



European Federation of National Organisations Working with the Homeless
Press Release – 10 November 2014
For Immediate Release

Landmark decision condemns Dutch government for violations on housing rights

FEANTSA has won its collective Collective Complaint against The Netherlands. First lodged with the Council of Europe in July 2012, the Collective Complaint (no. 86/2012) against the Netherlands alleged violations of several rights under the Revised European Social Charter. Today, the European Committee for Social Rights lifted the embargo on the final decision in this case.

FEANTSA's director, Freek Spinnewijn said today, "This is a landmark case that should determine how homelessness is addressed in EU Member States." The Committee was unanimous in its conclusions that The Netherlands is in violation of Article 31.2, Article 13.1 and 13.4, Article 19.4(c), Article 30 of the Revised European Social Charter. The Committee's decision also pointed out that treatment and access to rights is not reasonably uniform across the country, and condemned the use of 'local connection' criteria as further restricting access to community shelter as part of current Dutch legislation on provision of shelter for homeless people.

The Council of Europe has condemned The Netherlands' emergency shelter system for failing to provide enough shelters for women and women with children. Spinnewijn went on to comment, that "the decision is particularly damning of current Dutch policy when it comes to young people, who at age 18, can be deemed ineligible for shelter because of the government's use of specific target groups when it comes to providing access to shelter. This is very worrying; as many vulnerable young people do not meet the 'criteria' set out by the government, and are therefore not able to access shelter accommodation."

The Committee did not accept that the economic downturn as a valid excuse for failing to provide access to more permanent housing – a violation of Article 31.2 – the right to housing, with a view to the gradual elimination of homelessness.

Regarding the violation of article 13.1 and 13.4 – the right to social and medical assistance, Spinnewijn welcomed the decision, particularly, the Committee's finding that, "the use of 'local connection' criteria means that homeless people have been denied access to shelters, and that The Netherlands' national access principal is not effectively applied in practice."

The Committee also found that The Netherlands disproportionately denies the right to emergency assistance to migrants (both in regular and irregular situations) by using restrictive criteria to target 'vulnerable groups', where in fact, all people in the jurisdiction of the state have rights to emergency shelter.

----- ENDS -----

For comment, please contact Freek Spinnewijn, FEANTSA Director freek.spinnewijn@feantsa.org or +32 2 538 66 69



FEANTSA

European Federation of National Organisations Working with the Homeless
Press Release – 24th October 2014
For Immediate Release

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
2. All documents pertaining to the collective complaint, including the decision by the European Committee on Social Rights can be found here:
http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp
3. The Decision will also be published on www.feantsa.org
4. FEANTSA and Housing Rights Watch are co-organizing an Expert Legal Seminar on this decision on Friday 14 November 2014 in The Hague <http://www.feantsa.org/spip.php?article3892&lang=en>
5. Articles mentioned in the press release:
 - Article 31.2 – the right to housing – “to prevent and reduce homelessness with a view to its gradual elimination”
 - Article 30 – the right to protection against poverty and social exclusion
 - Article 13.1 and 13.4 – the right to social and medical assistance
 - Article 19.4(c) – The right of migrant workers and their families to protection and assistance