



## Council of Europe Declares FEANTSA Collective Complaint Against The Netherlands Admissible

On 1st July 2013, the European Committee on Social Rights, which is charged with ensuring that countries are in compliance with the rights they have signed up to in the Revised Social Charter of the Council of Europe, found FEANTSA's Collective Complaint against The Netherlands admissible.

In July last year, FEANTSA, working with Fischer Advocaten, lodged a Collective Complaint against the Netherlands for failure to respect the right to housing, amongst others, as part of its obligations under the Revised European Social Charter (RESC). The European Committee on Social Rights' decision that FEANTSA's complaint is admissible is a clear signal that there is cause for concern regarding the human dignity of the most vulnerable in society.

FEANTSA's complaint contains three main points; firstly, in the Netherlands, access to (emergency) shelter is given on the condition that the person has a 'local connection' to the area, and other criteria. This has a negative impact on the rights of homeless persons and migrant workers residing in the country, whether their immigration status be regular or irregular. This raises issues under Articles 13, 31, and 19, read alone or in conjunction with Article E, of the RESC.<sup>1</sup>

Secondly, the availability and quality of (emergency) shelters is inadequate, which has a negative impact on vulnerable women, children, and young persons in need of shelter. This raises issues under Articles 31, 16 and 17 of the Revised European Social Charter.

Thirdly, due to a lack of coordination between the 43 responsible municipalities, improvement in the housing situation of homeless people is significantly hindered. This raises issues under Articles 13, 31 and 30 of the Revised European Social Charter.

Besides the fact that these issues are not compatible with the relevant provisions of the RESC, laws and policies concerning (emergency) shelter in The Netherlands have a negative impact on human rights protected under other international treaties and conventions. Limiting access to (emergency) shelter has an impact on the Right to Private and Family Life as protected by Article 8 of the European Convention on Human Rights. It impacts the Right to the Highest Attainable Standard of Health as protected by Article 11 of the International Covenant on Economic Social and Cultural Rights. The Netherlands has signed and ratified both these conventions.

What happens now?

The Dutch government will now be notified that the Collective Complaint has been declared admissible and will have until 27st September 2013 to submit comments on the merits of the complaint. FEANTSA will then have an opportunity to respond to the comments made by the Dutch government.

Following these submissions in the autumn of 2013, the European Committee on Social Rights will examine the complaint again and make a decision on the merits. FEANTSA may have an opportunity to present its concerns at a hearing in Strasbourg.

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For more details or comments, please contact Freek Spinnewijn, FEANTSA Director [freek.spinnewijn@feantsa.org](mailto:freek.spinnewijn@feantsa.org) or +32 2 538 66 69

### Notes for Editors:

1. FEANTSA is the European Federation of National Organisations working with the Homeless. It is an umbrella of not-for-profit organisations which participate in or contribute to the fight against homelessness in Europe. [www.feantsa.org](http://www.feantsa.org)
2. All of the documents pertaining to the collective case are available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/complaints\\_EN.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/complaints_EN.asp)

<sup>1</sup> Recognition of FEANTSA's Collective Complaint as admissible sends a strong signal that the European Committee on Social Rights is concerned about the Dutch government's practices regarding the rights protected by the articles listed in the complaint:

Article 13 - the right to social and medical assistance;

Article 16 - The right of the family to social, legal and economic protection;

Article 17 - The right of children and young persons to social, legal and economic protection;

Article 19 - The right of migrant workers and their families to protection and assistance;

Article 30 - The right to protection against poverty and social exclusion;

Article 31 - the right to housing; alone or read in conjunction with Article E on non-discrimination.