



### Council of Europe Requests Immediate Measure on Access to Shelter

On 25<sup>th</sup> October 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, decided on a request for an immediate measure against The Netherlands to ensure nationwide access to shelters for homeless people.

In July 2013, FEANTSA, working with Fischer Advocaten, requested an immediate measure to be taken to avoid homeless people being put at risk of serious and irreparable injury and to ensure the effective respect for the rights of homeless people as recognised in the European Social Charter. The right to shelter is closely connected to the right to life and the right to health. It is obvious that the impossibility of obtaining shelter increases the risk of serious and irreparable damage to health.

FEANTSA asked the European Committee on Social Rights to invite the Dutch government to comply with its obligations to respect and safeguard human dignity and health through application of the housing/shelter first principle without the requirement to meet pre-set conditions in order to ensure the effective access to shelter.

The Committee has informed the Dutch government that the Netherlands should “adopt all possible measures with a view to avoiding serious, irreparable injury to the integrity of persons at immediate risk of destitution, through the implementation of a co-ordinated approach at national and municipal levels with a view to ensuring that their basic needs (shelter) are met; and to ensure that all the relevant public authorities are made aware of this decision”.

The Dutch government has already taken steps to improve the current situation. They have researched the current implementation of the nationwide access principle by sending mystery guests to homeless shelters. This research shows that the vast majority of people applying for shelter, if they cannot prove a local connection to the area, are refused shelter. Following this research the Dutch State Secretary for Health and Welfare has notified all local authorities responsible for homeless policies that they should uphold the law and ensure, together with the homeless shelters, that access to shelter be guaranteed nationwide.

This is the first time the European Committee on Social Rights has ever requested an immediate measure from a member state. It shows how human rights violations can have very serious consequences when they involve extremely vulnerable groups such as homeless people.

Rina Beers, FEANTSA president, comments: “The decision of the Council of Europe shows the urgency of the matter. Access to shelter protects homeless people from serious risks to their life and health. It is important that national and local authorities, as well as organisations providing shelter, cooperate closely in this matter to ensure the effective access to shelters for the homeless”.

----- ENDS -----

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 documents pertaining to the collective complaint 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)
3. The request for immediate measures is available here: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC86CaseDoc5\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC86CaseDoc5_en.pdf)