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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Right to life

Following the European Court's judgment, a fourth extradition request from the Spanish authorities was sent to the Belgian authorities in this case and its examination resulted in the extradition of the person concerned. In terms of general measures, a Memorandum was updated in 2020 and distributed to all public prosecutors, reminding them of the exceptional conditions under which a surrender may be refused, taking into account the principle of mutual trust between the states of the European Union.

Romeo Castano (835/17)

Final Resolution CM/ResDH(2023)166

A law passed on 28 March 2024 addressed the issue identified by the Court regarding the independence of the Federal Commission for the Control and Evaluation of Euthanasia by removing the anonymity of the physician who performed the euthanasia and the persons consulted. They will no longer be able to sit on the Commission if it examines acts in which they have participated.

Mortier (78017/17)

Final Resolution CM/ResDH(2025)146

Expulsion or extradition - Risk of ill-treatment

The Law on Foreigners was amended in 2014 notably with regard to the burden of proof of the asylum applicant's risk of ill-treatment in the country of origin, the modalities to examine the situation in the country of origin (*ex nunc* instead of *ex tunc*) and the urgent suspension of a removal decision if such a risk is real. According to an internal circular note by the Chair of the Aliens Appeals Board, a hearing may not take place earlier than four hours after a request for urgent suspension of the removal order.

M.S.S. (30696/09)

Final Resolution CM/ResDH(2014)272

With regard to the extradition of the applicant to the United States of America despite an interim measure, the Belgian authorities entered into negotiations with the US authorities to obtain guarantees to avoid, or reduce as far as possible, the risk of the applicant being sentenced to an irreducible life sentence in the USA. The Federal Prosecutor provided a commitment to try to reach a plea agreement and, in case of trial, not to seek such a sentence. If the risk of an irreducible life sentence were nevertheless to materialise in the course of the proceedings, the Belgian authorities gave an undertaking in 2018 to intervene in those proceedings as *amicus curiae*. As part of general measures, awareness-raising measures were taken, and the Belgian authorities reiterated their commitment to respect the Court's interim measures in future.

Trabelsi (140/10)

Final Resolution CM/ResDH(2018)460

A 2013 amendment of the Law on Foreigners transferred the competence to examine the admissibility of renewed asylum applications from the Aliens' Office to the General Commissioner for Refugees and Stateless Persons (a specialised, independent body), which must examine *in concreto* and *ex nunc* the risks incurred by the applicants. The amendment includes a new definition of the notion of "new element". In case of inadmissibility, the Commissioner must give a reasoned opinion as to the risk of violating the principle of non-refoulement, directly or indirectly. Following a Constitutional Court's Ruling, a further amendment of the Law on Foreigners in 2014 provided, retroactively, for the Aliens Litigation Council's review of the Commissioner's decisions, on the merits *in concreto* and *ex nunc*.

M.D. and M.A. (58689/12)

Final Resolution CM/ResDH(2020)302

Several measures were adopted after the Court's judgment, including a memorandum in May 2017 to change the practice of interpellation services and closed centres, with regard to Article 3, when dealing with seriously ill foreign nationals. Examples were given of how this was put into practice. With regard to Article 8, a vademecum and two guides have been disseminated and case-law shows

Paposhvili (41738/10)

Final Resolution CM/ResDH(2023)362

that the specific dependency relationship with the family that may result from a state of health is taken into account in expulsion decisions.

Conditions of detention

A law that came into force on 1 July 2019 provides for a procedure to adress social conflicts through social dialogue and, in the event of failure, regulates the right of prison officers to strike, while taking into account the rights of prisoners. The law sets out how staff can be mobilised in the event of a strike lasting more than two days if there are too few staff available to provide basic services to prisoners. Plans have been drawn up for each prison in this regard. The law is regularly evaluated.

Clasens (26564/16)

Final Resolution CM/ResDH(2024)246

In October 2020, a specific remedy for detainees to lodge complaints with prison oversight bodies entered into force, which allows them to challenge decisions taken in their regard by the prison governor, including those relating to transfers between prisons and the application of a special security regime. The authorities have provided several examples of complaints being investigated. Furthermore, in 2016, the independence of the Central Prisons Supervisory Council was strengthened by placing it under the authority of the Federal Parliament.

Bamouhammad (47687/13)

Final Resolution CM/ResDH(2022)370

Following the Court's judgment regarding the *de facto* irreducible nature of the life sentence imposed on the applicant in 1981, and owing to the absence of any realistic prospect of release since 2018, the Ghent Sentence Enforcement Court granted his request for electronic monitoring for the first time in early 2026. The measure has been in place at a psychiatric clinic since 22 June 2026. In June 2025, the applicant had already been granted leave to seek residential accommodation, which could serve as an intermediate step prior to his reintegration into society. Various options had also previously been considered to remedy his situation following the Court's judgment. No specific general measures were required to execute the judgment, given the applicant's unique situation and the possibility that the competent judge might grant electronic monitoring, parole or other arrangements for the enforcement of sentences in similar cases where an intermediate step would be required towards to a supported return to society.

Horion (37928/20)
Judgment final on 09/08/2023

Standard supervision
Status of execution

Right to liberty and security

In 1971, by amendment of the Vagrancy Act, persons detained for vagrancy were granted a right of appeal to a court against the decision ordering their detention.

***De Wilde, Ooms* and *Versyp (vagrancy)* cases** (2832/66+)

Final Resolution CM/ResDH(72)02

In 1990, recidivists and habitual offenders detained by virtue of a reasoned decision of the Minister of Justice were granted a right of appeal before the competent chambre du conseil of the court which had decided his placement, and thus a judicial review of the lawfulness of the Minister's detention order.

Van Droogenbroeck (7906/77)

Final Resolution CM/ResDH(90)31

In a new Act on Detention on Remand of 1990 the access of the accused or his counsel to documents and case files was reinforced in proceedings for release from detention on remand.

Lamy (10444/83)

Final Resolution CM/ResDH(91)8

Bernaerts (15964/90)

Final Resolution CM/ResDH(95)104

Successive placements of juveniles in a remand prison by way of an interim custody measure were prohibited in 1994 and appropriate infrastructure capable of taking care of severely disturbed young persons was developed.

Bouamar (9106/80)

Final Resolution CM/ResDH(95)16

The necessity for persons whose cases have been dismissed to adduce evidence to prove their innocence in order to obtain compensation for their detention on remand was abrogated in 2010.

Capeau (42914/98)

Final Resolution CM/ResDH(2011)43

The practice of detaining unaccompanied foreign minors ended in 2007. In 2012, the Aliens Office was given the responsibility of ensuring that these minors are properly received and cared for upon arrival.

Mubilanzila Mayeka and Kaniki Mitunga (13178/03)

Final Resolution CM/ResDH(2014)226

Functioning of justice

- Access to court

A flexible reading by the Council of State of article 14§1 of the coordinated laws on the Council of State provides an effective remedy against a measure suspending a representative of the High Council of Justice. In addition, the repeal on 15 May 2024 of the second sentence of article 259bis-3, § 4, paragraph 1 of the Judicial Code now provides an effective remedy against the dismissal of a representative of this institution.

Loquifer (79089/13)

Final Resolution CM/ResDH(2024)155

A law of 19 December 2023 (new article 1094/2 of the Judicial Code) enables the applicant (in civil proceedings) to submit to the Court of Cassation a supplementary petition with a plea based on the violation of a legal provision which came into force during the proceedings and applies retroactively to the dispute.

Vermeersch (49652/10)

Final Resolution CM/ResDH(2024)25

In 1998, destitute people or those with insufficient means were placed on an equal footing with people with sufficient means in access to the legal aid system at the Cassation Court.

Aerts (25357/94)

Final Resolution CM/ResDH(2005)24

- Fairness of proceedings

In 1985, a change of the Court of Cassation's jurisprudence excluded investigating judges from participation in criminal proceedings as trial judges, thereby reinforcing the courts' independence and impartiality.

De Cubber (9186/80)

Final Resolution CM/ResDH(88)20

Following an amendment of the Judicial Code in 1992, decisions in disciplinary proceedings against lawyers had to be reasoned.

H. (8950/80)

Final Resolution CM/ResDH(93)19

A law concerning the public conduct of disciplinary proceedings before the Appeals Boards of the Order of Physicians and the Order of Pharmacists was adopted in 1985.

Le Compte and Others (7238/75)

Final Resolution CM/ResDH(85)13

Albert and Le Compte (7299/75+)

Final Resolution, CM/ResDH(85)14

The conformity of Belgian legislation with the requirements of impartiality in military criminal proceedings was ensured in the context of a broad legislative reform regarding the armed forces undertaken in 2001/02.

Pauwels (10208/82)

Final Resolution CM/ResDH(2001)67

Procedural rules before the Assize Court were modernised and proceedings were streamlined in January 2010, with the aim of reducing the number of cases, improving the quality of judgments and promoting the rights of the defence. Jury decisions on guilt must henceforth also be reasoned. The use of evidence obtained under torture was excluded by an amendment to the Code of Criminal Procedure in 2013.

Taxquet (926/05)
Final Resolution CM/ResDH(2012)112

El Haski (649/08)
Final Resolution CM/ResDH(2014)110

The legislative reform "Salduz", which had been initiated after 2008 to take account of the evolution of the European Court's case-law with regard to access to a lawyer, led to the adoption of laws in 2011 and 2016 granting full access rights to legal assistance as from arrest and during interrogations by police and investigating judges at pre-trial stage as well as all subsequent investigative acts. Detailed information on the right to remain silent should also be communicated.

Beuze (71409/10)
Final Resolution CM/ResDH(2020)17

The work of judicial experts is now governed by the Judicial Code and a Code of Ethics of 2017. A national register of judicial experts was created in 2014. An accreditation commission monitors experts' compliance with the Code of Ethics, and the Judicial Code allows for their dismissal on the same grounds as judges, including legitimate suspicion and conflicts of interest.

Test-achats (77039/12)
Final Resolution CM/ResDH(2024)350

- Excessive length of proceedings

The Law on organisation of the courts of August 1992 aimed at reducing the number of pending cases and preventing further backlogs. It allowed in particular litigants to ask the civil judge to fix by a binding decision, at the beginning of the proceedings, the deadlines for filing their pleadings as well as the date of the hearing.

Serrien (19008/91)
Final Resolution CM/ResDH(98)61

At a later stage, further reforms were conducted to ensure more broadly that all proceedings took place within a reasonable time, including civil and criminal, in particular in Brussels.

Dumont **group** (49525/99+)
Final Resolution CM/ResDH(2015)245

Oval **group** (49794/99+)
Final resolution CM/ResDH(2011)189

Other measures have been adopted to reduce the time taken to process criminal investigations, particularly in economic, financial and tax matters, thanks to a 2014 criminal policy circular.

De Clerck (34316/02+)
Final Resolution CM/ResDH(2017)149

Finally, measures have also been adopted to reduce the time taken to process administrative proceedings before the Conseil d'État, including the creation of a specific jurisdiction for foreigners' rights.

Entreprises Robert Delbrassinne S.A. (49204/99+)
Final Resolution CM/ResDH(2015)132

Protection of private and family life

A Nationality Code was adopted in 1985 extending the right to acquire nationality to "a child who, for at least one year before the age of six, has had his principal residence in Belgium with a person to whose authority he was legally subject".

Moustaquim (12313/86)
Final Resolution CM/ResDH(92)14

Freedom of religion

In November 2021, the Judicial Code was amended with regard to the attendance of court hearings, to remove the reference to "uncovered head" and retain the sole

Lachiri (3413/09)
Final Resolution

notion of "in respect and silence". Prior to this legislative amendment, the President of the College of Courts and Tribunals requested that the judgment be disseminated to all judges. The Institute for Judicial Training was invited to incorporate this judgment into their initial and continued training in deontology and ethics, in order to recall that there exists no explicit prohibition of the wearing of religious symbols by individuals at court hearings and that exclusions may only be justified in cases of disruption of their proper course.

CM/ResDH(2022)24

In July 2023, the authorities established a clear and regulated procedure to avoid violations similar to the one found by the Court (article 44 of the Code of Criminal Procedure). Henceforth, one month after an autopsy, the deceased's next of kin can request the return of the body from the King Prosecutor, who must give a written ruling within 15 days. The decision may be revoked at any time by the King Prosecutor, and the deceased's next of kin can reintroduce the same request three months after the last decision, and the King Prosecutor must again issue a written decision.

Aygun (28336/12)

Final Resolution CM/ResDH(2023)360

Protection against discrimination

- Children born out of wedlock

Legislative amendments in 1987 abolished the difference in the manner of establishing maternal affiliation and established equality with legitimate children as regards inheritance rights.

Marckx (6833/74)

Final Resolution CM/ResDH(88)3

- Legal aid

The law of 6 July 2016 extended the benefit of legal aid to all foreign nationals residing illegally in Belgium, provided that they have attempted to regularise their residence, that their request is of an urgent nature and that the proceedings concern matters relating to the exercise of a fundamental right.

Anakomba Yula (45413/07)

Final Resolution CM/ResDH(2016)243

- Access to education

The laws on the use of language in education, which prevented certain children, solely on the basis of the residence of their parents, from having access to the French language schools existing in the six communes on the periphery of Brussels in the Dutch-language region, were reformed in 1970 following a revision of the Constitution to guarantee equal rights to all communities in the country.

Affaires linguistiques belges (1474/62+)

1972, Consultative Assembly Doc. 3210, CM/ResDH(72)3

Protection of property rights

Domestic courts changed their case-law and no longer applied the impugned provisions introduced in 1988 exempting the State retroactively from liability for damage occasioned by maritime accidents as a result of ship pilots' negligence. Later, the Act on the piloting of sea-going vessels 1967 was amended in 1996 and the reference to the State's exemption for pilots' liability deleted. An overall reform of the legislation on the piloting of sea-going ships was undertaken and completed in 2002.

Pressos Compania Naviera S.A. and Others (17849/91)

Final Resolution CM/ResDH(2011)



II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

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Conditions de détention

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

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

Enhanced supervision
Status of execution

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

Enhanced supervision
Status of execution

Reception / Expulsion / Extradition

Structural problem of **non-enforcement of judicial decisions** ordering the provision **of material support and urgent housing to asylum seekers.**

Camara (49255/22)
Judgment final on 18/10/2023

Enhanced supervision
Status of execution

Lack of prompt review of the detention of two foreigners by a tribunal; **removal and ban on entry on the territory** of a Tunisian national **without taking due account of his paternity of a Belgian child.**

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

Standard supervision
Status of execution

Police entry into a foreigner's home without legal basis and without his consent **in the context of the enforcement of a deportation order.**

Sabani (53069/15)
Judgment final on 08/06/2022

Standard supervision
Status of execution

Lack of sufficient procedural guarantees in the process leading to the decision to cease the applicant's care as **an unaccompanied foreign minor** following **the age assessment procedure.**

F.B. (47836/21)
Judgment final on 06/06/2025

Standard supervision
Status of execution

Excessive length of judicial proceedings

Excessive length of civil and criminal proceedings; insuffisient statistics to date; issues related to the effective functioning of compensatory remedy; **structural problem of excessive length of proceedings in Brussels**.

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

Enhanced supervision
Status of execution

Discrimination and freedom of religion

Discrimination related to the deprivation of **the exemption of the real estate tax** on the buildings assigned to the public exercise of their worship in Brussels, **on the grounds of not being a "recognised religion".**

Anderlecht Christian Assembly of Jehovah's Witnesses and Others (20165/20)
Judgment final on 05/07/2022

Standard supervision
Status of execution

Right to free elections

Lack of adequate and sufficient **procedural safeguards and effective remedy** to challenge the results of the federal elections as well as from the federated entities.

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

Enhanced supervision
Status of execution



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