



## Ordine internazionale e diritti umani

International Legal Order and Human Rights  
Ordenamiento Jurídico Internacional y Derechos Humanos  
Ordre juridique international et Droits de l'Homme

### **THE PRINCIPLE OF NON-REFOULEMENT AND THE ISSUE OF HUMANITARIAN VISAS IN THE ECHR SYSTEM: THE GRAND CHAMBER'S DECISION IN THE CASE *M. N. AND OTHERS V. BELGIUM***

The Grand Chamber of the European Court of Human Rights (ECtHR) recently declared the inadmissibility of the application submitted by a Syrian family, who had complained about the violation of Article 3 of the European Convention on Human Rights (ECHR) as a result of the Belgian authorities' refusal to grant them short-term visas, which they had requested from the Belgian Embassy in Beirut. In fact, they lived in Aleppo (Syria) and wished to obtain the authorization to enter Belgian territory to claim asylum. The ECtHR established that the Belgian authorities' refusal could not be regarded as an action falling within the Belgian jurisdiction under Article 1 ECHR. Thus the decision in the case *M. N. and others v. Belgium* has disappointed the expectations of those who had argued that Article 3 ECHR, or rather the principle of *non-refoulement* that derives from this provision, should also apply in relation to requests for so-called humanitarian visas presented at the embassies or consular services of States parties to the ECHR. The Grand Chamber decision deserves to be examined for the importance that it assumes within the debate on the notion of jurisdiction in the ECHR system, as well as for the implications, which tend to be regressive, for the international protection of refugees and asylum seekers. From this angle, the decision in the case *M. N. and others v. Belgium* may also be compared to the previous decision in the case *N. D. and N. T. v. Spain* regarding the procedural obligations under Article 4 of Protocol No. 4 to the ECHR.