



## Human rights also apply to single men seeking asylum

Myria - the Federal Migration Centre, the Federal Institute for Human Rights (FIRM/IFDH), the Ombudsman, Unia, the General Delegate for Children's Rights and the National Commission on the Rights of the Child, the Institute for the Equality of Women and Men and the Interfederal Combat Poverty Service condemn the decision to temporarily exclude single men from the right to reception within the framework of the asylum procedure. This measure risks pushing these people further into precarious and degrading conditions, exacerbating the problem of homelessness and jeopardising a proper asylum procedure. Moreover, the problem is more fundamental: amid this reception crisis, the rule of law seems to be abandoned. The federal government has opted for a general measure that manifestly violates the law and human rights, and openly neglects the judgments and rulings rendered by the national and international courts.

### The right to human dignity

Individuals seeking international protection in Belgium have a right to reception during their asylum procedure. The right to human dignity is, amongst others, enshrined in the Belgian Constitution and international human rights instruments. For people in exile, this essentially means "bed, bath and bread", as well as assistance, as guaranteed by the Belgian Reception Act and EU law.

If specific circumstances prevent Belgium or another Member State to provide such reception conditions, asylum seekers may exceptionally receive financial assistance. By excluding single men from their right to reception, even temporarily, the Belgian authorities choose to disregard the options provided for by law.

### Men excluded from reception: an illegal but "temporary" measure?

Last Friday, the federal government confirmed the measure announced earlier, but indicated that it would be "temporary". However, the reception of single men has effectively been a major problem for almost two years now. Even before the measure was adopted, single men had to wait several months before benefiting from the right to reception.

*Apparently, human rights don't apply to single men. They have to live on the streets while waiting for a response to their asylum application, without basic services and, from now on, without any prospect of reception.*

With this new decision, the government is taking things a step further, by generally excluding the prospect of reception as part of a general measure.

By consequence, human rights no longer seem to apply to single men. They are forced to live on the streets while awaiting a decision on their asylum application, without access to basic services and, from now on, without any prospect of reception.

### **No reception for single men, but will the measure stop there?**

Currently, minors still have access to reception services, but it could be that, in the future, families, children and young single men will once again be left in the streets, as was the case in the autumn of 2022. This risk often concerns young men regarding whom the authorities have doubts regarding their minority. They are consequently treated as adults, and risk being refused reception and being exposed to numerous dangers. They also constitute a vulnerable group. During the previous crisis, we also noticed that various vulnerable profiles were thus in competition with each other.

This ongoing humanitarian crisis requires more substantial and appropriate measures from the authorities .

### **A proper asylum procedure requires proper reception conditions**

This measure is also likely to have a particularly negative impact on these persons' asylum procedure. For asylum seekers, understanding, preparing for and successfully completing their procedure is no easy task. Their statements must be accurate and precise, otherwise their statements are not considered credible. Evidence plays a crucial role. They must be able to present all the identity documents in their possession and support their statements. The hearing requires a thorough mental and practical preparation, and involves a great deal of uncertainty. Do we expect asylum seekers to prepare themselves without access to information, when they have to focus on survival, accommodation, food, safety, hygiene and medical care?

Reception should enable people to prepare their asylum procedure in calmer, safer and more structured conditions, and to return to the reception facility after the asylum interview. Having a place at a reception centre also **guarantees** that applicants receive all the notifications relating to their asylum procedure and are able to respond to them. If they do not have an address, they risk not receiving notifications about their procedure, and therefore, of being rejected simply because they do not regularly contact the authorities to find out how their procedure is progressing.

### **Infringement of the rule of law and the right to a fair trial**

Judges who heard the appeals of applicants of international protection, who had been refused reception did not hesitate to condemn Fedasil and the Belgian state. Labour courts condemned them

*Amid this reception crisis, the rule of law is being neglected. The federal government has chosen to act in a way that is blatantly contrary to the law and in no way respects the judgments and rulings handed down.*

over 7000 times and obligated them to provide reception to applicants for international protection . Furthermore, the European Court of Human Rights also issued provisional measures against Belgium on over 1,000 occasions.

Despite these rulings, many men have had to wait a long time for accommodation, even after a court decision.

In the *Camara* case, the European Court of Human Rights condemned Belgium on the merits for failing to respect the rule of law and the right to a fair trial. In its ruling, the Court acknowledged the difficult situation of Belgium, and the efforts the Belgian government had already taken, but found the delay of several months between the court decision imposing reception and actual reception to be unreasonable.

The Court expressed its firm opinion, pointing to a "systemic failure on the part of the Belgian authorities to execute final court decisions". It found that the Belgian authorities had not merely delayed, but had manifestly refused to comply with the injunctions of the national courts, thereby undermining the very essence of the right to a fair trial.

Undeterred by this ruling, the Secretary of State and the federal government have now decided to exclude all single men from reception altogether. This infringes the principles of the rule of law. By failing to respect judicial decisions, the authorities are contributing to a culture of disregard and indifference to the law, which is not limited to the field of asylum and migration.

## Organise reception, respect the rule of law and honour your obligations

In December 2022, several human rights institutions sounded the alarm on the reception crisis and made numerous [recommendations that are still relevant today](#).

Today, the crisis has been going on for almost two years, and structural solutions are still lacking. As a consequence, asylum seekers continue sleeping on the street. Now that the authorities have abandoned the principles of the rule of law, eight human rights institutions are once again sounding the alarm. They are calling on the federal government to urgently end this illegal situation and to act in accordance with the rule of law and its (international) obligations.

Asylum seekers must be assigned a place in a reception centre and must have the opportunity to complete their asylum procedure in proper conditions. This includes single men.

---

