UNHOUSED AND UNHEARD

How Belgium's persistent failure to provide reception violates asylum seekers' rights

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Index: EUR 14/9161/2025
Original language: English

Cover photo: People sleeping rough on the street, close to Fedasil's Arrival Center Petit Château.
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INTRODUCTION

> ***"I only wish they look after the people living on the streets, living in the squats. To be a bit human and offer them the most simple right: just a roof."***
>
> **Ahmet,**[1] a Palestinian man

Since October 2021, Belgian authorities have failed to provide reception to thousands of people seeking international protection, and to protect their human rights, including access to healthcare and hygiene facilities to all asylum seekers[2] on an equal basis. As a result, more than 2,500 individuals who filed for asylum - mostly racialized single men - are currently on a waiting list for reception, with many being forced to sleep on the streets, in makeshift tents or in squats, often in unsafe and unsanitary conditions.

These conditions severely impact asylum seekers' health, wellbeing, and dignity, and negatively affects their right to seek asylum, as they deprive them of the stability needed to navigate the asylum system. The lack of reception also negatively impacts asylum seekers' access to the labor market or education.

While NGOs, volunteers, and private citizens have shown solidarity, and are stepping in to provide assistance and relief to affected people, their capacity is limited, and the government's persistent inaction has tested their resilience.

The government's efforts to increase reception capacity have been slow and inadequate. More than 12,000 court rulings, including from Belgium's highest administrative court and the European Court of Human Rights (ECtHR), affirmed that Belgian institutions have violated their obligation to support asylum seekers.

Under the European Union (EU)'s Reception Conditions Directive ('RCD', Art. 19-20) and international law (ICESCR, Art. 11), Belgium has a legal obligation to ensure that asylum seekers on its territory have access to dignified reception conditions, including adequate housing, without discrimination.

Since 2021, numerous regional and international human rights experts, bodies and institutions have expressed serious concerns regarding the situation. Four United Nations Special Rapporteurs and the Human Rights Commissioner of the Council of Europe have all emphasized that the Belgian government must take action to provide asylum seekers with adequate reception. Yet, over three years later, little has changed.

"I found myself in the street with zero help actually, nothing", Hassan, a Syrian male asylum seeker told Amnesty International. This is the reality for thousands like him in Belgium.

This publication collects the stories of people who experience or have experienced homelessness as a result of Belgium's failure to comply with its human rights obligations. The interviews were conducted between October 2024 and January 2025. It draws on the testimonies of people who, in the absence of safe and legal routes, have often made incredibly dangerous and costly journeys to reach Belgium, fleeing war, persecution or other hardship, only to find themselves faced with more hurdles and dangers. We celebrate their strength, courage and trust in sharing their experiences with Amnesty International. Equally, we commend the solidarity and kindness shown by people who have tried to make up for the Belgian state's forsaking of its responsibilities, offering relief to asylum seekers on the streets, and the invaluable work of civil society organizations, human rights lawyers, volunteers and activists.

This publication is a call to action and a damning indictment of how the Belgian authorities continue to enact policies that violate asylum seekers' rights, perpetuate racial discrimination, and create misery and destitution, all while undermining the rule of law.

While this campaign digest focuses on the rights and experiences of asylum seekers being denied reception, Belgium must ensure the right to housing for all individuals experiencing homelessness in Belgium without discrimination. The state should ensure adequate accommodation, support, and long-term housing for everyone experiencing homelessness.

[1] In line with informed consent given by the interviewees and as per Amnesty International's research standards, we have protected the identity of all of the asylum seekers with whom we spoke by using a pseudonym.

[2] Throughout this document, Amnesty International uses the terms 'asylum seeker' or 'people seeking asylum' to refer to people who have applied for international protection.

TIMELINE OF NOTABLE EVENTS

2021

October-December
Groups of asylum seekers are refused access to reception, including a group of 50 adults and a group of 15 unaccompanied children (under the age of 18).

November
For the first time, the Brussels labor court orders the Belgian state to provide adequate accommodation to an asylum seeker who has not been provided with reception.

2022

January
The Brussels court of first instance condemns Fedasil and the Belgian state for violating asylum seekers' rights and imposes penalties.

October
Belgian authorities' failure to provide reception mostly affects racialized single men, but racialized families and unaccompanied children (under the age of 18) also briefly face homelessness.

November
The European Court of Human Rights indicates interim measures ordering Belgium to comply with national court orders to provide asylum seekers with reception and assistance.

2023

February
Asylum seekers at the 'Palais des droits' squat, where up to 1,000 people lived, are evicted. The authorities provide accommodation for some, hundreds remain on the streets.

June
New ruling by the Brussels court of first instance against Fedasil and the Belgian state, finding that the right to reception is being violated and imposes a daily penalty fee for non-compliance. No fees have been paid and legal proceedings are ongoing.

July
In the case of *Camara v. Belgium*, the European Court of Human Rights finds that Belgium's failure to enforce court decisions on the reception of asylum seekers violates the right to a fair trial.

August-September
When the State Secretary for Asylum and Migration unlawfully decides to halt reception for single men, civil society organizations challenge the decision and obtain its suspension by the Council of State, Belgium's highest administrative court. The state secretary asserts that she will ignore the ruling.

2024

November-December
The State Secretary for Asylum and Migration decides to no longer provide reception services to people who already enjoy a protection status in another EU member state. The Council of State suspends the implementation of the decision.

2025

February
The new federal government takes office, planning to reduce asylum applications and protection levels. While announcing a short-term crisis plan, its long-term goal is fewer reception places and lower standards.

Tents set up by people in the vicinity of the Humanitarian Hub in Brussels. © Karim Abraheen for Amnesty International

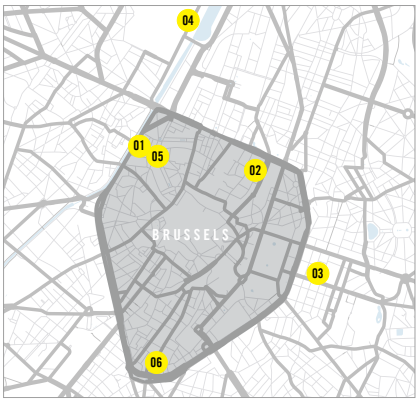
OVERVIEW OF RELEVANT BELGIAN STATE AUTHORITIES

Fedasil: the Belgian Federal Agency for the Reception of asylum seekers, competent for the reception of applicants for international protection and their medical screening.

Immigration office: the authority responsible, among other things, for registering applications for international protection and determining whether Belgium or another EU member state is responsible for processing the application. Their offices, based in the "Boulevard Pacheco" (Brussels), are often referred to as "Pacheco" in asylum seekers' testimonies and in colloquial discourse.

Office of the Commissioner General for Refugees and Stateless Persons (CGRS): the competent authority to examine applications for international protection.

OVERVIEW OF HOTSPOTS



Relevant departments of the Immigration Office

01 Petit Château/Klein kasteeltje: before August 2022, the Petit Château was Fedasil's Arrival Centre in Brussels, which served as the first stop for asylum seekers applying for reception. When available, Fedasil provided temporary housing in the center, until a more permanent option was arranged. In 2021, when reception needs started to exceed capacity, many people were denied shelter. Hundreds spent nights outside the center in makeshift tents, hoping to secure a place when the gates reopened.

02 "Pacheco building" or colloquially "Pacheco"/ "Pacheco 44": from August 2022 to October 2024, this site of the Immigration Office registered applications of international protection. There were often long lines of people wanting to file their application. People often slept outside or nearby the Pacheco building.

03 Rue Belliard/Belliardstraat office: since October 2024, the Immigration Office registers applications for international protection at their office in the Belliardstraat. The street is busy and the pavement narrow, which complicates safely organizing the queue for people wanting to make an application.

Overview of key services offered by civil society organizations in Brussels

04 Humanitarian Hub: a place where NGOs provide free services. It is run by a consortium of the Belgian Red Cross, Médecins du Monde and the Plateforme Citoyenne de Soutien aux Réfugiés (BELRefugees). Services include a day center, food and clothing distribution, health consultations, social assistance, legal support, and help with accommodation arrangements.

05 Legal Helpdesk: a service run by a consortium of bar associations, international law firms and the NGO Vluchtelingenwerk Vlaanderen.

06 Refugee Medical Point: a medical center organizedoperated by the Belgian Red Cross, which provides services to many asylum seekers without reception.

CHAPTER 1

Denied Reception, Ignored Rights

BELGIUM HAS AN INTERNATIONAL AND REGIONAL LEGAL OBLIGATION TO PROVIDE ADEQUATE RECEPTION TO ASYLUM SEEKERS, WHICH NEEDS TO BE MET WITHOUT DISCRIMINATION.

Every asylum seeker has the right to receive assistance and support that allows them to lead their life in dignity.

This requires more than just having a roof over one's head. Reception, as defined by the Belgian Reception Act, encompasses not only housing but also essential provisions such as food, medical assistance, and legal support (Reception Act, Art. 2, para. 6).

Under EU law, the state's obligation to provide reception conditions to asylum seekers starts when someone expresses the need for international protection, and ends once the procedure for international protection is completed (RCD, Recital 7).

Even after the end of the procedure, and irrespective of one's migration status, every person has a right to an adequate standard of living (ICESCR, Art. 11).

CHOOSING NOT TO DO WHAT IS REQUIRED

In 2021, civil society organizations warned the Belgian authorities that there would be a shortage of reception places for new asylum seekers due to the increasing number of people applying for international protection. In 2022, asylum applications in Belgium grew to almost 37,000, a 40% increase compared to 2021, and only marginally decreased in 2023 to 35,500. In 2024, there were 39,615 new asylum applications.

Despite the warnings and the fact that fluctuations are a typical feature of asylum applications – in 2015 for example there were 44,760 – the government has continuously failed to increase the number of reception places to a sufficient extent, or to activate measures to address the situation.

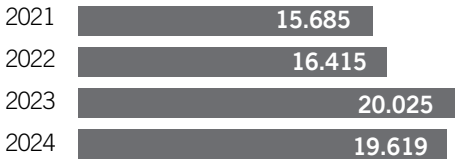
The country's reception needs are also impacted by the duration of the asylum procedure. At the end of 2024, the Office of the Commissioner General for Refugees and Stateless Persons had a backlog of almost 20,000 cases. The backlog causes people to sometimes have to wait up to two years for a first decision.

The number of reception places needed also relies on whether people who have received a final decision regarding their asylum application are able to find housing outside the reception network.

Since the end of 2021, the number of available reception places has been increased by around 6,700, bringing the total to approximately 36,205 as of January 2025.[3]

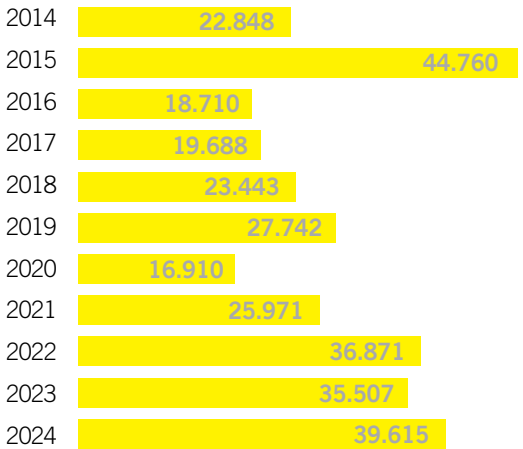
In 2023 and 2024 alone, Fedasil issued a refusal to provide an asylum seeker the reception they had a legal right to, 8,816 and 10,191 times respectively and at the end of 2024, 3,000 men were on the waiting list to receive a place in reception.

Backlog to process asylum applications from 2021 – 2024



Source: Office of the Commissioner General for Refugees and Stateless Persons (CGRS)

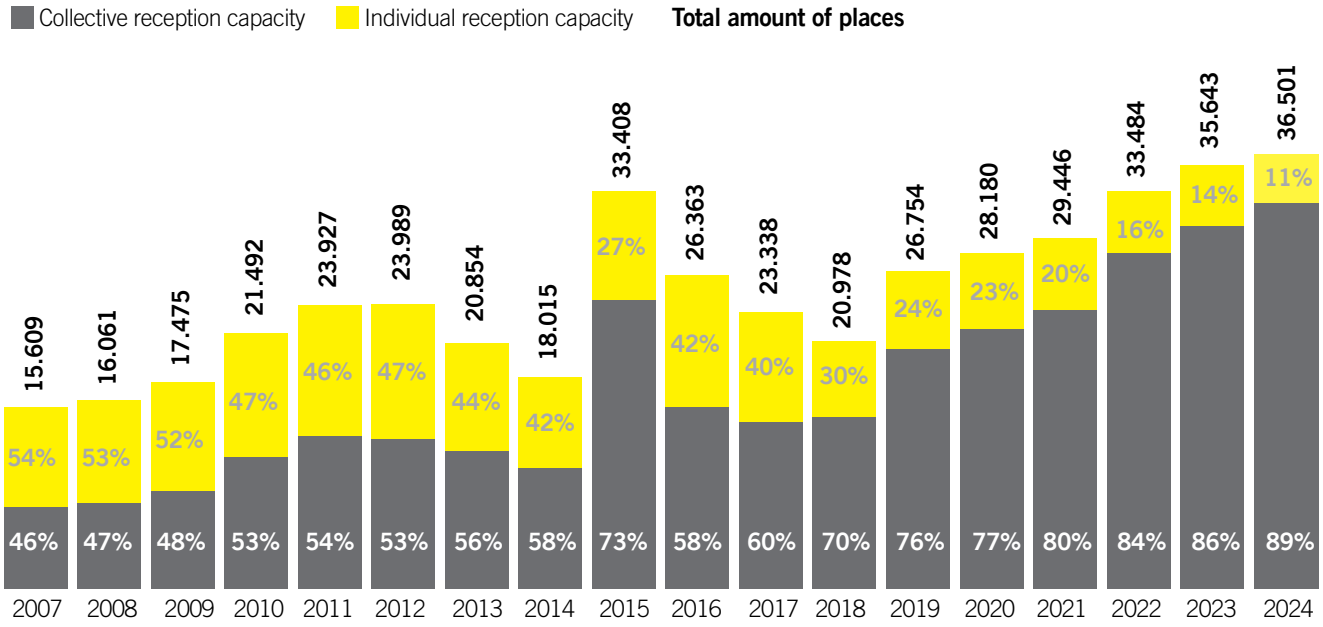
Number of asylum applications from 2014 – 2024



Source: Office of the Commissioner General for Refugees and Stateless Persons (CGRS)

[3] Not all these places are always occupied, mainly due to logistical factors. The reception network is considered saturated at 94%.

Number of reception places from 2021 – 2024



Source: Fedasil

In the past, Belgium has proven it is able to provide reception promptly and to large numbers of people. As the Federal Human Rights Institute points out: "*During the 2014-2015 reception crisis, albeit in a different context, 15,000 places were created in just one year.*" Similarly, since the start of Russia's full-scale invasion of Ukraine in late February 2022, Fedasil reports that more than 91,806 Ukrainians were registered as having been granted temporary protection in Belgium and that 18,334 of them needed Fedasil support for reception.

Yet, in the face of the present accommodation shortage, which predominantly affects racialized male asylum seekers, the Belgian government has not shown the same responsiveness, and has so far been unwilling to use all the available tools to fulfill its obligations under EU and international human rights law.

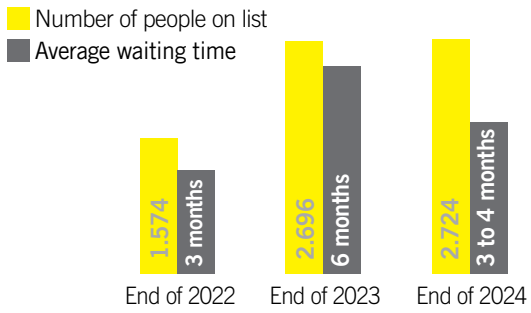
Dismissal of viable solutions

Belgian law provides for the possibility to activate a 'dispersal plan' (Reception Act, Article 11, §2, 2°). Doing so would require local authorities to create additional reception places. The law sets out criteria ensuring equity in responsibility-sharing among municipalities but the federal government has refused to activate the plan. The former State Secretary, Nicole de Moor, opposed activating the dispersal plan saying that she did not want to place an additional burden on municipalities, as they were already providing significant support to refugees from Ukraine. In 2022, she also argued that the dispersal plan "*would only provide places in a few months, while we now desperately need emergency shelter*". These arguments against the dispersal plan sound particularly hollow now that, more than three years later, the need for housing – emergency or otherwise – has only increased.

In February 2025, the new government agreement included the plan to remove the possibility of a compulsory dispersal plan from the legislation and set out that local reception initiatives would be phased out, with reception occurring only in collective centers.

> ***"3,000 new reception places are not going to make the state go bankrupt. In fact, it is a small-scale crisis, that is why not increasing reception places is an intentional political decision."***
>
> **Lorenzo Durante Viola,** General Coordinator of the Humanitarian Hub in Brussels, for Médecins du Monde Belgium

Number of people on the waiting list and average waiting time per year between 2022 and 2024



Source: Reports of monthly contact meetings 'International Protection', organized by Myria

Amnesty International and other civil society organizations have urged the activation of the dispersal plan, accompanied by significant support to municipalities. Amnesty International considers phasing out local reception initiatives would be a mistake since they have yielded positive outcomes for the well-being and social inclusion of asylum seekers. Moreover, they would be less costly than large collective reception centers.

Inadequate 'emergency measures'

Emergency measures adopted by the authorities have been equally inadequate and fail to structurally address what caused the shortage.

For instance, Fedasil temporarily houses a small number of people - mainly families with children - in 'emergency hotels'. Media and one of the lawyers Amnesty International spoke to, reported on the substandard living conditions in these emergency hotels with asylum seekers testifying about living in cramped rooms of about 10m² with up to five people per room, often infested with bugs such as cockroaches. Spending several months in these hotels, asylum seekers also described poor sanitation, inadequate food provisions and a lack of medical support and social assistance.

The authorities have sought measures, such as hiring additional staff at the CGRS to reduce the backlog, to try to speed up the process of asylum seekers and refugees leaving the reception network to free up new reception places. Yet, the process of securing stable housing outside of the reception network remains slow and challenging for recognized refugees, so the impact of the measures taken remains limited.

In December 2024, the government also decided to stop providing reception to people who already enjoy a protection status in another EU member state. A few weeks later, the Council of State suspended the implementation of this decision.

In January 2024, the Red Cross warned about harsh winter conditions in Belgium, highlighting the dire situation faced by male asylum seekers forced to sleep outside due to lack of accommodation. The organization offered to create "*hundreds*" of emergency shelter spots, such as in unused youth accommodation centers. However, the organization cannot act without an official request from Fedasil, which has so far refused to take action. Commenting on the issue, a representative from Fedasil noted: "*Of course we always have a list of potential locations. Opening more places or assessing their suitability is also a political decision.*" The statement shows that creating additional spaces is not the problem, but that the lack of political will continues to obstruct progress.

Belgium's failure to comply with its obligations to provide reception is not only impacting asylum seekers, organizations and volunteers but also the personnel of government authorities such as Fedasil, whose staff have engaged in multiple strikes, and have spoken in the media about their difficult working conditions and the human suffering they witness. High staff turnover and frequent burnouts have become a persistent reality.

DISREGARD OF LOCAL COURTS' ORDERS

Since 2021, Belgian courts have issued over 10,000 rulings ordering the state to provide reception to an individual and have imposed daily penalties for non-compliance. The court orders were not fully implemented: in most cases, Belgium failed to immediately provide reception and the state has not paid a single penalty.

The European Court of Human Rights has condemned Belgium's actions. Since November 2022, the Court has indicated 'interim measures' in 2,282 (on 28 November 2024) cases, requiring the state to comply with local courts' orders to provide accommodation and material assistance to asylum seekers. In July 2023, the Court found the state in violation of its obligations for failing to execute one such court order, noting the authorities' "*systemic failure*" to enforce those decisions. In July 2024, the Committee of Ministers, the body in charge of monitoring the implementation of the Court's rulings, confirmed that the measures taken by Belgium are insufficient to address the continuing shortage of reception places.

The Belgian authorities cannot bend the obligations binding on them under EU and international law to their political agenda. Migration and asylum policies cannot be founded upon the consistent breach of domestic and international laws, the disregard of court orders and the trampling of people's rights and dignity.

The February 2025 new coalition agreement does not specify short-term measures to address the ongoing failure to provide reception and housing to asylum seekers, though it announces that the government will prepare a plan.

Belgium is perfectly equipped to overcome the current reception shortage. Its failures to provide reception to asylum seek-

ers are not due to inability, insufficient means or to the size of the challenge. Rather, the authorities have thus far lacked the political will to resolve the issue.

DISCRIMINATORY IMPACTS OF INSUFFICIENT RECEPTION PLACES

Over the past three years, the authorities have used a combination of discriminatory gender criteria and highly untransparent and arbitrary notions of 'vulnerability' to decide which asylum seekers would be eligible to obtain a reception place.

The discriminatory and unlawful denial of reception to racialized single men

For most of this period, authorities have mostly denied reception to racialized single male asylum seekers, who the government considers to be less 'vulnerable'. This belief is based on dangerous gender stereotypes and is inherently discriminatory.

To understand and address the way systemic racial discrimination and xenophobia manifest and intersect, international human rights standards require states to collect data (see e.g. CERD, Concluding Observations on Belgium, paras. 5-6). Yet, the Belgian government does not collect data disaggregated by race and ethnicity making it hard to identify who are those most affected by the failure of the state to provide reception. The overall asylum figures, however, indicate that these men are almost exclusively racialized people. In 2024, the top 10 nationalities of people seeking international protection were, in order: Palestinian, Syrian, Afghan, Eritrean, Turkish, Congolese (DRC), Guinean, Cameroonian, Burundian, and Georgian.

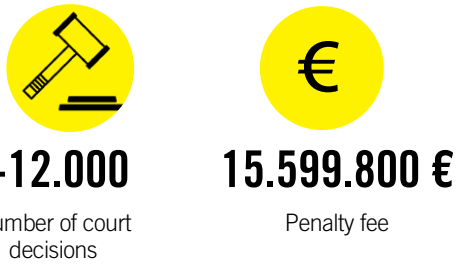
In August 2023, the Belgian government decided to temporarily halt reception for all single men to prioritize families with children during the winter months. Ensuring protection for marginalized groups is essential to guarantee non-discrimination, but this decision disproportionately affects mostly racialized single men. The policy fails to meet non-discrimination obligations by depriving individuals of the opportunity to access reception only on the basis of their gender and results in disproportionate outcomes based on race, ethnicity and national origin. Civil society organizations have opposed the government's reasoning, pointing out that its policy could exacerbate existing, but undetected, conditions of 'vulnerability'.

On 13 September 2023, the Council of State, Belgium's highest administrative court, suspended the decision and stated that Belgian law "*does not allow the [government] to deprive a category of asylum seekers, consisting of single men, of the right to reception in order to resolve the difficulties it claims to be facing.*" In response, the former State Secretary for Asylum and Migration Nicole de Moor announced that she would ignore the ruling and continue to implement the suspension for single men in practice. Remarkably, the State Secretary acknowledged that it was an illegal decision and had expected the Council of State to criticize the policy.

While single men have been most impacted by the Belgian state's failure to provide reception, at times, even categories that are generally recognized to have special reception needs, have been denied access. Between 2021 and 2022, instances have been reported of unaccompanied children (under the age of 18) and families with children having to sleep on the streets as a result of the authorities' failure to provide them housing.

Barriers for those in need of protection: how reception needs are ignored and misjudged

Due to the lack of action by states in the region to ensure sufficient safe and legal ways to reach Europe, refugees and migrants are often forced to resort to treacherous routes. They regularly experience danger or exploitation along their way, including because of violent border control policies by European states. These experiences can compound the harm experienced by people who are fleeing armed conflicts, persecution or human rights violations.



Source: Reports of monthly contact meetings 'International Protection', organized by Myria and Commission on Home Affairs, Security, Migration, and Administrative Affairs

The European Court of Human Rights generally recognizes asylum seekers as members of "*a particularly underprivileged and vulnerable population group in need of special protection*". Asylum seekers who are minors, unaccompanied minors, people with disabilities, older people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental health issues and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation have a right to specific forms of reception under EU law (RCD, Art. 19.2 and Chapter IV).

These standards are intended to ensure adequate protection for all asylum seekers, taking into account their specific circumstances. By contrast, the Belgian authorities are narrowing the concept of vulnerability to exclude people who are not

[4] Throughout this document, Amnesty International uses the term 'single male asylum seeker' to refer to male asylum seekers who travelled to Belgium without family.

considered 'vulnerable enough' from accessing their human rights, in violation of human rights law.

Lawyer Benoit Dhondt, who specialized in migration law, criticizes Belgium's system of tying reception to vulnerability as flawed, arguing that it has become "*a way not to grant everyone their rights effectively, but rather to manage the scarcity of the actual enjoyment of those rights.*" In this system, "*everyone has a right, but only the vulnerable are able to enjoy it - and not just the vulnerable, only the most vulnerable.*" The authorities' flawed approach to vulnerability could result in a failure to identify and accommodate people with conditions not displaying (apparent) physical symptoms or requiring a specialized diagnosis. Lawyer Cécile Taymans explained that proving vulnerability is challenging for people living on the streets. She stated that while people with clearly apparent conditions are often recognized, others require medical expertise that is difficult to obtain "*when living on the streets*". If they succeed to contact a specialized health care provider, "*(a)ppointments for tests can take over a month*", she says.

Asylum seekers speaking to Amnesty International pointed to shortcomings in the authorities' assessment of conditions of vulnerability. Sayed, a 27-year-old from Afghanistan, who experienced homelessness from the end of October 2022 until early 2023, emphasized how people need to show visible injuries to be deemed vulnerable and, in turn, being considered for housing: "*People need to show injuries and that they cannot stay outside – it must be a serious injury.*" Sayed reported that individuals are rarely assessed by psychologists or medical personnel, and that there is a clear disparity in how physical and mental conditions are treated: "*The authorities were providing accommodation to people with visible physical injury. People with mental issues were not important.*"

Ahmet and Baraa, men from Palestine living in a squat, reported about living with a person with mental health issues who was homeless and left to live in a squat. Commenting on the man's distressed and erratic behavior, they noted: "*He's not supposed to be on the streets. He must be taken care of.*" Without any government support, the people living in the squat cared for him, buying him food and drinks. Ahmet and Baraa also mentioned how in their experience "*injuries caused by war*" and other conditions, such as a spinal disorder, are overlooked. Ahmet described a man with a severe leg injury from an explosive, struggling to survive the cold.

Hassan, a Syrian man, recalled meeting an asylum seeker with a chronic heart condition who had been on the streets for two months: "*If you have [a] heart attack or cancer, they don't care about you.*"

Civil society organizations remark that the application of the 'vulnerability' criterion appears to be arbitrary. "*There is no established procedure for assessing vulnerability, at least not one grounded in scientific or judicial principles. The criteria*

> ***"If you have [a] heart attack or cancer, they don't care about you."***
>
> **Hassan,** a Syrian man

are largely based on gender and age, and the definition of vulnerability shifts over time. As reception places become scarcer, the threshold for being considered vulnerable rises accordingly", Thomas Willekens from Vluchtelingenwerk Vlaanderen said. He added: "*Currently, the Immigration Office conducts vulnerability screenings. Single men are typically issued a notice stating there is no shelter available and are instructed to register on a waiting list. Beyond this, the process is highly subjective - if a particular man manages to induce sympathy from a staff member, he might be granted shelter.*"

Amnesty International requested information from Fedasil regarding the criteria and process for prioritizing people's reception needs, and guidance on assessing vulnerability. They responded that they "*are unable to provide all the relevant information."*

LIMITED ACCESS TO HEALTHCARE

The failure to provide reception not only deprives people of accommodation but also affects the enjoyment of other human rights. Without accommodation, asylum seekers face numerous barriers to accessing healthcare, leading to a further deterioration of their situation.

According to the law, asylum seekers who are unhoused have the right to the same types of healthcare as people who live in a governmental reception center (Reception Act, section IV). In practice, however, asylum seekers who are unhoused experience many difficulties in accessing healthcare.

At collective state-run reception centers, residents can access free medical care through on-site medical teams or designated external doctors. Medication is provided at no cost, and referrals to specialists or hospitals are arranged when necessary. Medical staff at the centers conduct health checks for contagious diseases, administer vaccinations, and offer specialized care for pregnant women, babies, and young children. Residents must cover costs if they choose to visit a doctor outside the designated options. For second-line care, a *requisitorium* (a document given by Fedasil that states that the agency will cover the relevant costs) is required for the costs to get reimbursed.

> ***"The street is becoming the biggest psychiatric hospital in Brussels."***
>
> **Infirmiers de Rue**, a medical-social association offering assistance to homeless people

If people stay in state-run Local Reception Initiatives, they first need to apply to their local Public Welfare Center to receive a *requisitorium*.

In reception centers run by NGOs, medical care may be provided on-site, but external care still requires a *requisitorium* from Fedasil.

People who are unhoused need to apply for a requisitorium to Fedasil a few days before their visit to a healthcare provider, or healthcare providers can request it on their behalf. The application must be approved for Fedasil to cover the costs. In urgent cases where advance approval is not possible, exceptions are possible where people can ask a *requisitorium* afterwards and get reimbursed for their medical costs. Also, it is rarely possible to request a *requisitorium* on the same day as the healthcare appointment. *Requisitoria* are needed for all consultations and treatments, including with general practitioners, dentists, psychologists, specialist care, and for medical imaging. However, pharmacies and hospitals are exempt, as reimbursement for these services is automated. Medication is dispensed free of charge with a prescription, and some drugs require additional authorization. In the case of hospitalization or planned surgery, a medical report must be submitted by the first-line healthcare provider to Fedasil in order for the asylum seeker to receive reimbursement. Some medical services may have additional conditions or costs for asylum seekers.

Médecins du Monde, an organization that provides medical care to high-risk populations, told Amnesty International about several barriers faced by first-line healthcare providers when delivering (quality) care to asylum seekers without accommodation. These include a lack of understanding among healthcare professionals about which healthcare services asylum seekers are entitled to and a lack of awareness about the health consequences of living on the streets. Together with Fedasil and organizations such as the Red Cross, the NGO

A person undergoing a health check by a doctor from Médecins du Monde at the Humanitarian Hub in Brussels.
© Karim Abraheen for Amnesty International

provides tools to first-line healthcare workers to inform them about these aspects.

Médecins du Monde also spoke of bureaucratic and financial barriers for asylum seekers to access healthcare. Indeed, several asylum seekers expressed to Amnesty International their frustration with bureaucratic requirements causing them significant delays in having their health concerns treated. This was the case for Mamadou, a male Black asylum seeker who was not housed in a state-run facility. Also, Fernando, a man from an African country with a serious health condition, said he was grateful for the medical treatment he received in Belgium, but recalled the difficulties with bureaucratic requirements and the delays this caused for him to get the required medical attention.

Another interviewee, Thaer, a young Palestinian man, recounted his painful experience seeking medical assistance. He told Amnesty International that the Red Cross had directed him to go to "*a special hospital*". He sought to make an appointment through Fedasil and experienced repeated delays, despite being in severe pain. Thaer said: "*I was crying the first time. And then, some woman, she said: 'Oh, you have to come tomorrow.' I came tomorrow. Then she [again] said: 'Come tomorrow.' But I [was in] pain.*" Unable to find swift help, he eventually received free care from an Arabic-speaking doctor in Brussels, whom he learned about through other asylum seekers sleeping rough. However, he described feeling dismissed and poorly treated. He also expressed frustration about the lack of support: "*It's very hard... You have pain, and when you tell someone, anyone, 'I have pain', they turn their head.*"

Ali, a man from Afghanistan, shared with Amnesty International how he had experienced severe pain in his hand. When asked whether the asylum authorities did a medical check, he responded that they gave him a medical appointment, but it was challenging to know how to get there. "*[The authorities] gave me a paper. But I had no phone, I had no internet. I have no money for […] food - how can I buy internet? How can I buy a phone?"*

Organizations, such as the Red Cross with its Refugee Medical Point, Doctors without Borders, the Humanitarian Hub, have stepped in to provide medical support, sometimes with financial support from the government, to make healthcare more accessible for people seeking asylum who are denied reception.

Lorenzo Durante Viola, the General Coordinator of the Humanitarian Hub, told Amnesty International that their service is not equipped to meet the high demand. To access their health services, people must go to the Hub in the morning when tickets for the day are distributed. The number of tickets distributed, indicate the number of people who will be seen by a healthcare professional: "*For somatic health, we can give on average 15 tickets per day, depending on the number of volunteer doctors, midwives, and nurses available for the day. This means that we can only respond to 67% of requests, and we are forced to turn away several people each day. In 2024, we had to refuse 1,269 requests.*"

This lack of sufficient healthcare for asylum seekers and others, is echoed by Ulysse, a Brussels based organization that provides psychological support for people with a precarious legal status. Ondine Dellicour, co-coordinator of Ulysse shared with Amnesty International how: "*There has been a massive saturation of all mental health services in Brussels for years, yet funding has remained unchanged for the past 20 years.*" Since Belgium started failing to fulfil its obligations regarding reception, more and more people who start therapy at Ulysse present a worsened mental health state. 54% of the people who requested assistance at Ulysse in 2023 were asylum seekers. She notes: "*The degradation of our patients' living conditions impacts their mental health considerably. The fact that basic needs are not fulfilled requires serious attention and assistance. Thus depression, trauma and other psychological difficulties are often pushed back in the order of priorities. For people who have undergone traumatic experiences, the priority is to try make them feel safe again. Being denied reception causes insecurity. The repeated cycle of exclusion and insecurity here in Belgium makes our work as a mental health institution much harder.*"

"For people who have undergone traumatic experiences, the priority is to try make them feel safe again. Being denied reception causes insecurity. The repeated cycle of exclusion and insecurity here in Belgium makes our work as a mental health institution much harder."

Ondine Dellicour, co-coordinator of Ulysse

CHAPTER 2

How homelessness impacts the life and prospects of asylum seekers in Belgium

THE SITUATION IN INFORMAL SETTLEMENTS ON THE STREET AND SQUATS

Asylum seekers who do not receive reception from the government struggle to find alternative accommodation. Many are forced to find shelter in informal settlements on the streets or in empty buildings or abandoned properties ('squats'). In June 2024, civil society organizations identified approximately 20 such squats in the Brussels Region, housing more than 500 people, mostly racialized people and including children (under the age of 18).

The living conditions in some of these settlements and squats are reported to be dire. Doctors Without Borders conducted 342 visits to squats to provide medical support. The organization stated that between January 2022 and August 2023, "*the main medical issues identified were directly related to the difficult and often unsanitary conditions in which people were living.*" Mental health conditions such as psychotic disorders, PTSD, and depression were also prevalent and "*exacerbated by the insecurity and uncertainty experienced upon arrival in Belgium, which, in some cases, led people to contemplate or attempt suicide.*"

Many of these informal settlements were situated near the former registration centers Petit Château and Pacheco. They tended to be dismantled after a certain time, for instance as a result of police operations, but were often rebuilt very quickly. Amnesty International interviewed Fernando, Hassan, Thaer, and Ali, racialized asylum seekers who all experienced sleeping rough in informal settlements set up outside registration centers.

Hassan, a Syrian man who fled Aleppo in 2012, said that he spent three months sleeping on wooden pallets in an area near Pacheco - the center where people registered their application for international protection between August 2022 and October 2024 - with about 60 others mostly from African countries and Palestinians. During his time there, he volunteered as a translator for organizations assisting asylum seekers at the registration center and the Red Cross. Similarly, Fernando, a man from an African country with a serious health condition and Ali, an Afghan man, separately recounted that they slept for several weeks outside the so-called Petit Château, the registration center for international protection.

People interviewed by Amnesty International described how survival depended heavily on external support. "*To survive there,*" Hassan told Amnesty, "*there is only one way: to know who helps with food and clothes.*" He also noted limited options for personal hygiene: *"[For] showers and [sanitary facilities], you can go to coffee shops [...] or [the] hospital to use [the] bathroom.*"

> ***"I find myself in the street with zero help actually, nothing. At Pacheco 44 [the center where people apply for international protection], the Red cross is upstairs and ... people sleep [in a place under the stairs to the building] so I made a bed there and slept there. I found a wooden pallet and I had a five star bed. For [people seeking asylum], it's a five star bed, believe me. It protects you from rain."***
>
> **Hassan,** a Syrian man

Fernando said he had to "*beg for money*" and described feeling unsafe after having his belongings stolen. For Ali, an Afghan man, the struggle of sleeping rough in Brussels in late 2022 was compounded by the harsh weather conditions. "*First I slept […] in a sleeping bag, but [this was very] cold. I bought it for 10 euros during winter – [it was] minus, I don't know how many degrees,*" he recounted. He obtained some assistance by the local Muslim community, which provided him with a tent and some food. "*I did not know how to ask people to help me: 'where is the toilet, shower place, mosque?*"

Short-term or night shelters, run by the state or civil society organizations, offer free temporary relief for people experiencing homelessness, but are no long-term solutions. Three weeks after registering his asylum application, Fernando was granted a place to sleep at the night shelter run by Samusocial, a Brussels-based organization that provides emergency assistance, including shelter, medical care, and social support to people who are homeless and certain groups with special needs, such as asylum seekers. Fernando had to leave the facility every morning by 9 a.m. Fernando described the sense of uncertainty he faced when resorting to these shelters to find a place to sleep: "*If you called for a place, you had to wait until noon or even 2 p.m. If there was no space, you had to find somewhere to sleep." At another night shelter, he faced strict schedules: "You could only stay if you arrived between 6 and 8 p.m. and had to leave at 7 a.m. [...] after breakfast.*"

Fernando, Hassan and Ali expressed frustration at the lack of state intervention. Hassan lamented: "*I don't think it is because they don't have places, but they try to push us in a bad situation […] We need a small place to be warm, we don't need 5-star services.*" This sentiment was echoed by Ali: "*they don't care if I'm dead or alive.*"

Thaer, a 24 year old Palestinian man who lived and worked in Lebanon as a nurse arrived in Belgium in the summer of 2023.

"*When I came here, what happened was very different from what I thought"*, he recalled. *"I wanted to come to Belgium, continue my studies as nurse and to work. [...] And for the people, […] I find the people very nice and they have a wide heart, a pure heart.*"

Despite registering immediately after his arrival, Thaer was not granted reception for several months. For a long time after his arrival, he slept near Pacheco, sheltering in the tram tunnels where he was shielded from the rain, together with other people. "*It was very hard... because here the temperature is different from my country. It is very cold and you feel it and the pain from the cold…*" He also said that he felt unsafe and vulnerable to violence all the time.

When asked what his day looked like when sleeping on the street, Thaer noted: "*I was in shock. Because if you come here, you can't find anyone to help you or a clean place to sleep or safe place […] I don't want anyone to live what I lived before. When you wake up, your mind is 'error'* [i.e. in a state of confusion or shock]. *Sometimes, you find it like a dream [as if what happens isn't real]. You start to think a lot: what do I have to do? […] But nothing will help.*"

Since he is in Belgium, Thaer travelled around the country to seek help and a place to sleep from friends: "*Every day I went from house to house for four and a half months.*"

"When I came here, what happened was very different from what I thought", he recalled . "I wanted to come to Belgium, continue my studies as nurse and to work. [...] And for the people, […] I find the people very nice and they have a wide heart, a pure heart."

Thaer, a 24 year old Palestinian man

People being denied reception living in tents near Petit Château. © Belga / Nicolas Landemard / Le Pictorium

Thaer's experience eventually took a lucky turn due to the solidarity showed by people in Belgium. A family in Belgium contacted him to invite him to live with them: "*[They] helped me a lot, [..] with the work, with the language. […] [They] trust me and tried it and opened [their] house and heart.*" Today, Thaer works as a cleaner and studies Dutch.

Others were less fortunate.

Some people found a place to sleep in railway stations. Mamadou, a Black man seeking asylum in Belgium arrived in June 2024. For a few months, he slept in an area just off Brussels Midi station with others also experiencing homelessness. "*Sometimes you cannot sleep [because of] the cold… It was not safe. Sometimes the police come and kick us out"*, he recalled. "*There are good days and bad days,*" Mamadou explained. "*Some days, the police doesn't come and some nice people pass by and give you food or coins, but on other days you go without food for 24 hours.*" He also described the challenges in trying to access essential services: "*Walking an hour in a city that you don't know, to a hub where you can get food and shower seems doable if you have slept and eaten in the days prior to the walk. It is difficult to get anywhere with barely any sleep and on an empty stomach.*" Mamadou was temporarily housed in a hotel paid and arranged for by Plateforme Citoyenne BELRefugees - a grassroots organization that advocates for the rights of asylum seekers and migrants in Belgium - at the time of our interview, but he mentioned that his stay there would end five days after the interview.

Médecins du Monde described to Amnesty International how safety and stability can gradually transform someone's state of mind: "*We see this in the emergency shelters. When an organization gives people a place to stay for two or three days, people will eat, wash and sleep. If they get two to three weeks, the first week they eat and sleep. The second week, they start to ask for medical help. This only happens once they are rested, warm and have a bed. And only in the third or the fourth week, they ask for social or legal or administrative help. At this time, they are a bit more ok, a bit more like themselves. They find the mental space to make plans again.*"

FOCUS CASE: SAYED'S STAY IN THE 'PALAIS DES DROITS'

One of the most notable squats – ironically called 'Palais des Droits' ('Rights Palace') – in Brussels was located in Rue des Palais, in a building which served as a night shelter, hosting a few hundred people and, at some point, as many as 1,000 people. According to the social screening service set up by the government and civil society, in January 2023, over 700 of the residents were asylum seekers.

The building was used as a squat from October 2022. In February 2023, the authorities decided to vacate the building and transfer asylum seekers living there to places, offering temporary shelter elsewhere. NGOs raised concerns about the modalities of the eviction. Reports emerged that the authorities failed to find shelter for around 200 of the people who had been evicted from the squat.

Media and NGOs reported on the very challenging living conditions within this settlement, characterized by limited access to basic hygiene, sanitation and food provision, combined with the reported presence of infectious diseases such as scabies and diphtheria.

When a fire broke out in the squat in January 2023, media reported that many people did not want to be evacuated by the police for fear of not being allowed to go back in.

Sayed, a 27-year old man from Afghanistan, said that he stayed in the 'Palais des droits' for four months, from October 2022 until early 2023. He applied for asylum shortly after arriving in Belgium, but the authorities told him there was no reception. "*They [...] told me: 'no center' and gave me […] the map to the Humanitarian Hub […]. They said there is no place, no empty space in the centers. The reception authorities didn't tell me anything [about reception places]: 'it is not in our hands.'*" With the help of another Afghan man, Sayed had been directed to the squat, which was described to him as a place "*to sleep at night… where you are shielded from the rain.*" Expecting a government-run facility, he was met with a stark reality: "*I saw a row of cardboard", he recalled. "In the beginning it was good enough, there were toilets and showers, and some people brought food in the afternoon. But slowly it was turned completely into a graveyard. Showers and toilets were broken, with the passage of time…Pee was coming up to the place where you were sleeping, we had to take the brush to sweep it away*". He noted the absence of state support, saying how only "*normal Belgium people*" – volunteers not working for the state authorities – came to the squat and brought food and warm clothes.

One of the most notable squats in Brussels is the Rue des Palais – ironically called 'Palais des Droits'. © ID/ Tine Schoemaker

According to Sayed, the squat housed mostly single men of various nationalities, including Afghans, Burundians, Palestinians, and Syrians. The number of people living there varied but at times, as many as 1,000 people lived there, spread out over three floors. "*Each mattress was behind the other,*" he said, describing chaotic conditions. Sayed recalled how in the absence of state support, some local volunteers brought food though it was often insufficient to feed all, leading to fights among residents of the squat.

Sayed told that police would come to the squat and stand in front of the entrance, "*not allowing people in or out*", and would intervene "*when something was happening*". Recalling the January 2023 fire in the squat, he said "*We had gone to the Humanitarian Hub to eat and when back, we saw the police cars, and police was at the door; the people inside were stuck and others [were blocked from entering].*" Media reported that *"(f)our people were intoxicated, [due to inhaling smoke from the fire] but no victims needed to be hospitalized"* for further treatment.

Policing the government's failure to provide reception

Belgian authorities have carried out forced evictions regularly against asylum seekers in makeshift camps or in squats, while simultaneously failing to provide all those affected with alternative accommodation. Police often removed or destroyed makeshift tents set up near the registration center, leaving people without shelter.

Some people speaking to Amnesty International shared accounts of their negative experience with the police during forced evictions from informal settlements and squats. Two people reported a case of excessive use of violence. Others revealed the use of aggressive language and harsh treatment and the destruction of belongings.

These incidents are all the more significant given that the vast majority of those affected by Belgium's failure to provide reception are racialized men. Amnesty International has repeatedly called on Belgium to increase its efforts to stop ethnic profiling by the police. In 2021, the CERD identified racial and ethnic profiling by the Belgian police as a "*persistent problem*". The Committee called on the state to ensure this practice is explicitly prohibited and expressed concern about "*the lack of comprehensive data, disaggregated by ethnicity or national origin, on persons who are targeted by identity checks and victims of racial or ethnic profiling*". Though some progress has been made in particular on raising awareness for the issue, Belgium has not fully implemented any of these recommendations.

FOCUS CASE: THE STORY OF AHMET AND BARAA – TWO PALESTINIAN MEN WHO EXPERIENCED A VIOLENT POLICE EVICTION IN BRUSSELS

Ahmet and Baraa, both Palestinian men who fled Gaza shortly before 7 October 2023, arrived in Belgium in September 2024. When Ahmet arrived in Brussels, a friend directed him to a squat. After two nights sleeping in the open at La Bourse [a famous historic building used today as a recreational place for public use], Baraa also found his way to the same squat. The squat, described as an old four-story building in Brussels, housed over 30 people, six or seven people per room, in difficult conditions. Ahmet described how the squat lacked hot water, mattresses, or blankets. He recalled sleeping on a thin blanket and having no food: "*It was cold. […] You can be starving, and no one will know about it. No one will help you.*" He said some Belgian people who knew of their plight would bring over food, but that this would not be sufficient.

Both men experienced immense personal loss. Ahmet stated, "*I lost a lot of relatives and friends. My mother is severely wounded, my brothers and sister as well. I was thinking in their shoes: 'I just need to survive.*" Baraa recounted losing his mother and sister in 2006, and his father and 31 other relatives were killed during the ongoing genocide by Israel against Palestinians in Gaza.

The men recalled that the police came to evict people after three weeks in the squat: "*They started breaking all the doors, kicking everyone out… the police broke everything [we] had"*, Ahmet told Amnesty International. According to the men, the police used tear gas grenades and physical violence against them in the process, and denied them what little belongings they had. Ahmet said that a police officer kicked and slapped him, including on a previous injury. The police brought dogs and subjected residents to humiliating treatment: "An old man was just [getting dressed] and asked the police: '*Can I get dressed first?', the police said no, and he had to go out in his T-shirt*", Ahmet recalled.

Ahmet also remembers there being a group of police officers whom he described as being from the federal police: "*The[y] came in like a storm, kicked them out and left. They started kicking people and punching them. Most of [the people] weren't fully dressed, but had to leave in the cold weather. That old man [referred to earlier in the text] locked the room to stay in. The police came in, [pulled him from] his chair and pushed them outside.*"

Baraa did not experience violence from the police himself but shared how he saw others being beaten by police officers, "*mainly with their bare hands.*"

Both men lost belongings during the eviction. "*When we came back, 10 cellphones were broken", Ahmet said. "I lost lots of belongings."* Baraa similarly noted: "*The police put an iron door and sealed it. […] They said they threw [my belongings] in the trash."*

Ahmet said he witnessed an officer disrespect a Palestinian flag hung in a room in front of a resident who had asked to recover his belongings from there: "*They snatched the flag, put it on the ground, and stepped on it to annoy him.*"

Neither of the men filed a complaint against the police, fearing repercussions. "*For you people, it is fine, but for refugees, no. I am afraid they will give me a negative decision and kick me out of the country,*" Ahmet explained.

After being evicted from the squat, Baraa said he spent eight days sleeping outside before finding another squat, housing around 40 Palestinian people, where he was living at the time of the interview. He thought that the police would soon evict the people in that building as well, since it was declared unfit for habitation. Ahmet, who had spent the night before the interview in the same squat, remarked: "*And it is very cold: where is the humanity in that? One of [the squat's residents] got injured in the war… He cannot stay out in the cold, he can't bear it and yet, he will be out in the street*". Baraa was uncertain about his future and what would happen if he was evicted again: *"(M)aybe another squat*".

Various interviewees reported how, while they did not experience or witness violence from the police, they had a negative perception of the police or experienced rough treatment during operations to clear up settlements and squats, or sheer disregard.

Mamadou, who had been sleeping at the Brussels Midi station, described the environment as "*not safe,*" with police frequently forcing people to leave. "*When I see them, I take my bag and leave. […] I am very suspicious of the police,*" he said. "*An older guy had hurt his foot, and when he couldn't leave, the police came by car and [took him away]. I have not seen him again.*"

During the eventual eviction of the 'Palais des droits', Sayed said that he saw that buses transferring people were insufficient, and the police would push people away from them in a way that was "*very strong*".

Fernando explained being repeatedly chased away by police while sleeping outside the Petit Château. "*When the registration was done [and the center was closed], police […] chased us away each time, and around 6 or 7 in the evening, we would come back to get a good spot in the queue.*" After the center closed, he noted that police rarely intervened, even when fights erupted.

Others shared similar experiences of being forced to leave. Hassan recounted: "*Police normally would [only] pass by when the government decided to clean up the place. […] In this case, I would go and then come back to the same area.*" He remembers one particular incident where people, presumably belonging to the police, cleared the area around Pacheco: "*one day they started bringing a car with two people and start to put everything in the boot – including some important papers for some people. They said 'we are going to clean the place'. [My whole life] [was] in the car, so they finally allowed me to take it [his belongings].*"

Ali, who slept in a tent near the Petit Château, faced repeated evictions. "*Much police came, they took the tents. I asked, 'Where will I go? This is a street.' […] He said: 'If you don't go, I will break [your tent].'*" Ali said that over 40 tents were destroyed.

An informal camp near the Brussels Canal is being dismantled. A bulldozer is destroying tents and people's belongings. © Belga / Haitse Nelis

CHAPTER 3

12,000 court decisions ignored: undermining the rule of law to avoid providing reception

Activists protesting at Rue de la Loi in Brussels denouncing the government's blatant disrespect for the law. © Amnesty International

People seeking asylum in Belgium and civil society organizations have taken robust legal steps to challenge the state's persistent failure to comply with its obligations under EU and international law, and defend asylum seekers' right to reception.

Through an 'urgent procedure', lawyers acting on behalf of affected asylum seekers have requested labor courts to order Fedasil to provide adequate reception. Since the onset of the Belgian state's failure to comply with its legal obligations, it has been ordered more than 12,000 times by national and international courts to provide adequate reception. The Belgian government has consistently refused to fully comply with the judgments, despite these being final and legally binding. In 2022 and 2023, the Brussels Court of First Instance condemned the Belgian state for violating the right to reception and ordered it to take immediate remedial action.

Judges have imposed significant daily penalties on the government authorities for non-compliance. These fines have now reached their legal maximum of 19,374,900 euros (on 31 October 2024). Amnesty International is not aware of any penalties being paid.

In the early stages of Belgium's failure to provide reception, individuals who had obtained a court decision regarding their right to reception were given priority and were granted a reception place sooner than they would have without a court order. However, since June 2023, this is no longer the case. Thomas Willekens, policy worker at Vluchtelingenwerk Vlaanderen, noted: "*The only way to access the reception network [for single men] is by registering on the waiting list, and invitations are issued based on the date you submitted your asylum application.*"

In July 2023, the European Court of Human Rights (ECtHR) took a critical step in condemning Belgium's disregard for court rulings, finding in the case of *Camara v. Belgium* that the state violated the right to a fair trial by ignoring national court orders.

Lawyers in Belgium have sounded the alarm about the country's non-compliance. Lawyer Jean Marc Picard, who represented civil society organizations in collective proceedings against Belgium, told Amnesty International that the judiciary's proactive response to the situation contrasts sharply with the state's continued defiance of the law.

The government's blatant disregard for judicial decisions is indicative of a broader threat to the rule of law in Belgium. Lawyers warn that the actions of the government set a dangerous precedent and may pave the way for denying the rights of other groups.[5] "*Foreigners' rights are the touchstone for the rest of politics. They [the government] try something in the domain of immigration law to see if it sticks and then apply it in other laws. As they think that people are less likely to resist when it comes to the rights of migrants*", said lawyer Jean Marc Picard.

According to Benoit Dhondt, a lawyer active in the Antwerp area who assists asylum seekers with their asylum application, "*there is no reason to assume that another group in Belgium, would not be the next victim. Any optimistic interpretation of the government's disregard for the rule of law or any claim that 'this is limited to this specific group,' in a way contributes to the crisis itself.*"

> ***"This is about fighting for the rule of law and making sure that this country is still a place where the law has meaning."***
>
> **Jean-François Gerard,** lawyer and coordinator at the Legal Helpdesk

Lawyers who Amnesty International talked to also described that, although certain groups of people – such as detainees for instance - have long been subjected to systemic disregard

Lawyer Jean-François informing a person seeking protection in Belgium of their rights at the Legal Helpdesk.
© Karim Abraheen for Amnesty International

[5] Interviews with lawyers Jean-François Gerard, Benoit Dhondt, Cécile Taymans, Manon Libert and Jean Marc Picard.

of their human rights, the flagrant lack of compliance shown in the case of asylum reception is a new phenomenon. "*[T]his is the first time, I believe, in 35 or 40 years, that I have seen it said so openly: 'We are not going to respect the law'*", lawyer Jean Marc Picard said. Lawyer Cécile Taymans similarly pointed out: "*I now have the impression that if I win a case in immigration law – whether it's a reception case or not – I'm lucky if the Belgian state respects the judge's decision whereas I would never have said that to myself before.*"

The 2023 European Commission's Rule of Law report's chapter on Belgium states expressed concerns about the"*[n]on-compliance of the Federal Government with court judgments and orders imposing periodic penalty payments*". Similarly, in July 2024, in an unprecedented memorandum, the presidents of Belgium's highest courts – the Constitutional Court, the Court of Cassation and the Council of State – expressed serious concern about the non-respect of judicial decisions and said that it "*is not just worrying, but it is simply inacceptable.*" Belgium's Federal Human Rights Institute also warns that "*(t)he Rule of Law is being eroded.*"

In addition, lawyers Cécile Taymans and Manon Libert, both representing asylum seekers in their claims on the right to reception before Belgian courts and the European Court of Human Rights, stated they had a growing sense that the Belgian legal system is becoming more adversarial and bureaucratic, with state institutions using delays and legal technicalities to avoid enforcement of court orders. They noted that delays in the Labor Court, as well as the authorities' practice of systematically appealing decisions, often leave asylum seekers in limbo. According to them, these delays are exacerbated by the limited resources of legal aid organizations.

The ongoing situation in Belgium has caused feelings of hopelessness, and frustration among lawyers working with asylum seekers. Dhondt remarked: "*For everyone involved it is very trying not to become indifferent about the lack of respect for legal decisions on the reception crisis. Every time it's said: 'OK, but if **this** legal measure is going to be introduced, things will look different,' and the change never comes.*" Cécile Taymans shares a similar perspective, noting that "*fewer lawyers are starting legal proceedings, because it doesn't change anything. We really feel powerless, because I realize that when the Belgian state doesn't respect court decisions, we're helpless.*" She also has the impression that clients do not come to them as proactively as before: "*It's as if everyone knows it is useless.*"

Despite the challenges, many lawyers remain committed to their cause, driven by a certainty that stopping the legal fight would only allow further erosion of rights. Jean-François Gerard explains: "*The lack of success is not a reason to stop, because if we were to stop this fight, then probably other people will stop other fights and the situation will get worse. And this is also probably why we still get so many volunteers from business law firms. They all understood that this is going beyond migration. This is about fighting for the rule of law and making sure that this country is still a place where the law has meaning.*"

> ***"Foreigners' rights are the touchstone for the rest of politics. They [the government] try something in the domain of immigration law to see if it sticks and then apply it in other laws. As they think that people are less likely to resist when it comes to the rights of migrants."***
>
> **Jean Marc Picard,** lawyer

CHAPTER 4

Civil society organizations and volunteers' efforts to fill the gap left by the State

Faced with Belgium's failure to provide reception, civil society organizations and volunteers have stepped up to cover for the state's failings, improving the situation for asylum seekers in various areas, including the provision of information about the reception process, access to essential services, and legal aid. While the government has introduced measures to improve the flow of information, such as Fedasil's Info Point, these efforts frequently fall short of meeting asylum seekers' needs for clarity and guidance.

The lack of adequate information by the authorities on how to navigate the system was a recurring theme across the account of several asylum seekers interviewed by Amnesty International.

Mamadou, a Black man, shared: "*When I arrived I didn't know anything here. I turned 'round and 'round to find my way – in August I met someone who told me how to start the procedure – another asylum seeker […] at Fedasil they don't advise you on the lawyer [at the beginning of the procedure]… When I went to Fedasil they rejected me and said 'we will call you'… I asked them about reception and they did not tell me anything. They give me information on the waiting list – no indication of time, just that they will call us.*"

Asked if the authorities ever explain proactively how the system worked, Fernando, a man from Africa, replied "*I didn't have the right to speak to them. There came organizations […] who would tell them that they would start the procedure.*"

Asylum seekers who are housed in a reception center have easier access to information and to social assistance services to help with administrative and practical hurdles. For asylum seekers who are denied reception, accessing services is much more challenging. Some interviewees found it hard to find the healthcare facilities as they complained that they were left on their own and without support aside from being given an address.

For eight months, Thaer, a young man from Palestine, repeatedly visited Fedasil to inquire about reception but was met with conflicting and ever-changing information about the waiting list. Initially told the wait would be seven months, he was later informed it would be eight, then ten, and so on: "*It changes every day. And it's the same person, but it changes every day, what he says.*"

> ***"People were feeling our pain, but not the authorities."***
>
> **Sayed,** a man from Afghanistan

Different organizations such as Médecins du Monde, the Red Cross, Plateforme Citoyenne BELRefugees, Ulysse, Samusocial and many more help out in Brussels when it comes to filling the gaps the state leaves.

One such effort is how Vluchtelingenwerk Vlaanderen volunteers assist asylum seekers at the registration center. They are often the first to inform asylum seekers that they may not receive reception. Due to Fedasil changing its opening hours from 8:00 AM to 7:00 AM, finding volunteers to commute to Brussels to be able to do this has become challenging and this may impact the information asylum seekers receive.

Another crucial initiative is the Legal Helpdesk, a legal advice entity established in the spring of 2022 by Vluchtelingenwerk Vlaanderen, the French-speaking Brussels Bar association and lawyers. The Helpdesk's lawyers began working free of charge to address the legal needs of refugees from Ukraine. However, since Ukrainians are usually granted a right to temporary protection, the focus of the Helpdesk shifted to legal information and assistance to asylum seekers that did not obtain reception. In Belgium, legal aid is federally funded and organized through Bar associations, which manage their own legal aid offices. The great need for assistance due to the large numbers of people denied reception, combined with language barriers, rendered the existing system inadequate. In response, the Legal Helpdesk became a decentralized solu-

tion, leveraging legal knowledge, multilingual volunteers and advocacy experience.

The Helpdesk now provides first-line legal support three half-days a week, often assisting asylum seekers who have just arrived and do not have a lawyer. At the desk, asylum seekers are informed about Belgium's failure to provide reception and are assigned a lawyer for second-line support, which can be comprehensive advice or an in-depth treatment of a case. The helpdesk works free of charge in coordination with legal aid offices.

While immediate outcomes are limited due to long reception waiting lists, the helpdesk offers a vital space for listening, support, and practical help, serving as "*an intermediary*" between asylum seekers and their lawyers. Jean-François Gerard, lawyer and the coordinator of the Legal Helpdesk, explained: "*it has become a place where they can come, have a cup of coffee, and meet with someone who listens to them.*"

Reham Mohamad, who volunteers with Vluchtelingenwerk Vlaanderen at the helpdesk, told us: "*Without access to information, life in Belgium can seem overwhelming. Helping applicants at the legal desk showed me not only how important it is to provide legal support, but also empathy and understanding. Seeing applicants leave with a sense of hope and clarity where they feel heard, supported and not alone in their journey makes every effort worthwhile.*"

The crucial role played by volunteers consistently shone

Volunteer Reham listening and providing information to people seeking asylum at the Legal Helpdesk. © Karim Abraheen for Amnesty International

> ***"Seeing applicants leave with a sense of hope and clarity where they feel heard, supported and not alone in their journey makes every effort worthwhile."***
>
> **Reham Mohamad,** volunteer at Vluchtelingenwerk Vlaanderen

through asylum seekers' stories of pain and hardship in Belgium. Many of those interviewed expressed their gratitude to the solidarity shown by people in Belgium, who refused to ignore those seeking protection in their country.

Sayed spoke about the "*positive energy*" he felt from the people, recounting a story of a family from Brussels who welcomed people from his squat into their home to offer a change of environment for them. He fondly recalled neighbors at Petit Château bringing tea: "*People were feeling our pain, but not the authorities. Some people join us to show the authorities how it feels to be out in the cold... [these] people are amazing with a kind heart.*"

Ahmet shares similar experiences with a woman in Belgium who frequently visited the squat he was staying in: "*When we were kicked out, she invited us into her home. I stayed there for five days.*" He expressed his belief that "*people here are very, very nice, […] it is just the government and the police [that don't treat asylum seekers well].*"

Ali, a man from Afghanistan, similarly expressed gratitude toward a Belgian woman and her family, who helped him to find accommodation when he was sleeping rough in a train station. He said the woman later invited him to stay in the house of her family. Here he met another Belgian woman who became like family to him: "*I call her mom, she calls me son. For me that was a moment where the good life starts again. I cook, she eats with me.*" As our conversation ended, Ali offered a heartfelt conclusion: "*Thank you for the Belgian people, on the street as well. Even though it gave me pain, I will give love*".

More than three years into the government's unwillingness to provide reception to all those entitled to it, lawyers, NGOs and volunteers who are stepping in to make up for government's failures, continue to play a vital role. Yet, increasingly, they are experiencing challenges. Lorenzo Durante Viola, General Coordinator of the Humanitarian Hub told Amnesty International: "*In terms of mental health, it has been a disaster. The pressure on all our services has been so high. People who we welcome here have been in such dire conditions that for our frontline staff, it really has a tremendous impact on their mental health, on their frustrations, their emotions. It has been very, very difficult.*"

Thomas Willekens, policy worker at Vluchtelingenwerk Vlaanderen, similarly talked about the impact on their staff and volunteers: "*If you do this work year after year, you get burnt out and and it might become difficult to keep on going.*"

He also noted how the state's policy also puts institutional constraints on Fedasil's staff ability to operate effectively, remarking: "*on a personal level, the staff of Fedasil tries to help their audience as best as they can. On an organizational level, they are unable to do so and hope that NGOs can do it in their place. It is important to stress that this is also part of the deliberate policy of the government.*"

Asylum seeker picking out clothes in a shop full of items donated by local people at the Humanitarian Hub.
© Karim Abraheen for Amnesty International

CHAPTER 5

Stories of resilience, fears, hopes and dreams

People being denied reception, living in tents near Petit Château, warm their hands over a fire. © Belga / Hatim Kaghat

Betrayed in their expectation to find safety, by the government's disregard for their human rights, and to leave treacherous journeys and trauma behind, asylum seekers arriving in Belgium since 2021 have been forced to fend for themselves. Sayed, a man from Afghanistan, remarked: "*My expectation [of Belgium] was completely different [than what I experienced] I thought I would have fine housing and a fine procedure …[I expected] to at least have a proper place to sleep but everything was the opposite.*"

Reflecting on his arrival in Belgium, Thaer, a man from Palestine, similarly noted: "*When I came here, what happened was very different from what I had in my mind before.*" He hoped to advance his nursing studies and gain insight into Belgian healthcare practices. Instead, he found himself homeless for eight months, a stark contrast with his aspirations of learning and contributing to the society he had turned to for protection.

Yet, despite the ongoing precariousness and neglect they are exposed to as a result of the authorities' policy choices, many among the asylum seekers that Amnesty International spoke with demonstrated an admirable resilience, and the unshakeable hope for a normal life.

Baraa, a man from Gaza, voiced how he just wished for a "*simple life, basic rights, a job, food in [my] stomach and just to live like a normal person.*" He added: "*We had a life back in Gaza, but we just lacked the security and the safety there and that is why we left. That is why we came here: to find a safe place.*" His friend Ahmet shared similar sentiments:

"When I came, I knew about the situation in Belgium from other people… If you don't have family, you will end up in the street… [You have to] depend on [yourself] and survive for 5-8 months. But it was my only option. I cannot be back in Gaza. […] My ambitions are simple. I just want to find a decent job, rent a decent house, perhaps get married and just settle in and blend with society."

With each passing day, the government's consistent failure to provide reception is delaying and denying these dreams and aspirations, steadily betraying the trust of those seeking protection. Some remain optimistic, holding onto hope despite the hardships. Others, overwhelmed by their struggles, find it hard to imagine a better future.

Sayed, a man from Afghanistan, was working and earning a living in Belgium at the time of our interview, having previously spent months being unhoused. As he was awaiting a decision on his asylum application, he reflected on how the precariousness of his situation made it hard for him to envisage a future. "*I don't know if I get a negative decision, I still have to wait and the time [until the decision is issued] is very difficult – I want to learn [the] language but the difficulties don't allow me to focus – I don't see my future here, I can't see my future here – so the time is passing, I could do a lot for myself and Belgium"*, he stated.

Some people talked about the importance of having a job and how it signifies independence and social inclusion. "*Freedom is two ways: job, 80 per cent of my freedom, and paper [residence documents] is 20 per cent, to make my freedom complete,*" Hassan explained. He emphasized that allowing asylum seekers to work would benefit the country: "*Use us please. Try to use us to be good people and support this country because we are here now, and we will be part of the economy.*" Ali shared a similar sentiment: "*If I have work, I have life. If I have no work, I have no life. [...] I need work for my children, my family, my mom.*"

The Belgian authorities' failure to ensure asylum seekers' rights to reception not only condemns them to homelessness and insecurity, but also impacts their opportunities to access legal employment.

In Belgium, asylum seekers must obtain an 'orange card' – a temporary resident document issued by the municipality they reside in – to access employment , including during their asylum procedure. However, to apply for the orange card, a fixed address within the municipality of application is required. Asylum seekers who are denied reception services, by definition, lack a fixed address, making it nearly impossible for them to request the orange card. This issue affects both those living on the streets or in informal shelters and those housed in government-run emergency reception centers, which are not considered suitable for this purpose.

"*I started looking for a job but needed an orange card. If you want an orange card, you need an address. To get a house, you need work, so they make it a closed circle. People think: they're just sitting here, gaming, … It's just because the government makes it impossible for us to do something else*", commented Hassan, a man from Syria.

This system creates a structural obstacle to the labor market for many asylum seekers, before they even had the chance to enter it. At the same time, because of the lack of a fixed address, people are not only exposed to precarity and homelessness, but also made unable to support themselves independently.

In July 2024, the Federal Human Rights Institute and Myria, the federal migration center, recommended in a report to the Committee of Ministers of the Council of Europe on the execution of the judgment of *Camara v. Belgium* that every person without reception should be able to register at a reference address and have an 'orange card' in order to exercise his rights, in particular to employment.

> ***"My ambitions are simple. I just want to find a decent job, rent a decent house, perhaps get married and just settle in and blend with society."***
>
> **Ahmet,** a man from Palestine

Despite the active barriers, some manage to find opportunities. Thaer, for instance, endured eight months of hardship, living on the streets or staying with friends across Belgium. His situation changed when he met a family in Belgium who offered him a place to stay in their home, providing him not only a safe place to live but also a permanent address. Thaer soon started working. Despite his aspirations to advance his nursing career, he started as a cleaner in a care home. Meanwhile he is learning Dutch. "*I like to work, any work...I see my future in Belgium good. I have my work, my home, […] , good friends, … The little things are enough for me.*"

Sayed, a man from Afghanistan, had previously been unable to access employment while residing in a temporary center in Ghent, but he had found housing and work at the time of the interview. Yet, he warned of the cyclical nature of the system: "*If they stop/halt my work permit, orange card*", which could

happen due to a negative decision on his application for international protection, "*I will be again on the street with no salary, no rent – so again it is a kind of circle back to the street.*"

Conversations with asylum seekers revealed a stark disconnect between their expectations and the harsh realities they faced under Belgium's failure to provide reception. The authorities' policies not only deny them the basic right to reception but also actively imposes barriers that delay their chances and aspirations of building an independent life and contributing to society.

In our interviews, individuals made heartfelt appeals to the government, voicing their desire to be treated with dignity, provided with opportunities, and to ensure that others do not endure the same hardships they faced.

Mamadou, a Black African man emphasized the importance of state action, stating: "*[the authorities] should help and house [asylum seekers]. They should give them information… so that you can find a job, so that you can contribute, have opportunities.*" Similarly, Fernando expressed a direct plea to the government: "*We need to be given some opportunities*".

Ahmet shared his hope that others might avoid the struggles he experienced: "*I don't want anything from the government. But I only wish they look after the people living on the streets, living in the squats to be a bit human and offer them the most simple right: just a roof*". Baraa adds his call to the government, saying: "*We don't belong to the streets, we have the right to have a place to stay in. I want the government to look for people that stay outside and give them opportunities to live life.*"

> ***"We don't belong to the streets, we have the right to have a place to stay in. I want the government to look for people that stay outside and give them opportunities to live life."***
>
> **Baraa,** a man from Gaza

Young man in tent close to Petit Château. © Belga / Hollandse Hoogte / Peter van Beek

KEY INTERNATIONAL HUMAN RIGHTS AND STANDARDS

By not providing reception to people seeking asylum, the Belgian government violates several human rights standards that bind the country under international, EU and national law.

The right to 'material reception' and the right to an adequate standard of living and housing

Within the EU, the right to material reception for individuals applying for international protection is safeguarded by Articles 19 and 20 of the 2024 Reception Conditions Directive (previously Articles 17 and 18 of the 2013 EU Reception Conditions Directive). Belgium has not transposed yet the latest version of the Directive and still implements the 2013 Directive in national law (see the Belgian Reception Act). The right to material reception includes housing, as well as food, clothing, personal hygiene products, and a daily expenses allowance to enable them to enjoy a minimum degree of autonomy in their daily life. This right applies from the moment someone expresses the need for international protection, until the conclusion of the procedure (RCD, Recital 7). EU Member States should ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence, protects their physical and mental health and respects their rights under the EU Charter of Fundamental Rights. Member States are also required to ensure that an adequate standard of living is met in the specific situation of applicants with special reception needs (RCD, Art. 19.2 and Chapter IV). Reception, as defined by the Belgian Reception Act, encompasses not only housing but also essential provisions such as food, medical assistance, and legal support (Reception Act, Art. 2, para. 6).

The right to material reception under EU law must be realized by the state in compliance with the EU Charter of Fundamental rights and international obligations, including the principle of non-discrimination (CFREU, Art. 21). EU law provides for limited instances where material reception conditions can be restricted or curtailed, in cases involving people who have financial means to support themselves, where the applicant has absconded the country or in cases of non-cooperation with the authorities on the side of the applicant (RCD, recitals 61, 47 and 62). Belgium's policy of deliberate failure to provide material reception promptly to large numbers of people under its jurisdiction do not remotely qualify as any of these exceptions. The state's actions stand in open violation not only of Articles 19-20 of the 2024 RCD (or 17-18 of the 2013 RCD) but, with reference to the policy to temporarily halt the reception of single men, also of the prohibition of discrimination.

While EU law sets specific standards for asylum seekers, international human rights law is clear that all people – irrespective of their migration status - have a right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions (ICESCR, Art. 11, and CESCR, General Comment No. 20). The UN Committee on Economic, Social and Cultural Rights (CESCR) has also stated that a state party to the ICESCR in which any significant number of individuals are deprived of basic shelter and housing is prima facie, failing to discharge its obligations under the Covenant (CESCR, General Comment No. 3, para. 10). Furthermore, according to the UN Special Rapporteur on adequate housing, "*[h]omelessness lies at the extreme end of the spectrum of violations of the right to adequate housing*" (Report on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, para. 48).

Additionally, the duty to protect life also implies that States parties to the International Covenant on Civil and Political Rights should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include extensive substance abuse, widespread hunger and malnutrition and extreme poverty and homelessness. The Human Rights Committee further explains that the appropriate measures referred to include, where necessary, to ensure access to essential goods and services such as food, water, shelter, healthcare, electricity and sanitation (CCPR, General Comment No. 36, para. 26).

The right to health

Belgium's policy of non-reception also interferes with asylum seekers' right to enjoy the highest attainable standard of physical and mental health, which - under international law instruments binding on Belgium, applies to everyone, irrespective of migration status. The right to health includes access to timely and appropriate healthcare for everyone without discrimination; that

healthcare is affordable for all, including socially disadvantaged groups; and that healthcare information, goods, and services are of good quality (ICESCR, Art. 12).

The CESCR has articulated that the right to health is a right that covers not only access to healthcare but also the underlying determinants of health, including access to housing (CESCR, General Comment No. 14, paras. 11 and 43). On mental health, the UN Special Rapporteur on the right to health has noted that access to housing is an important factor in advancing the right to health as it is key in promoting health outcomes (Report on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health).

By failing to provide people with adequate reception, the Belgian state has made asylum seekers homeless, forcing them to sleep rough on the streets, or seek shelter in temporary NGO-run shelters, or in informal squats, or in private accommodations. While people's conditions vary depending on factors such as their financial resources, whether they receive support from organizations or volunteers, and other circumstances, this digest shows how in several cases people have been exposed to sub-standard living and unsanitary conditions, as a direct consequence of the state's inaction.

At the same time, the state's failure to provide reception has also created obstacles to affected asylum seekers' ability to access healthcare. While healthcare services are provided in-house in state-run accommodation, people sleeping rough or in temporary shelters do not have this option. Under Belgian law, asylum seekers who are unhoused have the right to the same types of health care as people who live in a governmental reception center (Reception Act, section IV). But as shown above, in practice, asylum seekers who are not in a reception center experience many difficulties in accessing healthcare often caused by lack of information and bureaucracy.

The principle of equality and non-discrimination

The principle of equality and non-discrimination ensures that everyone should be able to enjoy their rights equally without discrimination of any kind on the basis of grounds such as gender, race and religion. This includes the prohibition of direct discrimination, but also of indirect discrimination, meaning that law, policies or practices appear to be neutral, but disproportionately affect a certain group based on prohibited grounds of discrimination (ICERD, Art. 1, ICESCR, Art. 2 and CFREU, Art. 21).

Since the onset of Belgium's failure to provide reception to everyone entitled to it, authorities have predominantly denied reception to single male asylum seekers, whom the government deems less 'vulnerable.' This assumption is rooted in harmful gender stereotypes and is inherently discriminatory.

The figures regarding the asylum seeker population in Belgium suggest that these men are primarily from racialized communities. While the Belgian government does not explicitly differentiate access to reception based on race, its policies and implementation results in discriminatory outcomes based on race, gender and other grounds as they disproportionately affect these individuals.

The right to a fair trial and the right to an effective remedy

By blatantly ignoring thousands of court decisions, Belgium is also acting in violation the right to a fair trial (ICCPR, Art. 14 and ECHR, Art. 6) and the right to an effective remedy (ICCPR, Art. 2.3., ECHR, Art. 13 and CFREU, Art. 47 among others).

The right to a fair trial is part and parcel of the right to legal certainty and the rule of law. In *Camara v. Belgium*, the European Court reiterated that "*(o)ne of the fundamental aspects of the rule of law is the principle of legal certainty, which requires, inter alia, that where the courts have finally determined an issue, their ruling should not be called into question*" (para. 117).

The prohibition of cruel, inhuman or degrading treatment or punishment

In addition to the above, the exposure to inadequate living conditions can also amount to a violation of the **prohibition of cruel, inhuman or degrading treatment or punishment** (Convention Against Torture and ECHR, Art. 3). The European Court of Human Rights, for instance, found in *N.H. and Others v. France* that the living conditions of asylum seekers denied access to reception conditions required by law, forced to live on the streets for months without access to basic resources or sanitary facilities, and at risk of assault or expulsion, may raise an issue under Article 3 of the Convention.

The right to asylum

While on its face Belgium's actions explicitly target the provision of material reception conditions, they also have implications on people right to asylum, which is protected under Article 18 CFREU, and rooted in the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and the right to subsidiary protection. These two forms of protection are defined via the umbrella term of 'international protection'. Applicants for international protection have a well-defined set of rights in the context of the procedure, including the right to have their claims assessed fairly and to receive information on the procedure. In the context of the Belgian authorities' failure to provide reception, Belgium has also been found to act in breach of the right to asylum when authorities refused to receive requests for international protection.

CONCLUSIONS AND RECOMMENDATIONS

Since October 2021, the Belgian authorities persist in their failure to meet their obligations to provide adequate reception to asylum seekers. They have refused to take sufficient steps to address the situation or to use all the tools at their disposal to address peoples' needs, including by failing to activate the 'dispersal plan' to increase reception places, and have acted in open defiance of domestic and international judicial orders. The state's actions and declarations clearly show that asylum seekers' housing situation in Belgium is not a matter of means and resources but one of political will. The government's flagrant disregard for legal obligations displays an alarming contempt for the rule of law.

Human rights institutions and civil society organizations have offered practical solutions to ensure asylum seekers receive the support they are entitled to. However, their efforts alone cannot be expected to remedy the state's failures, and as inaction persists, the negative human rights impact, harm, and suffering endured by those affected continue to grow.

Thousands of asylum seekers are paying a heavy price for the authorities' willful inaction. Having come to Belgium hoping for protection from conflict, persecution, and human rights abuses, they are left to live on the streets for months, exposed to more precariousness and insecurity. This failure to comply with its obligation to provide reception is a blatant violation of people's human rights and an affront to their dignity.

To address the situation, Belgian authorities must take all possible measures to adequately respect, protect and fulfil the rights of asylum seekers without discrimination. As a priority, immediate short-term actions are required to create additional reception capacity without delay. This should be complemented by activating the 'dispersal plan' outlined in domestic law. In parallel, they must also create long-term strategies to handle fluctuations in the number of people seeking protection in Belgium.

Young man sleeping rough during cold winter nights in Brussels. © ID/Ivan Put

Amnesty International calls on Belgium's federal government, in close cooperation with regional authorities and municipalities, to take the following urgent steps to uphold the rights and dignity of all people seeking protection in the country, in compliance with international, EU and Belgian law:

- Immediately take steps to provide sufficient temporary reception places for all individuals having requested international protection in Belgium, without discrimination, for instance in hotels and additional emergency shelters.

- Ensure that the dismantling of makeshift camps or evictions from squats and other informal shelters do not render people homeless and vulnerable to other human rights violations. Operations to dismantle such camps or evictions must be conducted in accordance with international human rights standards. Connectedly, take measures to ensure that all reports of police violence or abuse against asylum seekers are effectively investigated, including investigating potential discriminatory motives and cases reported in the context of operations to police squats/informal settlements, and ensure that corrective disciplinary and criminal accountability measures are in place where breaches are found.

- Put in place measures to ensure that all those who have requested international protection in Belgium are provided with accommodation and housing in line with the right to an adequate standard of living.

- Activate the 'dispersal plan' to ensure a balanced distribution of reception places across Belgium, accompanied by significant support to municipalities and in close collaboration with them.

- Comply with domestic and international rulings, including the payment of penalties for non-compliance.

- Enhance and ensure the proper functioning of systems to assess and identify asylum seekers with special reception needs throughout the asylum procedure, ensuring they are referred to accommodations that meet their specific requirements.

- Immediately resume the provision of reception for single men, adopting measures to prevent discriminatory impacts of reception policies on racialized asylum seekers and ensuring protection of other marginalized groups on the basis of gender, age, disabilities, and other protected grounds.

- Ensure transparency by collecting and publishing statistics on reception, disaggregated by race, ethnic origin and nationality, and include data on the average waiting times for people to access reception since 2021.

- Abolish the requirement of a fixed address as a condition to obtain an orange card for unhoused asylum seekers, or allow affected people to register at a reference address.

- Support and enable the work of civil society organizations and civilian volunteers assisting asylum seekers, in particular through financial and logistical support.

- Ensure adequate access to healthcare services for all asylum seekers, including to specialized psychological support. Specifically, establish a dedicated mechanism to facilitate access to healthcare, including mental health services, for unhoused asylum seekers.

- Take sustained action to reduce the backlog in the processing of asylum applications, while ensuring that this does not compromise the individual and thorough assessment of each application.

- Create contingency plans to ensure that the reception system can better accommodate fluctuations in the number of applications for international protection, as also required under the Pact on Migration and Asylum.

The European Commission should ensure that Belgium provides access to adequate reception conditions, in line with its obligations under the current Reception Conditions Directive, including launching infringement procedures if necessary. Close oversight of Belgium's reception system is especially crucial in the context of the implementation of recently adopted EU asylum reforms, and Belgium's obligations to develop contingency plans by April 2025.

METHODOLOGY

This campaign digest is based on interviews, desk research analysis and observational research conducted by Amnesty International between October 2024 and January 2025 and builds on Amnesty International's prior analysis of the Belgian government's failure to provide reception for people seeking asylum in the country. Because single male asylum seekers are disproportionately impacted by the Belgian government's failure to provide reception, they were the focus of the research. As an illustrative account of how people's experienced seeking asylum when the state fails to guarantee their minimum access to housing, healthcare and basic necessities, Amnesty International spoke with a number of asylum seekers and to lawyers who support those seeking asylum, to bring these testimonies together and illustrate prior research. Together, the research and the testimonies in this digest tell a damning story of the failure of the state to guarantee people's human rights.

Amnesty International spoke with eight people who had been seeking asylum in the course of 2021 until 2024 and who have at some point experienced or were currently experiencing homelessness as a result of not being granted reception by the Belgian government. All asylum seekers interviewed are racialized people, who all identify as male and are between 22 and 50 years old. They come from a wide variety of nationalities, including Afghan, Syrian and Palestinian, and those of two African countries. During their time being homeless, most of them slept on the streets or in squats situated in Brussels, but some people mentioned periods where they slept in other cities in Belgium. To protect their identity and privacy, this digest uses pseudonyms or other means to anonymize the identity or identifying details of the asylum seekers interviewed, in accordance with their wishes.

Amnesty International spoke to five lawyers specialized in migration law, all of whom have experience advocating for individuals whose rights had been violated by the state's failure to provide reception. Amnesty International also talked to representatives of civil society organizations actively working on this issue through advocacy, humanitarian support, and other forms of assistance for people affected. These include Vluchtelingenwerk Vlaanderen, the 'Humanitarian Hub', Médecins du Monde and Ulysse.

In January 2025, Amnesty International conducted visits to the 'Belliardstraat', the center where asylum seekers apply for international protection, the Legal Helpdesk and the Humanitarian Hub.

Amnesty International sought information from the Belgian authorities by writing to Fedasil on 12 December 2024. They responded on 7 March 2025 but were unable to provide the requested information. The Minister for Asylum and Migration, Anneleen Van Bossuyt, was given the opportunity to respond to the main findings prior to publication, but Amnesty International did not receive a timely response.

This digest does not claim to provide a comprehensive study of the failures of the Belgian state with regard to reception since 2021. Rather, it attempts to present a snapshot of the harmful consequences of this failure and rule of law crisis, and to call for urgent action to put an end to it.

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