

Press Summary

The Plataforma Cívica por la luz en Cañada Real, with the support of five major international human rights organisations, denounces the Kingdom of Spain before the Council of Europe for the violation of human rights in sectors 5 and 6 of Cañada Real.

- Website for consultation: <https://www.plataformaluz.com/>

Complainant organisations:

- Defence for Children International (DCI).
- European Federation of National Organisations Working with the Homeless (FEANTSA)
- Magistrats Européens pour la Démocratie et les Libertés (MEDEL)
- Confederación Sindical de Comisiones Obreras (CCOO)
- International Movement ATD Fourth Quarter (ATD Fourth World)

Supporting organisations:

- Organisations grouped in the Plataforma Cívica de Apoyo a la Luz en Cañada Real; including Amnesty International, Plataforma de Organizaciones de Infancia (POI), Fundación Secretariado Gitano, Coordinadora de Barrios, up to a total of 50.

Why is the Kingdom of Spain being sued?

The Platform considers that Spain is failing to comply with obligations acquired before the Council of Europe and its European Social Charter, in force since 1 July 2021 in its territory, specifically regarding:

- Right to adequate housing, Charter Articles 31 and E (non-discrimination).
- Right of the family to social, legal and economic protection, Articles 16 and E (non-discrimination).
- Right of children to care, protection from neglect and violence, and education, Articles 17 and E (non-discrimination).
- Right to protection from poverty and social exclusion, Articles 30 and E (non-discrimination).
- Right of elderly persons to social protection, Article 23.
- Right to the enjoyment of the highest attainable standard of health, Articles 11 and E (non-discrimination).
- Right of persons with disabilities to independence, social integration and participation in the life of the community, Articles 15 and E (non-discrimination).
- Right to equality of opportunity and treatment in employment and occupation without discrimination on the basis of sex, and the right of workers with family responsibilities to equality of opportunity and treatment, Articles 20, 27 and E (non-discrimination).

Before whom is it brought?

Before the European Committee of Social Rights (ECSR), the body responsible for monitoring member states' compliance with the European Social Charter.

What is this complaint seeking? What is it asking for?

The demand is that the State (meaning all public administrations: state, regional and local) cease violating the rights of the people living in Cañada Real and compensate them for the violations that have taken place up to now.

In addition, the immediate restoration of electricity is requested, as injunctive relief, given that the people living in sectors 5 and 6 of Cañada Real, including some 1,800 children, are in an exceptional and tangible situation in which they are at risk of suffering serious irreparable damage to their lives and to their mental and bodily integrity due to the lack of electricity.

Background information and consultation:

1. The European Social Charter and its protocol of action have come into effect in Spain on 1 July 2021 (although Spain signed the Charter in October 2000). Publication in B.O.E. for consultation: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-9719.
2. The Council of Europe is an institution whose maxim is the protection and defence of human rights in Europe, the promotion of democracy and the rule of law. Its structure includes the European Court of Human Rights as a supervisory body, whose jurisdiction has been binding for its members since 1998 (Spain has been a member since 1977) and is considered to be the oldest functioning court in the field of human rights.
3. The European Social Charter is the Council of Europe's instrument for guaranteeing the rights and freedoms of all individuals in their daily lives. The fundamental rights laid out in the Charter relate to housing, health, education, employment, legal and social protection, movement of persons and non-discrimination. Consultation document: <https://www.coe.int/es/web/compass/european-social-charter>
4. The European Committee of Social Rights (ECSR) was established in accordance with Article 25 of the European Social Charter to monitor the implementation of the rights laid out in the Charter by the States Parties. Consultation document: <https://archive.crin.org/es/guias/onu-sistema-internacional/mecanismos-regionales/comite-europeo-de-derechos-sociales.html>

QUESTIONS and SUGGESTIONS

Second allegation:

14. Secondly, taking into account that the Complaint refers to a private person.

- The reference to the private person is to Naturgy. And what the Complaint says is that even if it is a private person who has cut off the power "the matters complained about can be

attributed to the State, at least in its capacity as regulator" and that is why we are suing the state.

Request for immediate action:

18. In light of the above, in accordance with Article 36(1) and (2), the claimants respectfully request that the Committee urgently direct the State to take the immediate measures detailed in Section B of Chapter VI.

- Article 36 of the Committee's Rules of Procedure.