

Belgium

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS-ONGOING SUPERVISION

➡ *Right to life*

Lack of independence of the Belgian Federal Monitoring and Assessment Board for euthanasia.

Mortier (78017/17)
Judgment final on 04/01/2023

Standard supervision
Status of execution

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

Enhanced supervision
Status of execution

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

Standard supervision
Status of execution

De facto incompressible nature of a life imprisonment sentenced in 1981, due to the absence of any realistic prospect of release since 2018.

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

Standard 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 **W.D.** (73548/13) pilot judgment
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.

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

Standard supervision
Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS-ONGOING SUPERVISION

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

➡ Length of judicial proceedings

Excessive length of civil and criminal proceedings; insufficient 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

Access to court

Lack of remedy for a former judge to appeal against the suspension of her duties within the **High Council of the Judiciary** as a result of criminal proceedings brought against her.

Loquifer (79089/13)

Judgment final on 20/10/2021

Standard 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 elections and **lack of procedural safeguards** in case of resignation of elected officials.

Mugemangango group (310/15)

Judgment final on 10/07/2020

Enhanced supervision

Status of execution