



Last update: 06/06/2019

Belgium

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| 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 | De Becker (214/56) Judgment final on 27 March 1962 |
| Total number of cases transmitted for supervision since the entry into force of the Convention | 208 |
| Total number of cases closed by final resolution | 187 |

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS-ONGOING 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 to their mental health disorders; lack of effective remedy in this regard.

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

> Conditions of detention

Prison overcrowding, problems of hygiene and dilapidation in prison facilities; lack of effective remedy in this regard.

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

Status of execution
Enhanced supervision

> Length of judicial proceedings

Excessive length of civil proceedings before first instance courts.

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

Status of execution
Enhanced 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](#).

SUPERVISION CLOSED - MAIN MEASURES ADOPTED**

> 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 (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

> 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 (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

**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**

> 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.

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 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).

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

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

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

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

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

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

> Presumption of innocence

Abrogation of the necessity for acquitted persons to provide factual or legal elements proving their innocence in order to obtain a compensation for pre-trial detention.

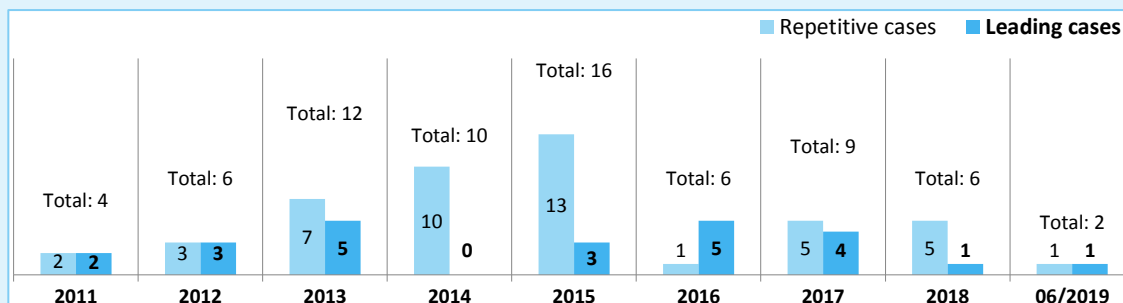
Capeau (42914/98)
Judgment final on 13/01/2005

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

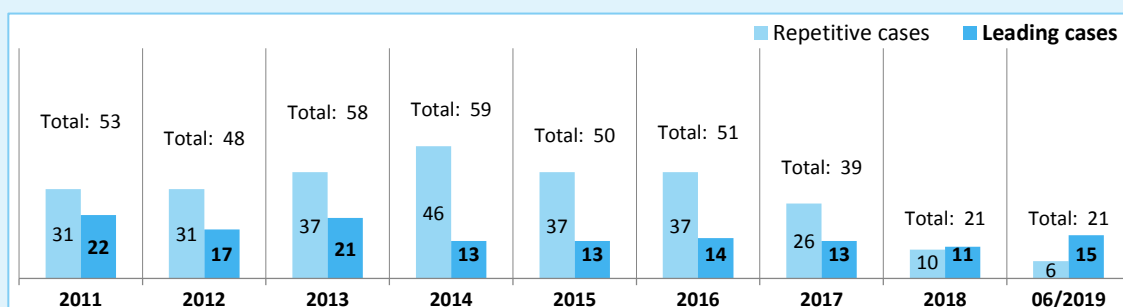
STATISTICS***

New cases

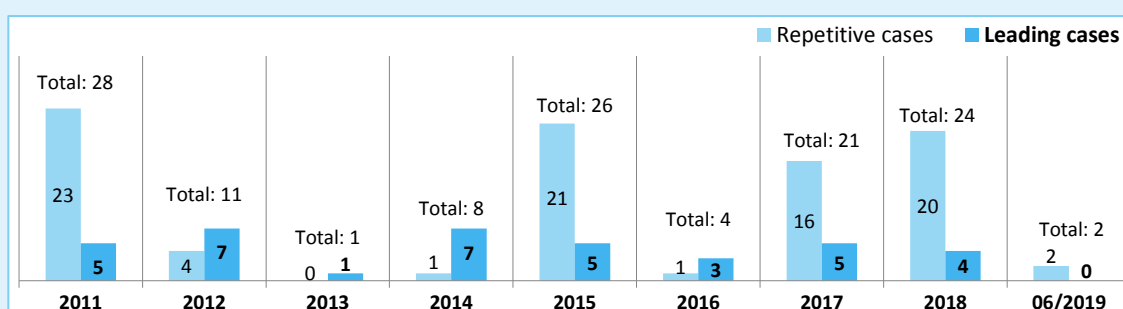
(judgments transmitted for supervision of their execution during the year)



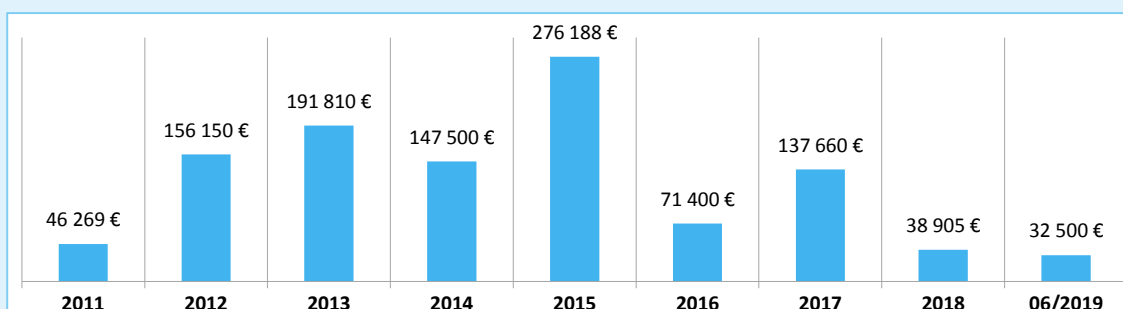
Pending cases



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.