

BELGIUM REVIEW

IV. Other institutional issues related to checks and balances

C. Accessibility and judicial review of administrative decisions

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non implementation

Information received about deteriorating reception conditions for asylum seekers in Belgium since 2021, prompted UN Special Procedures mandate holders¹ to issue a communication to Belgium in March 2023. They expressed concern at reports that the saturation of the Belgian reception system for migrants seeking international protection, pushes thousands of migrants, including families and children, to live in precarious and unhealthy conditions on the streets and in informal settlements in the city of Brussels. Without access to basic services, including water and sanitation, health care and legal support, their health and safety is in jeopardy – a situation that according to the mandate holders may constitute cruel, inhuman or degrading treatment. Deep concern was expressed at the vulnerable situation of homeless families and children, who are exposed to (sexual) violence and at risk of disappearance, as well as at allegations of delays in accessing the procedures for registering applications for international protection in Belgium. It was highlighted that in 2022 alone, the Brussels Labour Court ordered the Belgian Asylum agency, FEDASIL, to provide accommodation and material assistance to applicants for international protection in more than 6,000 cases. There have been significant delays in enforcing these court rulings, and no penalty payments were reportedly made by FEDASIL. In January 2023, the European Court of Human Rights ordered interim measures for approximately 1133 seekers of international protection ([AL BEL 1/2023](#)).

¹ Mandates of the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the right to development; the Special Rapporteur on the right to adequate housing; the Special Rapporteur on the human rights to safe drinking water and sanitation