



The Court applies an interim measure concerning an asylum-seeker without accommodation since his arrival in Belgium

On 31 October 2022 the European Court of Human Rights decided to indicate an interim measure in the case of **Camara v. Belgium** (application no. 49255/22).

The case concerns a Guinean national who applied to the Belgian authorities for international protection on 15 July 2022. Since then he has lived on the street, not having been assigned a place in a reception facility by the Federal Agency for the Reception of Asylum-Seekers (Fedasil) on account of the alleged saturation of the network for receiving asylum-seekers in Belgium. This is the first case of its kind. The Court continues to receive similar applications.

The Court decided to enjoin the Belgian State to enforce the order made by the Brussels French-language Labour Court and to provide the applicant with accommodation and material assistance to meet his basic needs.

Facts

The applicant, Abdoulaye Camara, is an asylum-seeker of Guinean nationality.

After arriving in Belgium on 12 July 2022, the applicant applied for international protection on 15 July 2022. Since then, he has not been assigned a place in a reception facility by Fedasil. He thus applied to the Brussels French-language Labour Court, alleging a risk of serious and irreversible damage to human dignity and requesting that Fedasil be ordered to comply with its legal obligations.

On 22 July 2022 the court ordered Fedasil to house the applicant in a reception centre, or else in a hotel or any other suitable facility should no places be available, and to ensure his reception as defined in section 6 of the Law of 12 January 2007, subject to penalties for non-compliance.

On 29 July 2022 the court order was served on Fedasil. However, requests from the applicant's lawyer for Fedasil to provide the applicant with accommodation and basic material assistance remained unanswered. Accordingly, on 12 October 2022 the lawyer had the order served together with a demand for payment and for compliance with the writ of enforcement. Fedasil did not lodge a third-party application to set aside the order, which has in the meantime become final. It has still not been enforced by Fedasil.

Interim measure request

On 20 October 2022, after exhausting all the remedies available to him, the applicant applied to the Court for an interim measure enjoining the Government to enforce the court order and to provide him with emergency accommodation and material assistance to meet his basic needs.

In support of his request, the applicant stated that, besides the increasingly cold and damp conditions, he was suffering from hunger and health problems. He also referred to the scabies epidemic among asylum-seekers living on the street, which was worsening as a result of poor sanitation. He stated that he was unable to find a doctor to perform a rapid check-up of his medical problems.

Complaints

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains that he has not been housed in a reception facility.

Relying on Article 6 (right to a fair hearing) in conjunction with Article 13 (right to an effective remedy), he complains about the failure to enforce the order of 22 July 2022 and the lack of an effective remedy.

Relying on Article 8 (right to respect for private and family life), he submits that there has been a violation of his right to physical integrity and hence his private life.

Decision of the Court

On 31 October 2022 the Court decided to indicate an interim measure and to enjoin the Belgian State to comply with the order made by the Brussels French-language Labour Court on 22 July 2022 and to provide the applicant with accommodation and material assistance to meet his basic needs.

Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.