

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF M.V. AND OTHERS v. BELGIUM

(Applications nos. 52836/22 and 3 others –
see appended list)

JUDGMENT

Art 3 (substantive) • Degrading treatment • National authorities, having failed to fulfil their legal obligation to provide accommodation and material support to applicants for international protection, held responsible for their extremely precarious living conditions on the street for months on end • Lack of respect for their dignity • Living conditions in question together with lack of appropriate response from national authorities to notice given by applicants on many occasions of inability to secure practical enjoyment of rights and to meet essential needs
Art 6 (civil) • Access to a court • Unreasonable delays in enforcement by national authorities of final decisions requiring State to provide accommodation and material support to applicants for international protection
Art 34 • Hindering exercise of right of application • Unreasonable delays in application by national authorities of interim measures issued by Court indicating that they should enforce decisions by domestic courts and provide accommodation and material support to applicants for international protection
Art 46 • General measures • Respondent State required to address systemic problem, identified in *Camara v. Belgium*, affecting national authorities' ability to comply with domestic law on asylum-seekers' right to accommodation, including final judicial decisions ordering such compliance

Prepared by the Registry. Does not bind the Court.

STRASBOURG

9 April 2026

FINAL

09/07/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of M.V. and Others v. Belgium,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ivana Jelić, *President*,
Erik Wennerström,
Raffaele Sabato,
Frédéric Krenc,
Davor Derenčinović,
Alain Chablais,
Anna Adamska-Gallant, *judges*,
and Ilse Freiwirth, *Section Registrar*,

Having regard to:

the applications (nos. 52836/22 and three others) against the Kingdom of Belgium lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by four foreign nationals ("the applicants"), on the various dates indicated in the appended table;

the decision to give notice to the Belgian Government ("the Government") of the complaints concerning Articles 3, 6 § 1, 13 and 34 of the Convention and to declare the remainder of the applications inadmissible;

the observations submitted by the Government and the observations in reply submitted by the applicants;

the comments submitted by the Human Rights Centre of Ghent University, which was granted leave to intervene by the President of the Section;

the decision not to have the applicants' names disclosed (Rule 47 § 4 of the Rules of Court);

Having deliberated in private on 17 March 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. Like *Camara v. Belgium* (no. 49255/22, 18 July 2023), the present case concerns applicants for international protection who lived for several months without material support or accommodation in Belgium, despite final decisions by the Brussels French-Language Employment Tribunal ordering the Belgian State to grant them such assistance in accordance with its legal obligations.

2. The applicants alleged that the conditions in which they had been forced to live for several months had amounted to inhuman and degrading treatment in breach of Article 3 of the Convention. Pointing out that the Employment Tribunal's decisions in their cases had not been enforced, they submitted that there had also been a violation of Article 6 § 1 in conjunction with Article 13 of the Convention. Lastly, relying on Article 34 of the

Convention, the applicants complained that the interim measures indicated by the Court had not been applied within a reasonable time.

THE FACTS

3. Details on the applicants and their representatives are provided in the appended table.

4. The Government were represented by their Agent, Ms I. Niedlispacher, of the Federal Justice Department.

5. The facts of each of the applications may be summarised as follows.

I. M.V. (APPLICATION No. 52836/22)

A. Domestic proceedings

6. M.V. arrived in Belgium on 17 August 2022. On 23 August 2022 he lodged an application for international protection. He was put on the waiting list for a place in the reception network.

7. On 24 August 2022 he served notice on the Federal Agency for the Reception of Asylum-Seekers (*Agence fédérale pour l'accueil des demandeurs d'asile* – Fedasil) to refer him to a reception centre for accommodation. The following day he lodged an *ex parte* application with the President of the Brussels French-Language Employment Tribunal, asking her to order Fedasil to provide him with accommodation and material support as defined in section 2, point 6° of the Law of 12 January 2007 on the reception of asylum-seekers and certain other categories of foreign nationals.

8. On 25 August 2022 M.V. was put on the waiting list.

9. In a decision on an *ex parte* application of 26 August 2022, the President of the Brussels French-Language Employment Tribunal ordered Fedasil to secure accommodation for M.V. in a reception centre or any other suitable establishment and to provide him with the material support prescribed by law, failing which it would be required to pay a coercive fine of 1,000 euros (EUR), as from the service of the decision, for each night that he was forced to spend outside the reception network or any other accommodation proposed by Fedasil. The decision was served on Fedasil on 6 September 2022 and, in the absence of an appeal, became final one month later. It is apparent from the information available to the Court that the coercive fine was not paid.

10. In emails of 13, 22 and 29 November 2022, M.V.'s representative asked Fedasil to make an appointment for the applicant as a matter of urgency in order to assign him a place in a reception centre pursuant to the aforementioned decision of 26 August 2022 (see paragraph 9 above).

11. On 1 December 2022, at M.V.'s request, a bailiff served notice on Fedasil to comply with the Employment Tribunal's decision of 26 August 2022 (see paragraph 9 above) and to pay the outstanding coercive fines.

B. Proceedings before the Court

12. In the meantime, on 16 November 2022 M.V. had applied to the Court requesting interim measures under Rule 39 of the Rules of Court.

13. In response to that request, on 21 November 2022 the Court had indicated to the Belgian State that it should enforce the decision of the Employment Tribunal and provide M.V. with accommodation and material support to meet his basic needs.

14. On 8 December 2022 M.V. sent his application form to the Court in accordance with Rule 47 § 1 of the Rules of Court. At that time he had still not secured accommodation or material support.

C. Developments subsequent to the application

15. On 9 December 2022 M.V. was invited to the initial processing centre for applicants for international protection on 12 December 2022 so that he could be assigned a place in a reception facility.

16. He was assigned a place in the Evere reception centre on 12 December 2022.

17. On 30 January 2023 he was transferred to the Koekelberg reception centre, where he was still living when the parties exchanged observations.

18. On 13 March 2024 the Court decided to lift the interim measure indicated to the Belgian State.

19. M.V.'s application for international protection was still being reviewed in late 2024, following his invitation to an interview with the Commissioner General for Refugees and Stateless Persons on 17 September 2024.

II. B.L. (APPLICATION No. 57898/22)

A. Domestic proceedings

20. B.L. arrived in Belgium on 23 September 2021. On 27 September 2021 he lodged an application for international protection. He was assigned a place at the initial processing centre on the same day.

21. On 30 November 2021 the Aliens Office issued a decision refusing the applicant leave to remain and ordering him to leave the country, with a view to transferring him to France, the member State deemed responsible for processing his application for international protection.

22. On 18 March 2022 B.L. was returned to France. By prefectoral decision he was ordered to leave France immediately, with a one-year

re-entry ban, because the application for international protection he had lodged in France in 2018 had been rejected with final effect. According to B.L., he returned to Belgium for that reason.

23. On 1 April 2022 he lodged a second application for international protection in Belgium.

24. In a decision on an *ex parte* application of 7 April 2022, the Brussels French-Language Employment Tribunal ordered Fedasil to secure accommodation for B.L. in a reception centre.

25. On 7, 12 and 14 April 2022 Fedasil invited B.L. to its offices so that he could be assigned a place in a reception centre. He did not present himself for the appointments.

26. On an unknown date B.L. left Belgium for Germany. There he lodged an application for asylum, which was rejected on the ground that Belgium was the member State responsible for examining his application. He was returned to Belgium on 27 September 2022.

27. On 4 August 2022 the Commissioner General for Refugees and Stateless Persons deemed that B.L. had implicitly withdrawn his application for international protection. An order to leave the country was served on him on the same day.

28. On 28 September 2022 he lodged a third application for international protection in Belgium. He was put on the waiting list for a place in the reception network.

29. In emails of 7 and 18 October 2022, B.L.'s representative served notice on Fedasil to secure accommodation for the applicant. On 18 October 2022 he lodged an *ex parte* application with the President of the Brussels French-Language Employment Tribunal, asking her to order Fedasil to provide him with accommodation and material support as defined in section 2, point 6° of the Law of 12 January 2007 on the reception of asylum-seekers and certain other categories of foreign nationals.

30. In a decision on an *ex parte* application of 21 October 2022, the President of the Brussels French-Language Employment Tribunal ordered Fedasil to secure accommodation for B.L. in a reception centre or any other suitable establishment and to provide him with the material support prescribed by law, failing which it would be required to pay a coercive fine of EUR 250, as from the service of the decision, for each night that he was forced to spend outside the reception network or any other accommodation proposed by Fedasil. The decision was served on Fedasil on 2 November 2022 and, in the absence of an appeal, became final one month later. It is apparent from the information available to the Court that the coercive fine was not paid.

31. In emails of 29 November 2022 and 12 and 23 January 2023, B.L.'s representative asked Fedasil to make an appointment for the applicant as a matter of urgency in order to assign him a place in a reception centre pursuant to the aforementioned decision of 21 October 2022 (see paragraph 30 above).

B. Proceedings before the Court

32. In the meantime, on 21 December 2022 B.L. had applied to the Court requesting interim measures under Rule 39 of the Rules of Court.

33. In response to that request, on 11 January 2023 the Court had indicated to the Belgian State that it should enforce the decision of the Employment Tribunal and provide B.L. with accommodation and material support to meet his basic needs.

34. On 8 February 2023 B.L. sent his application form to the Court in accordance with Rule 47 § 1 of the Rules of Court. At that time he had still not secured accommodation or material support.

C. Developments subsequent to the application

35. On 25 April 2023 B.L. was invited to enter the reception network. He was assigned a place in the Bierset reception centre on 28 April 2023.

36. B.L. was transferred several times to different reception centres for disciplinary reasons (extreme intoxication, insulting language towards staff and property damage).

37. On 24 August 2023 the Commissioner General for Refugees and Stateless Persons rejected the applicant's third application for international protection. That decision was upheld in a judgment of the Aliens Appeals Board of 26 March 2024. An order to leave the country was served on B.L. on 23 April 2024.

38. In the meantime, on 13 March 2024 the Court had decided to lift the interim measure indicated to the Belgian State.

III. S.N. (APPLICATION No. 3913/23)

A. Domestic proceedings

39. S.N. arrived in Belgium on 4 November 2022. On 8 November 2022 he lodged an application for international protection. He was put on the waiting list for a place in the reception network.

40. On 23 November 2022 S.N. served notice on Fedasil to provide him with accommodation and material support. On 25 November 2022 he lodged an *ex parte* application with the President of the Brussels French-Language Employment Tribunal, asking her to order Fedasil to provide him with accommodation and material support as defined in section 2, point 6° of the Law of 12 January 2007 on the reception of asylum-seekers and certain other categories of foreign nationals.

41. In a decision on an *ex parte* application of 30 November 2022, the President of the Brussels French-Language Employment Tribunal ordered Fedasil to secure accommodation for S.N. in a reception centre or any other suitable establishment and to provide him with the material support

prescribed by law, failing which it would be required to pay a coercive fine of EUR 250, as from the service of the decision, for each night that he was forced to spend outside the reception network or any other accommodation proposed by Fedasil. The decision was served on Fedasil on 23 December 2022 and, in the absence of an appeal, became final one month later. According to S.N., no action was taken by Fedasil. It is apparent from the information available to the Court that the coercive fine was not paid.

42. On 2 December 2022 S.N. served notice on Fedasil to provide him with a certificate attesting to the saturation of the reception network so that he could obtain assistance from the Antwerp social welfare office, which had agreed to receive him.

B. Proceedings before the Court

43. On 20 January 2023 S.N. applied to the Court requesting interim measures under Rule 39 of the Rules of Court.

44. In response to that request, on 24 January 2023 the Court indicated to the Belgian State that it should enforce the decision of the Employment Tribunal and provide S.N. with accommodation and material support to meet his basic needs.

45. In emails of 26 January and 17 February 2023, S.N.'s representative asked Fedasil to arrange S.N.'s accommodation pursuant to the Employment Tribunal's decision of 30 November 2022 (see paragraph 41 above).

46. On 21 February 2023 S.N. sent his application form to the Court in accordance with Rule 47 § 1 of the Rules of Court. At that time he had still not secured accommodation or material support.

C. Developments subsequent to the application

47. On 5 October 2023 S.N. was invited to an appointment on 12 October 2023 so that he could be assigned a place in a reception facility.

48. He was assigned a place in the Evere reception centre on 12 October 2023.

49. On 26 October 2023 S.N. was granted refugee status. He benefited from accommodation within the reception network until 14 March 2024.

50. In the meantime, on 13 March 2024 the Court had decided to lift the interim measure indicated to the Belgian State.

IV. G.D. (APPLICATION No. 4994/23)

A. Domestic proceedings

51. G.D. arrived in Belgium on 21 November 2022. The next day he lodged an application for international protection in Belgium. He was put on the waiting list for a place in the reception network.

52. On 28 November 2022 G.D.'s representative served notice on Fedasil to receive the applicant. The next day he lodged an *ex parte* application with the President of the Brussels French-Language Employment Tribunal, asking her to order Fedasil to provide him with accommodation and material support as defined in section 2, point 6° of the Law of 12 January 2007 on the reception of asylum-seekers and certain other categories of foreign nationals.

53. In a decision on an *ex parte* application of 2 December 2022, the President of the Brussels French-Language Employment Tribunal ordered Fedasil to secure accommodation for G.D. in a reception centre or any other suitable establishment and to provide him with the material support prescribed by law, failing which it would be required to pay a coercive fine of EUR 100, as from the service of the decision, for each night that he was forced to spend outside the reception network or any other accommodation proposed by Fedasil. The decision was served on Fedasil on 13 December 2022 and, in the absence of an appeal, became final one month later. It is apparent from the information available to the Court that the coercive fine was not paid.

54. In emails of 25 January and 1 February 2023, G.D.'s representative asked Fedasil to make an appointment for the applicant as a matter of urgency in order to assign him a place in a reception centre pursuant to the Employment Tribunal's decision of 2 December 2022 (see paragraph 53 above).

B. Proceedings before the Court

55. In the meantime, on 27 January 2023 G.D. had applied to the Court requesting interim measures under Rule 39 of the Rules of Court.

56. In response to that request, on 31 January 2023 the Court had indicated to the Belgian State that it should enforce the decision of the Employment Tribunal and provide G.D. with accommodation and material support to meet his basic needs.

57. On 17 March 2023 G.D. sent his application form to the Court in accordance with Rule 47 § 1 of the Rules of Court. At that time he had still not secured accommodation or material support.

C. Developments subsequent to the application

58. On 5 April 2023 G.D. was assigned a place in a reception centre.

59. On 13 March 2024 the Court decided to lift the interim measure indicated to the Belgian State.

60. On 30 April 2024 the Commissioner General for Refugees and Stateless Persons rejected G.D.'s application for international protection. An appeal against that decision was pending before the Aliens Appeals Board when the parties exchanged observations.

61. On 24 July 2024 G.D. left the reception network voluntarily.

RELEVANT DOMESTIC LEGAL FRAMEWORK AND PRACTICE

62. The relevant domestic legal framework and practice were set out in *Camara v. Belgium* (cited above, §§ 25-87).

DEVELOPMENTS IN THE RECEPTION OF APPLICANTS FOR INTERNATIONAL PROTECTION SINCE *CAMARA*

63. In *Camara* (ibid., § 145) the Court noted that the evidence available to it disclosed a systemic problem with regard to the Belgian authorities' ability to comply with domestic legislation on the right of applicants for international protection to accommodation, including with final judicial decisions ordering respect for that right. In particular, the Court stated that between 31 October 2022 and 30 May 2023 it had granted interim measures to 1,710 applicants for international protection who were not being provided with accommodation by the authorities despite final decisions to that end by the Brussels French-Language Employment Tribunal (ibid., § 85).

64. The Government stated that in July 2024 Fedasil was no longer in a position to receive immediately, in a reception centre, applicants for international protection who had obtained a final decision from the Employment Tribunal or had been granted an interim measure from the Court, owing to the large number of cases in which a judicial decision had been handed down (4,533 between August and December 2022, 4,876 in 2023 and 1,233 between January and June 2024).

65. According to data provided by the Government, 2,723 people eligible for material support were awaiting accommodation in January 2023. That figure stood at 4,097 people on 17 June 2024 and 3,094 people in October 2024. The Government explained that a significant number of those people had been provided accommodation under an agreement with the Brussels Region, but it was not possible to give exact figures.

SUPERVISION OF THE EXECUTION OF THE *CAMARA* JUDGMENT BY THE COMMITTEE OF MINISTERS

66. The Committee of Ministers of the Council of Europe has supervised the execution of the *Camara* judgment (cited above) under the enhanced supervision procedure (for details on this procedure, see *Burmych and Others v. Ukraine* (striking out) [GC], nos. 46852/13 et al., § 118, 12 October 2017). In its decision adopted at its 1507th Human Rights meeting (September 2024) in respect of the *Camara* case (CM/Del/Dec(2024)1507/H46-6), the

Committee of Ministers stated as follows with regard to the general measures taken by the Belgian authorities following the delivery of that judgment:

> "3. [The Deputies] noted with interest the authorities' commitment to remedying the systemic problem identified by the Court, the many measures they have already adopted to this end (notably measures to free up reception places, including an accelerated examination of certain asylum applications) as well as the measures still planned (in particular, the creation of 3,500 new temporary places);
>
> 4. nevertheless, given the insufficiency of these measures in view of the ongoing crisis, its humanitarian nature and its impact on the European Court and some Brussels courts and tribunals, invited the authorities to act as soon as possible, taking into account the recommendations made by competent international and national organisations; invited them, in particular, to increase their efforts as in 2015, using all the means at their disposal, notably through increased collaboration between all levels of power, and to adopt a sufficient budget and a timetable setting out the next steps to achieve compliance with their commitment;
>
> 5. more specifically, invited the authorities to significantly and sustainably increase the capacity of their reception network as quickly as possible in order to resolve the current crisis, thereby eradicating the problem of non-enforcement of judicial decisions at its source and to enable them to cope in the future with the flows of applicants, inherent to any asylum system;
>
> 6. in this context, encouraged the authorities to continue and strengthen their cooperation with the European Union Agency for Asylum, by considering additional support to the elimination of the backlog of processing asylum applications; whilst waiting for stable reception conditions, also encouraged them to provide for alternatives, such as emergency reception and/or the granting of financial aid, as well as to assess the measures adopted and to closely monitor the enforcement of all judicial decisions in the field of reception;
>
> 7. finally, strongly encouraged the authorities to maintain a sustained dialogue with the Secretariat concerning the implementation of this judgment and decided to resume their examination at their DH meeting in September 2025."

67. In its decision adopted at its 1537th Human Rights meeting (September 2025) in respect of the same case (CM/Del/Dec(2025)1537/H46-6), the Committee of Ministers of the Council of Europe stated as follows:

> "2. [The Deputies] noted with interest that the number of asylum-seekers awaiting reception has fallen sharply in one year [*sic*] time, mainly as a result of an acceleration in exits from the reception network, which made it possible to free up many places; also noted with interest that, in line with the Committee [of Ministers]'s previous decision, the authorities have strengthened their cooperation with the European Union Agency for Asylum, extending its operational support to reducing the backlog of asylum applications, which could also contribute to freeing up more reception places;
>
> 3. noted with concern, however, the steady reduction in the number of reception places since the end of 2024, while in many cases the authorities are unable to grant asylum seekers the reception to which they are entitled, and the number of applications for protection and their average processing time remain high; also noted with concern, in this context, the effects of other planned measures, in particular, major cuts in the federal budget for the reception of asylum-seekers and in the long term capacity of the

reception network, as well as the removal of legal solutions which could help to respond to the crisis;

4. therefore, invited the authorities to use, as soon as possible, all possible means to find a lasting solution to the reception crisis, so as to be able to enforce all judicial decisions, and to provide a sufficient budget and a precise timetable for this purpose; also invited them to provide the Committee [of Ministers] with more detailed information on the enforcement of judicial decisions in the field of reception of asylum-seekers (in particular, the average enforcement rates and timescales, and the remedies available);

5. finally, invited the Belgian authorities to intensify their dialogue with the Secretariat between now and the next examination of the case at their DH meeting in September 2026."

THE LAW

I. JOINDER OF THE APPLICATIONS

68. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. PRELIMINARY REMARKS

69. The Court has two preliminary remarks to make.

70. First, the Court would point out that in *Camara v. Belgium* (no. 49255/22, 18 July 2023) it ruled on an application with several similarities to the present ones, concerning the consequences, for the applicant, of the saturation of the reception network for applicants for international protection in Belgium. The execution of that judgment is the subject of enhanced supervision by the Committee of Ministers (see paragraphs 66 and 67 above). In accordance with Article 46 § 2 of the Convention, it is not for the Court to interfere with the competence of the Committee of Ministers, whose task it is to determine whether the means chosen and the general measures implemented by the Belgian State are sufficient to discharge its obligation under Article 46 of the Convention (see *Ngegba and Attarzadeh v. Belgium* (dec.), nos. 42874/22 and 45607/22, § 19, 14 May 2024).

71. Second, the Court reiterates that under its well-established case-law, in proceedings originating in an individual application under Article 34 of the Convention, its task is not to examine the situation in the round. Instead, it must determine whether the manner in which that situation affected the applicant gave rise to a violation of the Convention (see, *mutatis mutandis*, *Lekić v. Slovenia* [GC], no. 36480/07, § 107, 11 December 2018). In the context of the present case, it is not therefore for the Court to rule, in general, on the current situation regarding the reception of applicants for international protection in Belgium. Rather, it must determine whether the applicants'

Convention rights were breached as alleged. In this connection, it is apparent from the statement of facts (see paragraphs 6 to 57 above) that the present case concerns events that mainly took place between August 2022 and October 2023.

III. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

72. The applicants alleged that the conditions in which they had been forced to live for several months, namely on the street without material support from the State, had amounted to inhuman and degrading treatment in breach of Article 3 of the Convention. That Article reads as follows:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

A. Admissibility

1. Whether domestic remedies were exhausted

(a) The parties' submissions

(i) The Government

73. The Government objected that domestic remedies had not been exhausted. All the applicants now had accommodation. The applications were not therefore aimed at putting an end to a violation of Article 3 of the Convention, but at obtaining recognition thereof and redress. However, none of the applicants had lodged a claim for compensation with the domestic courts. Accordingly, the Government submitted (referring to the Court's case-law, namely *M.K. and Others v. France*, nos. 34349/18 and 2 others, §§ 168-70, 8 December 2022, and *Camara*, cited above, §§ 130-35) that the applicants had not exhausted all domestic remedies available to them.

74. With reference to the applicants' submissions (see paragraphs 75 and 76 below), the Government submitted that they merely raised a series of purely hypothetical objections. Both the employment tribunals and the courts of first instance had jurisdiction to hear State liability claims, and the domestic courts were better placed to assess the damage sustained by the applicants and to determine compensation accordingly. Furthermore, the fact that Fedasil had chosen to prioritise spending on the creation of reception places for applicants for international protection rather than on the payment of coercive fines did not in any way prejudge the Belgian State's response if it were ordered to pay damages. Lastly, the length of the proceedings was not such as to increase the damage sustained by the applicants, since they now had accommodation and the State had already been found liable within a reasonable time (in this connection, the Government referred to *Camara*, cited above, § 47).

(ii) The applicants

75. The applicants M.V., B.L. and G.D. referred to the Court's case-law according to which compliance with the requirement to exhaust domestic remedies was normally assessed with reference to the date of the application to the Court, namely 8 December 2022 for M.V., 8 February 2023 for B.L. and 17 March 2023 for G.D. In particular, in relation to conditions of detention contrary to Article 3 of the Convention, the Court had in the past drawn a distinction between ongoing violations, for which only preventive remedies were considered effective, and situations where the alleged violation had ceased, in which case a compensatory remedy was sufficient. When the applicants had lodged their applications with the Court, they had still been living on the street in conditions which, they alleged, breached Article 3 of the Convention. Accordingly, their primary aim had obviously been to complain about and to put a swift end to a situation which they considered to be contrary to Article 3 of the Convention, and not to seek redress. It was only after they had lodged their application with the Court that they had been referred to a reception centre capable of providing them with accommodation. A preventive remedy (the *ex parte* application procedure) had been an appropriate avenue of redress for their complaint. It would be excessive to require them also to bring an action for compensation.

In addition, the Government had failed to establish that a civil liability action was an appropriate and effective remedy, as they had adduced no decisions in support of that argument, no established case-law and no examples demonstrating its effectiveness in practice. The decisions the Government had cited had in fact been challenged, had remained unenforced and had not been delivered by the courts with territorial jurisdiction over the applicants. The broader context of the reception crisis in Belgium, characterised by the systematic failure to enforce thousands of final judicial decisions and by the lack of corrective measures, confirmed the ineffectiveness of domestic remedies. In such circumstances, it would be disproportionate to require the applicants to have brought a futile action to put an end to an ongoing breach of their rights.

76. The applicant S.N. added that the Government's position before the Court was contradictory to that taken in the domestic proceedings. The Government's argument that S.N. should have brought a liability claim could not be accepted, since the Government, which had already been ordered by the domestic courts to pay coercive fines to the applicant, had refused to comply with the judgment, which had been duly served on them and against which they had not appealed. According to the applicant, the refusal to pay was an official position asserted at the highest levels of the Belgian State, including publicly by the Secretary of State for Asylum and Migration and on Fedasil's website. Accordingly, even assuming that S.N. could have obtained a favourable decision in liability proceedings, it was clear that the

Government would have refused to enforce the judgment and to pay the sums due.

(b) The third-party intervener's submissions

77. Referring to the Court's case-law, the Human Rights Centre of Ghent University submitted that applicants who had obtained a final decision from the employment tribunals should be considered to have exhausted domestic remedies for the purpose of raising their complaint under Article 3 of the Convention. Requiring applicants also to make use of the compensatory remedy was highly problematic both in principle and in the particular circumstances of such cases.

(c) The Court's assessment

78. As pointed out by the Government (see paragraph 73 above), the Court has declared inadmissible complaints under Article 3 of the Convention concerning the destitution of applicants for international protection, because domestic remedies were not exhausted (see *M.K. and Others v. France*, cited above, § 169, and *Camara*, cited above, § 132). In those cases, the Court found that the applicants in question had not brought a State liability action in order to seek financial compensation, notwithstanding the fact that, in view of its purely compensatory nature, it would have been effective only after their applications had been lodged with the Court (ibid.).

79. However, the Court notes an important factual difference between those cases and the present one: in *M.K. and Others v. France* and *Camara* (both cited above), the applicants had promptly been provided with accommodation by the authorities after the Court had indicated interim measures under Rule 39 of the Rules of Court. Furthermore, by the time the applicants in those cases had lodged their complaints under Article 3 of the Convention with the Court by means of their application forms, they had already been provided with accommodation by the authorities and the alleged breach of that Article had therefore ceased. In the present case, on the other hand, the applicants had still not been provided with accommodation when they raised their complaint under Article 3 by means of their application forms (see paragraphs 14, 34, 46 and 57 above), meaning that the situation allegedly breaching that Article had not ceased at that time.

80. In this connection, the Court reiterates its settled case-law to the effect that an applicant's compliance with the requirement to exhaust domestic remedies is normally assessed with reference to the date on which the application was lodged with the Court, without, however, any distinction being made between the submission of a request for interim measures and the submission of an application form (see, among many other authorities, *A.M. v. France*, no. 12148/18, § 65, 29 April 2019, and *Selahattin Demirtaş v. Turkey (no. 2)* [GC], no. 14305/17, § 193, 22 December 2020, and the

cases cited therein). The Court has had occasion, in exceptional circumstances, to depart from this rule where remedies were specifically introduced in domestic law following the lodging of the application in order to address the problem in issue (see, for instance, *Demopoulos and Others v. Turkey* (dec.) [GC], nos. 46113/99 and 7 others, §§ 87-88, ECHR 2010; *Shmelev and Others v. Russia* (dec.), nos. 41743/17 and 16 others, §§ 123-30, 17 March 2020; and *Szaxon v. Hungary* (dec.), no. 54421/21, § 44, 21 March 2023). That was not, however, the case in the matter at hand.

81. Furthermore, in response to the Government's argument that the applicants could and should have also brought a State liability action (see paragraph 73 above), the Court reiterates that in the event of there being a number of domestic remedies which an individual can pursue, that person is entitled to choose, for the purpose of fulfilling the requirement of exhaustion of domestic remedies, a remedy which addresses his or her essential grievance (see *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 177, 25 June 2019, and *Temporale v. Italy*, no. 38129/15, § 55, 20 June 2024, and the cases cited therein).

82. In the instant case, however, the Court notes that the applicants availed themselves of a fruitful remedy by lodging an *ex parte* application with the Employment Tribunal. The decisions handed down by that body granting the applicants' requests were not challenged by the Belgian State and, in the absence of an appeal by the latter, became final (see paragraphs 9, 30, 41 and 53 above). That preventive remedy enabled the applicants to have an end put to the situation complained of, namely the lack of accommodation and material support, whereas that would not have been the case with a compensatory remedy against the State (see, to similar effect, in the context of material conditions of detention in prison, *Vasilescu v. Belgium*, no. 64682/12, § 75, 25 November 2014, and, concerning confinement in an institution unsuited to a person's mental health, *Venken and Others v. Belgium*, nos. 46130/14 and 4 others, § 153, 6 April 2021).

83. Given that the applicants were still in a situation which they considered to be in breach of Article 3 of the Convention at the time they lodged their application with the Court (see paragraph 80 above), they duly exhausted domestic remedies by lodging an *ex parte* application with the Employment Tribunal.

84. Accordingly, the Court dismisses the Government's preliminary objection.

2. Conclusion on admissibility

85. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

86. The applicants M.V., B.L. and G.D. submitted that despite their vulnerability as applicants for international protection, they had been forced to live on the street in Brussels and to sleep on cardboard boxes for several months. During that time, they had had no resources or access to sanitary facilities, no water or electricity, no means of meeting their basic needs and no support whatsoever (food, clothing or medical care) from the State. While they had been able to feed themselves thanks to associations working on the ground, they had still gone hungry. M.V. and B.L. produced photographs of the conditions in which they had allegedly slept. The applicants submitted that their living conditions had amounted to inhuman and degrading treatment within the meaning of Article 3 of the Convention. Referring to the measures described by the Government in their submissions and disputing them point by point, the applicants asserted that those actions had been wholly insufficient, or even ineffective. In their view, the measures had not led to any tangible improvements in the situation on the ground.

87. The applicant S.N. stated that as a result of the saturation of the reception network for applicants for international protection, he had not been provided with accommodation after he had lodged his application for international protection and that he had lived in utter destitution on the street in Brussels without being able to meet his basic needs (food, a place to live and hygiene). He had been in such a state of deprivation that it had been incompatible with human dignity and had attained the level of severity required to engage Article 3 of the Convention. He had also found himself faced with the indifference of the Belgian authorities.

(b) The Government

88. The Government described in detail the measures that had been decided and implemented by the Belgian authorities, as well as those that were still planned to ease the pressure on the reception network for applicants for international protection in Belgium. As regards the present case, the applicants had not shown that they had been in a situation of material deprivation reaching the level of severity required to engage Article 3 of the Convention. They had provided no tangible evidence of their actual situation in the period from when they had lodged their application for international protection to when they had been assigned a place in a reception centre. They had confined themselves to making bare assertions and mere references to the general situation. The Belgian authorities could not be accused of indifference to the situation of the applicants, who had had the option of turning to State-funded organisations and associations to meet their basic

needs. However, there was nothing to indicate that the applicants had contacted those organisations and associations and received no assistance.

2. The third-party intervener's submissions

89. The Human Rights Centre of Ghent University submitted that the situation had worsened since the delivery of the *Camara* judgment (cited above). As at 21 August 2024 more than 3,900 applicants for international protection (mainly single men) were on the waiting list for accommodation, even though the Belgian authorities had not faced a dramatic increase in asylum claims in 2023 and 2024.

3. The Court's assessment

(a) General principles

90. The Court reiterates that neither the Convention nor its Protocols confer the right to political asylum (see *N.D. and N.T. v. Spain* [GC], nos. 8675/15 and 8697/15, § 188, 13 February 2020) and that subject to their treaty obligations, including those arising from the Convention, Contracting States have the right to control the entry, residence and removal of aliens (see, among many other authorities, *N.D. and N.T. v. Spain*, cited above, § 167).

91. However, Article 3 of the Convention, which enshrines one of the most fundamental values of democratic societies, prohibits in absolute terms torture and inhuman or degrading treatment, irrespective of the circumstances and of the conduct of the person concerned (see *Chahal v. the United Kingdom*, 15 November 1996, § 79, *Reports of Judgments and Decisions* 1996-V, and *Saadi v. Italy* [GC], no. 37201/06, § 127, ECHR 2008). This prohibition enshrined in Article 3 is a value of civilisation closely bound up with respect for human dignity, part of the very essence of the Convention (see *Khlaifia and Others v. Italy* [GC], no. 16483/12, § 158, 15 December 2016).

92. In this connection, the Court reiterates its well-established case-law to the effect that, having regard to the absolute character of Article 3, an increasing influx of migrants cannot absolve a State of its obligations under that provision (see *M.S.S. v. Belgium and Greece* [GC], no. 30696/09, § 223, ECHR 2011; *Khlaifia and Others*, cited above, § 184; and *Z.A. and Others v. Russia* [GC], nos. 61411/15 and 3 others, §§ 187-88, 21 November 2019). Nevertheless, while the constraints inherent in a migration crisis cannot, in themselves, be used to justify a breach of Article 3, the Court is of the view that it would certainly be artificial to examine the facts of the case submitted to it without considering the general context in which those facts arose (see *Khlaifia and Others*, cited above, § 185).

93. The Court also considers it necessary to reiterate that Article 3 cannot be interpreted as obliging the High Contracting Parties to provide everyone within their jurisdiction with a home (see *Chapman v. the United*

Kingdom [GC], no. 27238/95, § 99, ECHR 2001-I). Nor does Article 3 entail any general obligation to give refugees financial assistance to enable them to maintain a certain standard of living (see *Müslim v. Turkey*, no. 53566/99, § 85, 26 April 2005).

94. However, the Court has held that those are not the terms in which to frame the issue for decision where asylum-seekers complain of being left utterly destitute. The obligation to provide accommodation or decent material conditions to impoverished asylum-seekers has now been laid down in law and is imposed on the authorities of the respondent State by the specific language of the legislation enacted to transpose European Union law into national law (see *M.S.S. v. Belgium and Greece*, cited above, § 250, and *N.H. and Others v. France*, nos. 28820/13 and 2 others, § 161, 2 July 2020).

95. The Court has held on many occasions that inhuman or degrading treatment has to attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum is relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the sex, age and state of health of the victim (see *M.S.S. v. Belgium and Greece*, cited above, § 219; *Khlaifia and Others*, cited above, § 159; and *Savran v. Denmark* [GC], no. 57467/15, § 122, 7 December 2021).

96. Treatment may be characterised as "degrading" within the meaning of Article 3 where it humiliates or debases an individual, shows a lack of respect for or diminishes his or her dignity or arouses feelings of fear, anguish or inferiority capable of breaking his or her moral and physical resistance (see *M.S.S. v. Belgium and Greece*, cited above, § 220, and *N.H. and Others v. France*, cited above, § 159).

97. On the basis of these principles the Court has previously ruled that the seriousness of the situation of destitution of an applicant asylum-seeker who had spent several months unable to meet his most basic needs (food, hygiene and a place to live), in constant fear of being attacked and robbed and with no prospect of improvement in his situation (see *M.S.S. v. Belgium and Greece*, cited above, § 254), coupled with the inaction of the asylum authorities, amounted to a violation of Article 3 of the Convention (ibid., § 262-63; see also *N.H. and Others v. France*, cited above, § 184-86).

(b) Application of these principles to the present case

98. In the present case, the Court is called upon to determine whether the situation of the applicants, young adult men who had no dependent children and had not reported any major health problems, was one of extreme material destitution attributable to the respondent State and in breach of Article 3 of the Convention (see *M.S.S. v. Belgium and Greece*, cited above, § 252, and *N.H. and Others v. France*, cited above, § 166).

99. It is not in dispute that the four applicants, all of whom had applied for international protection, were dependent for their basic needs on the

material support for which provision was made by domestic law and to which they were entitled for as long as they had permission to remain in the country as asylum-seekers (see *N.H. and Others v. France*, cited above, § 167).

100. Unlike the applicants in *N.H. and Others v. France* (cited above), the applicants in the present case were in fact able to lodge their application for international protection as soon as they arrived in Belgium. However, in breach of domestic law, no accommodation or material support was provided to them, because the reception network for applicants for international protection in Belgium was saturated.

101. The Court considers that a violation of Article 3 of the Convention cannot automatically be found for the sole reason that domestic law was infringed. As it has already pointed out (see paragraphs 71 and 98 above), the Court must examine the applicants' specific situation, in the light of the evidence adduced before it, with a view to verifying whether the level of severity required to engage Article 3 was attained.

102. In this connection, it reiterates that the distribution of the burden of proof and the level of persuasion necessary for reaching a particular conclusion are intrinsically linked to the specificity of the facts, the nature of the allegation made and the Convention right at stake (see *N.D. and N.T. v. Spain*, cited above, § 85; see also *B.G. and Others v. France*, no. 63141/13, § 83, 10 September 2020, and the cases cited therein).

103. In the instant case, the applicants stated that they had lived and slept on the street in Brussels, in extremely precarious conditions, from the time they had lodged their application for international protection until they had been assigned a place in a reception centre, that is to say, from 23 August 2022 to 12 December 2022, or 111 days, for M.V.; from 28 September 2022 to 28 April 2023, or 212 days, for B.L.; from 8 November 2022 to 12 October 2023, or 338 days, for S.N.; and from 22 November 2022 to 5 April 2023, or 134 days, for G.D.

104. The applicants' allegations as to their living conditions on the street are corroborated by information produced by the parties concerning the general situation of destitution faced by asylum-seekers in Belgium at that time (see the overview in *Camara*, cited above, §§ 50-79) and by information issued by the Committee of Ministers regarding the execution of the *Camara* judgment.

105. The Government did not dispute the general situation resulting from the saturation of the reception network for applicants for international protection, or the difficult conditions in which thousands of such applicants had been forced to live on the street, as described in *Camara* (ibid., §§ 50-79). The Court is also mindful of the difficulties which the applicants, in view of such circumstances, may have faced in substantiating their allegations. In the light of the evidence before it in the present case, it sees no reason to question the truth of their accounts (see, to similar effect, *M.S.S. v. Belgium and*

Greece, cited above, § 255, and *N.H. and Others v. France*, cited above, § 174).

106. Furthermore, having regard to the State's legal obligation to provide material support to any applicant for international protection, the applicants cannot be criticised for not having demonstrated that they had contacted humanitarian associations. They did not, moreover, deny that they had received assistance from such associations in the form of food (see paragraph 86 above). In any event, the provision of such assistance would not be capable of relieving the State Party of its obligations under Article 3 of the Convention.

107. The Court acknowledges the substantial efforts deployed by the Belgian authorities to contribute to the financing of associative schemes, create additional accommodation, recruit staff and shorten processing times for asylum applications (see *Camara*, cited above, § 116). It also takes note of the additional measures implemented by the Belgian authorities since the delivery of the *Camara* judgment, as welcomed by the Committee of Ministers (see paragraphs 66 and 67 above). However, the constraints inherent in such a crisis cannot, in themselves, be used to justify a breach of Article 3 with respect to the applicants for the period in issue (see *Khlaifia*, cited above, § 185).

108. In so far as the Belgian authorities breached their legal obligation to provide accommodation to the applicants, they must be held responsible for the conditions in which the applicants lived for several months, including during the winter – namely, on the street, with no resources or access to sanitary facilities, lacking any means of providing for their essential needs and in constant fear for their safety. The Court finds that the applicants were thus victims of degrading treatment that entailed a lack of respect for their dignity. Those living conditions, together with the lack of an appropriate response from the Belgian authorities – even though the applicants gave notice on many occasions of their inability to secure practical enjoyment of their rights and to meet their essential needs – exceeded the level of severity required to engage Article 3 of the Convention.

109. There has accordingly been a violation of that Article.

IV. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

110. The applicants complained that the decisions of the Employment Tribunal concerning them had not been enforced. They relied on Article 6 § 1 and Article 13 of the Convention.

111. The Court reiterates that the safeguards of Article 6 § 1, implying the full panoply of safeguards in any judicial procedure, are in principle stricter than those of Article 13 and absorb the latter (see *Kudła v. Poland* [GC], no. 30210/96, § 146, ECHR 2000-XI, and *Camara*, cited above, § 89). It will therefore examine this complaint solely under Article 6 § 1, which provides:

"In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ..."

A. Admissibility

112. The Court notes that it is not in dispute between the parties that the civil limb of Article 6 of the Convention is applicable in the present case. It sees no reason to hold otherwise (see *Camara*, cited above, §§ 91-95). The Court further notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

113. The applicants M.V., B.L. and G.D. submitted that the State's deliberate failure to fulfil its duty to provide the applicants with dignified reception conditions, despite the decisions handed down by the Employment Tribunal, constituted a flagrant breach of Article 6 § 1 of the Convention, under which the State was obliged to ensure prompt compliance with any binding and enforceable judicial decision against it. The applicants disputed the effectiveness of the measures taken by the State. In addition, the Government had not provided all information (especially statistics) to which they alone had access in order to enable the Court to ascertain whether the systematic problem it had identified in *Camara* (cited above) had been resolved. With regard to the Government's acknowledgment of a violation of Article 6 § 1 of the Convention, the applicants submitted that they could not be satisfied with such a statement, as the State had not taken sufficient measures to address the systemic problem and the situation remained the same as that described in *Camara* (cited above).

114. The applicant S.N. complained of a deliberate move on the part of the Belgian State not to comply with the Employment Tribunal's decisions, even though they had become final, despite the State's obligation under Article 6 § 1 of the Convention to ensure prompt compliance with any binding and enforceable judicial decision against it. S.N. stated that there was nothing more he could do.

(b) The Government

115. The Government submitted that there had been no automatic, intentional refusal on the part of the authorities or any reluctance to enforce the domestic courts' decisions. Their belated enforcement was the result of the exponential increase in applications for international protection, which

had put a strain on the reception network and had made it materially impossible to deal with the numerous applications, despite all the efforts made. The many challenges the Government faced included a shortage of qualified staff, a saturated housing market, a massive influx of beneficiaries of temporary protection due to the Russia-Ukraine conflict, pressure on local authorities reluctant to open new reception centres or to increase existing capacity, and operational difficulties related to the management of reception centres.

116. That being said, the Government acknowledged the similarity of the situation in the present case to those described in the *Camara* judgment (cited above) and the *Ngegba and Attarzadeh* decision (cited above), accepting that the delays faced by the applicants in the enforcement of the Brussels Employment Tribunal's decisions were not compatible with Article 6 of the Convention. The execution of the *Camara* judgment (cited above) was currently being supervised by the Committee of Ministers. Accordingly, the Government undertook to continue making all efforts to put a prompt end to the systemic problem identified in that judgment, which concerned the Belgian authorities' ability to comply with final judicial decisions ordering adherence to domestic legislation on the right of applicants for international protection to accommodation.

2. The third-party intervener's submissions

117. The Human Rights Centre of Ghent University submitted, *inter alia*, that between January 2022 and May 2024, the employment tribunals had delivered more than 11,500 decisions ordering Fedasil to provide accommodation to asylum-seekers and that those orders had not been enforced. The Government and Fedasil refused to pay the coercive fines imposed by the employment tribunals and there was no effective remedy available to asylum-seekers to enforce such payment. Accordingly, and in the light of the documents produced by the parties and the findings of the Committee of Ministers in September 2024 (see paragraph 66 above), the Human Rights Centre of Ghent University was of the view that the situation criticised by the Court in *Camara* (cited above) persisted and had even grown worse, with no serious prospects for improvement.

3. The Court's assessment

118. In *Camara* (cited above, § 118), the Court noted the "systemic failure on the part of the Belgian authorities to enforce final judicial decisions concerning the reception of applicants for international protection". It reiterates that such a practice is incompatible with the principle of the rule of law which underpins the entire Convention system (ibid., § 145).

119. The Court must, however, examine the specific situation of the applicants, as it appears from the evidence adduced before it (see paragraph 71 above).

120. To this end, it refers to the general principles on the non-enforcement of judicial decisions as summarised in *Camara* (cited above, §§ 103-09). In order to assess the delay in the enforcement of the Employment Tribunal's decisions concerning the applicants with regard to the requirements of Article 6 of the Convention, the Court must take into account the conduct of the competent authorities, the complexity of the enforcement process and the applicants' own conduct (ibid., §112).

121. First, as regards the conduct of the Belgian authorities, the Court notes, as it did in *Camara* (cited above, § 113), that the enforcement of the final judicial decisions rendered in the applicants' favour was not spontaneous and took place only as a result of an interim measure indicated by the Court, which was itself applied after some delay. In particular, the relevant decisions of the Employment Tribunal were enforced in part through the provision of accommodation to the applicants respectively 67 days (M.V.), 147 days (B.L.), 262 days (S.N.) and 82 days (G.D.) after those decisions became final (compare *Camara*, cited above, § 110, in which accommodation had been provided to the applicant 67 days after the Employment Tribunal's decision had become final).

122. Second, regarding the complexity of the enforcement process, the Court takes note of the challenges the Government purportedly faced in dealing with the influx of applicants for international protection (see paragraph 115 above). The factors referred to by the Government illustrate the scale of the challenges the Belgian State had to confront. Moreover, the Court cannot criticise the Belgian authorities' decision to focus the network's reception capacity on the most vulnerable individuals (see *Camara*, cited above, § 116). Nor can it overlook the substantial efforts deployed by the Belgian authorities to contribute to the financing of associative schemes, create additional accommodation, recruit staff and shorten processing times for asylum applications (ibid.). These factors would not, however, be capable of diluting the protection owed to the applicants in the present case under Article 6 § 1 of the Convention, given the importance of that provision in a democratic society governed by the rule of law (see *Hornsby v. Greece*, 19 March 1997, § 40, *Reports* 1997-II, and *Camara*, cited above, § 117, and the cases cited therein).

123. Third, as to the applicants' own conduct, the Court cannot discern any lack of diligence on their part that might have contributed to a delay in the enforcement of the decisions concerned (see *Camara*, cited above, § 120).

124. In view of the foregoing, while the Court is aware of the difficult situation the Belgian State was facing in the present case, it considers that the time taken by the Belgian authorities to enforce the judicial decisions concerning the applicants and aimed at protecting human dignity cannot be

regarded as reasonable (ibid., § 119). The Government did not, moreover, dispute the applicants' assertion (see paragraphs 75 and 76 above) that those judicial decisions had not been enforced in full, since the coercive fines imposed on the State had not been paid to date (see paragraphs 9, 30, 41 and 53 above).

125. It must also be noted that the Government acknowledged before the Court that there had been a violation of Article 6 § 1 of the Convention in respect of the applicants (see paragraph 116 above) and undertook to continue making all efforts to put a prompt end to the systemic problem identified in *Camara* (cited above).

126. The foregoing considerations are sufficient to enable the Court to find that there has been a violation of Article 6 § 1 of the Convention.

V. ALLEGED VIOLATION OF ARTICLE 34 OF THE CONVENTION

127. The applicants complained that the interim measures indicated in their favour by the Court under Rule 39 of the Rules of Court had not been complied with within a reasonable time. They relied on Article 34 of the Convention, which provides:

> "The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right."

A. The parties' submissions

1. The applicants

128. The applicants M.V., B.L. and G.D. stated that when they had sent their application forms to the Court, the Government had still not complied with the interim measures indicated by the Court several weeks earlier. The period of time between the Court's indication of the interim measures and the actual provision of accommodation had clearly been particularly long (21, 107 and 64 days respectively). That raised doubts as to the Government's willingness to comply with those measures. In any event, the delay was not justified by any exceptional circumstances, the lack of places in the reception network not qualifying as such. Moreover, the Government had not cited any objective impediment that had prevented compliance with the interim measures, nor had they shown that they had taken all reasonable steps to remove such impediment.

129. The applicant S.N. alleged that the Belgian State had not complied with the interim measures ordered by the Court in his case. Accommodation had only been provided to him almost nine months after the Court had indicated the measures, a delay manifestly incompatible with their urgent

nature. At the time S.N. had sent his application form to the Court, he had still been without accommodation, and had been forced to live on the street since his arrival in Belgium. That situation had made it especially difficult to communicate with his representative, to prepare his application to the Court and to follow up on his application for international protection. In particular, he had had trouble contacting his representative owing to a lack of regular access to a telephone or the internet, and difficulties travelling to his lawyer's office. The Belgian State had thus not ensured the proper conduct of the asylum procedure or the proceedings before the Court, nor had it provided any valid justification for its prolonged inaction.

2. The Government

130. The Government submitted that since they had acknowledged the violation of Article 6 § 1 of the Convention, it was unnecessary to examine the complaint under Article 34 of the Convention. In that regard, their inability to comply promptly with the Court's decisions had by no means been the result of any deliberate move on their part. The delay in applying the interim measures indicated by the Court had been due to the circumstances of the migration crisis, which had put a strain on the reception network for applicants for international protection and had made it materially impossible to deal with the numerous applications, despite the efforts made by the Belgian authorities.

B. The Court's assessment

1. Applicable general principles

131. In *Sy v. Italy* (no. 11791/20, §§ 164-66, 24 January 2022) the Court summarised the general principles on the consequences of non-compliance with an interim measure under Article 34 of the Convention as follows:

> "164. The Court reiterates that the obligation set out in Article 34 *in fine* requires the Contracting States to refrain not only from exerting pressure on applicants, but also from any act or omission which, by destroying or removing the subject matter of an application, would make it pointless or otherwise prevent the Court from considering it under its normal procedure (see *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, § 102, ECHR 2005-I). It is clear from the purpose of this rule, which is to ensure the effectiveness of the right of individual petition, that the intentions or reasons underlying the acts or omissions in question are of little relevance when assessing whether Article 34 of the Convention was complied with. What matters is whether the situation created as a result of the authorities' act or omission conforms to Article 34. The same holds true as regards compliance with interim measures as provided for by Rule 39, since such measures are indicated by the Court for the purpose of ensuring the effectiveness of the right of individual petition. It follows that Article 34 will be breached if the authorities of a Contracting State fail to take all steps which could reasonably have been taken in order to comply with the measure indicated by the Court (see *Paladi v. Moldova* [GC], no. 39806/05, §§ 87-88, 10 March 2009).

165. In this connection, the Court would observe that it applies Rule 39 only in restricted circumstances and, in practice, only if there is an imminent risk of irreparable damage. While there is no specific provision in the Convention concerning the domains in which Rule 39 will apply, requests for its application usually concern the right to life (Article 2), the right not to be subjected to torture or inhuman treatment (Article 3) and, exceptionally, the right to respect for private and family life (Article 8) or other rights guaranteed by the Convention (see *Mamatkulov and Askarov*, cited above, §§ 103-04).

166. The point of departure for verifying whether the respondent State has complied with the interim measure indicated is the formulation of the measure itself. The Court must ascertain whether the respondent State complied with the letter and the spirit of the interim measure indicated to it. In examining a complaint under Article 34 concerning the alleged failure of a Contracting State to comply with an interim measure, the Court will therefore not re-examine whether its decision to apply interim measures was correct. It is for the respondent Government to demonstrate to the Court that the interim measure was complied with or, in an exceptional case, that there was an objective impediment which prevented compliance and that the Government took all reasonable steps to remove the impediment and to keep the Court informed about the situation (see *Paladi*, cited above, §§ 91-92). A significant delay on the part of the authorities in complying with the interim measure, which results in the applicant being put at risk of the treatment that the measures were aimed at protecting him or her against, constitutes a failure by the State to discharge its obligations under Article 34 of the Convention (see *M.K. and Others v. Poland*, nos. 40503/17 and 2 others, §§ 237-38, 23 July 2020)."

2. Application of these principles to the present case

132. The Court notes that for each of the applicants, it issued interim measures indicating to the Belgian State that it should enforce the decision of the Employment Tribunal and provide them with accommodation and material support to meet their basic needs (see paragraphs 13, 33, 44 and 56 above).

133. Those measures were aimed not at having the respondent State refrain from a given act (as in *Mamatkulov and Askarov*, cited above) but instead at having it carry one out (see, for other examples to this effect, *Konovalchuk v. Ukraine*, no. 31928/15, 13 October 2016, which concerned a delay of 20 days in applying part of the interim measure indicated by the Court requiring appropriate medical treatment to be secured immediately for the applicant; *Sy*, cited above, which concerned a delay of 35 days in applying the interim measure indicated by the Court ordering the placement of the applicant in a facility adapted to his mental-health condition; and *Eldar Hasanov v. Azerbaijan*, no. 12058/21, 10 October 2024, in which the Court had ordered the applicant's transfer to a prison medical facility at the earliest possible date for a comprehensive medical examination, the determination of whether any treatment was required, the assessment of any requirement for urgent interventions and, if necessary, the performance of those interventions). In such circumstances, it is for the Government to demonstrate that the interim measure was complied with or, in an exceptional case, that there was an objective impediment which prevented compliance and that the

Government took all reasonable steps to remove the impediment and to keep the Court informed about the situation (see paragraph 131 above).

134. In the present case, the Court observes that the interim measures were applied through the provision of accommodation for the applicants respectively 21 days (M.V.), 107 days (B.L.), 261 days (S.N.) and 64 days (G.D.) after it had indicated those measures.

135. The Government submitted that the delay in applying the interim measures had been due to the migration crisis, which had put a strain on the reception network for applicants for international protection (see paragraph 130 above). They provided no further explanations as to the individual situation of each applicant or as to any alternative measures envisaged or taken by the authorities in order to provide them with material support while awaiting available accommodation in a reception centre.

136. The Court can understand that, confronted with the scale of the crisis stemming from the saturation of the asylum-seeker reception network, the Belgian authorities were not in a position to comply with the interim measures immediately after they had been indicated by the Court. It can accept that some time may be needed to apply such a measure entailing a positive benefit, provided that all steps are taken with the greatest care in order to comply as quickly as possible. The Court would emphasise that compliance with an interim measure contributes to respect for the Court's authority and independence as an international court.

137. Nevertheless, regardless of the scale of the crisis, in the present case the Court cannot find reasonable the amount of time that elapsed between the indication of the interim measures and their application by the authorities (see paragraph 134 above), given that the applicants' conduct in no way hindered or delayed that application and having regard to the fact that the authorities took no immediate steps *vis-à-vis* the applicants following the indication of the measures. The Court cannot but note that the interim measures indicated in the present case endorsed a final decision that had previously been issued by the domestic courts (see paragraphs 9, 30, 41 and 53 above).

138. Accordingly, since the Government did not show that the authorities had taken all steps which could have reasonably been taken in order to comply with the interim measures as quickly as possible, the Court finds that the Belgian authorities failed to fulfil their obligations under Article 34 of the Convention with respect to the applicants.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

139. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

1. Pecuniary damage

140. Three of the applicants claimed a sum in respect of pecuniary damage, corresponding to the Belgian basic living allowance multiplied by the number of months during which they had been without accommodation or material support. That amounted to EUR 5,153.84 for M.V., EUR 9,019.22 for B.L. and EUR 6,442.30 for G.D.

141. The Court does not discern any causal link between the violation found and the pecuniary damage alleged, especially since the applicants were not entitled to such allowance under domestic law. It therefore rejects this claim.

2. Non-pecuniary damage

142. The applicants each claimed a sum in respect of non-pecuniary damage for the situation of destitution in which they had been forced to live for several months, in the following amounts:

(a) M.V.: EUR 8,000 for the violation of Article 3, EUR 8,000 for the violation of Article 6 § 1 and EUR 2,000 for the violation of Article 34;

(b) B.L.: EUR 14,000 for the violation of Article 3, EUR 12,000 for the violation of Article 6 § 1 and EUR 8,000 for the violation of Article 34;

(c) S.N.: EUR 73,500 for all violations of the Convention, corresponding to EUR 250 per day for the period during which he had lived on the street;

(d) G.D.: EUR 10,000 for the violation of Article 3, EUR 8,000 for the violation of Article 6 § 1 and EUR 6,000 for the violation of Article 34.

143. With regard to Article 3 of the Convention, the Government pointed out that a compensatory remedy was available to the applicants under domestic law, enabling them to seek full compensation for any damage they had sustained. For the remainder, the Government contended that the finding of a violation of Articles 6 and 34 of the Convention should constitute in itself sufficient just satisfaction, especially since the Government had shown that they were making every effort in a difficult economic and political context.

144. The Court considers that the applicants have suffered non-pecuniary damage which cannot be compensated for solely by the finding of the various violations made in the present judgment. In determining the level of the awards, the Court has taken account of the nature and severity of the breaches of the applicants' rights, the mental and physical suffering this caused them, and the duration of the situation of destitution in which the applicants had to live.

145. Ruling on an equitable basis, as required by Article 41, the Court considers it appropriate to award the applicants the following sums, plus any tax that may be chargeable:

(a) EUR 5,070 to M.V.;
(b) EUR 8,450 to B.L.;
(c) EUR 12,350 to S.N.;
(d) EUR 6,000 to G.D.

B. Costs and expenses

146. The applicants did not submit any claim in respect of the costs and expenses incurred before the domestic courts and the Court. Accordingly, there is no call to award them any sum on that account.

VII. APPLICATION OF ARTICLE 46 OF THE CONVENTION

147. Article 46 of the Convention provides:

> "1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
>
> 2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.
>
> ..."

148. It is apparent from the Committee of Ministers' most recent examination of the execution of the *Camara* judgment (cited above), carried out in September 2025 (see paragraph 67 above), and from the evidence adduced by the parties before the Court, that the systemic problem identified in *Camara* (cited above, § 145) persists. In particular, the Committee of Ministers has noted that in many cases the authorities are unable to grant applicants for international protection the reception to which they are legally entitled (see paragraph 67 above).

149. In such circumstances, the Court cannot but reiterate its previous findings: while it is mindful of the difficulties with which the Belgian authorities have been faced, the practice of not complying with domestic legislation and not enforcing judicial decisions ordering such compliance is incompatible with the principle of the rule of law which underpins the entire Convention system (see *Camara*, cited above, § 145). The Court therefore emphasises once again that the respondent State has a duty to take appropriate measures to put an end to that practice, pursuant to its obligations under Article 46 of the Convention (ibid.). In this connection, the Court notes that the Committee of Ministers has indicated that it will re-examine the situation in September 2026 as part of its supervisory duties (see paragraph 67 above).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Declares* the applications admissible;

3. *Holds* that there has been a violation of Article 3 of the Convention;

4. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

5. *Holds* that the Belgian authorities failed to discharge their obligations under Article 34 of the Convention;

6. *Holds*
   (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, plus any tax that may be chargeable, in respect of non-pecuniary damage:
   (i) EUR 5,070 (five thousand and seventy euros) to M.V.;
   (ii) EUR 8,450 (eight thousand four hundred and fifty euros) to B.L.;
   (iii) EUR 12,350 (twelve thousand three hundred and fifty euros) to S.N.;
   (iv) EUR 6,000 (six thousand euros) to G.D.;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in French, and notified in writing on 9 April 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth Registrar	Ivana Jelić President

APPENDIX

List of applications:

No.	Application no.	Case name	Date of lodging	Year of birth & Nationality	Representative
1.	52836/22	M.V. v. Belgium	16/11/2022	1995 Angolan	Cécile Taymans
2.	57898/22	B.L. v. Belgium	21/12/2022	2001 Guinean	Cécile Taymans
3.	3913/23	S.N. v. Belgium	20/01/2023	1996 Chinese	Laura Adriaensens
4.	4994/23	G.D. v. Belgium	27/01/2023	1989 Cameroonian	Cécile Taymans