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PRESS RELEASE
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FEANTSA together with residents and Human Rights organisations submits Collective Complaint against Spain for Violation of European Social Charter

Defence for Children International (DCI), the European Federation of National Organisations working with the Homeless (FEANTSA), Magistrats Européens pour la Démocratie et les Libertés (MEDEL), the Confederación Sindical de Comisiones Obreras (CCOO) and the International Movement ATD Fourth World, submitted a collective complaint on 4th March before the European Committee of Social Rights for the violation of rights protected by the European Social Charter. In addition, they have called on this institution to order the immediate restoration of electricity, as an immediate measure. This is the first complaint of its kind made against Spain.

The complaint denounces that Spain is in breach of its obligations to the Council of Europe, as laid out in the European Social Charter, by failing to ensure heating and electricity supply to some 4,500 people living in sectors 5 and 6 of Cañada Real, of whom at least 1,800 are minors. The electricity supply was interrupted in October 2020 until today.

The lack of electricity supply has a serious impact on the lives of the people affected, who cannot keep fresh food or take hot showers. It causes medical conditions, worsening of pre-existing health problems and comorbidity complications from exposure to cold, anxiety and depression. It also makes it difficult to use essential medical devices or to safely store medications such as insulin.

Newborns, children and adolescents are particularly affected by the electricity deprivation, which has a direct impact on children's education, as they lack the light to do homework after sunset. Women, girls, elderly people, and people with disabilities are also disproportionately affected by the lack of electricity supply. The situation has exacerbated the effects of poverty and social exclusion that already existed in Cañada Real, where 16% of the inhabitants are under five and 38% under 18 years old.

Infringement of rights enshrined in the European Social Charter

This situation has been denounced by the Spanish Ombudsman and the United Nations Special Rapporteur on extreme poverty and human rights, Olivier De Schutter. In the face of these facts,

the State has not taken any effective measures to re-establish the supply or to provide an alternative for the people affected.

As a result of the continuous power cut and the lack of action to restore it, the State is violating, among others, the right to adequate housing; the right of children to education and to grow up in an environment that is conducive to the full development of their personality and their physical and mental abilities; the right to protection against poverty and social exclusion; the right to the enjoyment of the highest attainable standard of health; and, the right of persons with disabilities to social integration and participation in the life of the community, all of which are enshrined in the European Social Charter.

The complaint also includes an appeal for the adoption of interim measures to guarantee immediate access to heating and electricity in order to avoid serious and irreparable damage to the life as well as the bodily and mental integrity of the affected population, and for the Committee to give priority to its processing.

First collective complaint against Spain

This is the first collective complaint lodged against Spain under the European Social Charter, which aims to guarantee the rights and freedoms of all individuals in their daily lives. It sets out the fundamental rights to housing, health, education, employment, legal and social protection, movement of persons and non-discrimination.

Spain signed the Charter and its Protocol in 2000, but it did not come into effect in Spain until 1st July 2021. The collective complaint is submitted to the European Committee of Social Rights, the body responsible for ensuring the States' compliance with the European Social Charter.

FEANTSA hopes that the European committee will respond positively to the immediate measures to restore electricity for children and families. We hope that the collective complaint will serve to improve the living conditions of the people affected.

The five organisations signing the collective complaint are Defence for Children International, European Federation of National Organisations working with the Homeless, Magistrats Européens pour la Démocratie et les Libertés, International Movement ATD Fourth World, and Confederación Sindical de Comisiones Obreras, with the support of the organisations grouped in the Plataforma Cívica por la Luz en Cañada Real. The complainants received legal advice from GENTIUM and the Legal Group of the Plataforma Cívica por la Luz en la Cañada Real.