

**Amendment in 1970 of the laws on the use of languages in education, following a constitutional reform to guarantee equal rights to all communities in the country.**

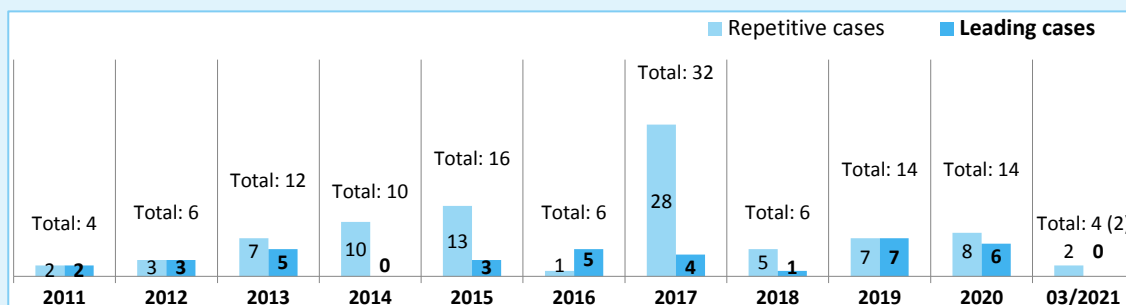
*Belgian linguistic case* (1474/62)  
Judgment final on 23/07/1968

**Final Resolution**

## STATISTICS\*\*\*

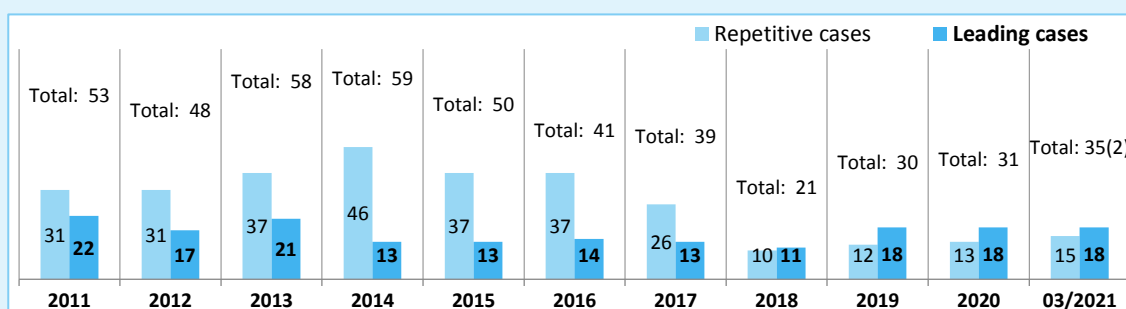
## New cases

(judgments transmitted for supervision of their execution during the year)



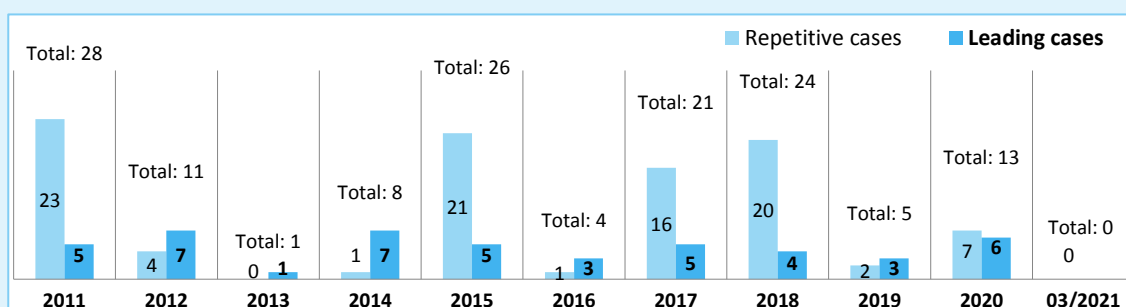
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

## Pending cases

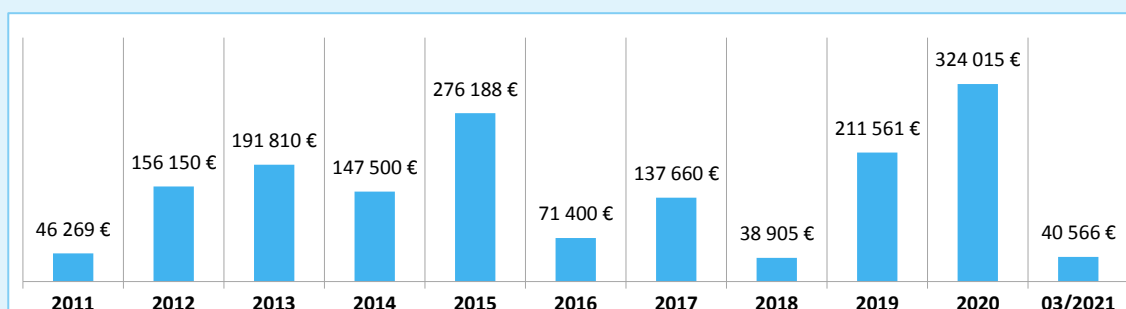


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

## Cases closed by final resolution



## Just satisfaction awarded by the European Court

\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.