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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

22 July 2013

Case Document No. 5

**European Federation of National Organisations working with the Homeless
(FEANTSA) v The Netherlands**
Complaint No 86/2012

REQUEST FOR IMMEDIATE MEASURES

Registered at the Secretariat on 1 July 2013

Secretariat of the European Social
Charter
Directorate General of Human Rights –
DG II
Council of Europe
7075 STRASBOURG Cedex

FRANCE

Brussels, 1 July 2013

Re: Complaint No. 86/2013
FEANTSA v. The Netherlands

Request for Immediate Measure in accordance with Rule 36§1.

Procedure

On 18 July 2012 FEANTSA lodged a collective complaint against The Netherlands. The complaint was registered on 4 July 2012.

On the basis of the admissibility decision and in accordance with Rule 36 §1 of the Rules FEANTSA asks the Committee to provide for an immediate measure to avoid the risk of serious and irreparable injury and to ensure the effective respect for the rights recognized in the European Social Charter.

To this effect FEANTSA kindly requests the Committee to invite the Netherlands government to comply with its obligations to respect and safeguard human dignity and health by application of the housing first principle without the requirement of pre-set conditions in order to ensure the effective access to shelter.

Reasons for requesting immediate measure and consequences if not granted (Rule 36§2)

The right to shelter is closely and irrefutably 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 injury to health.

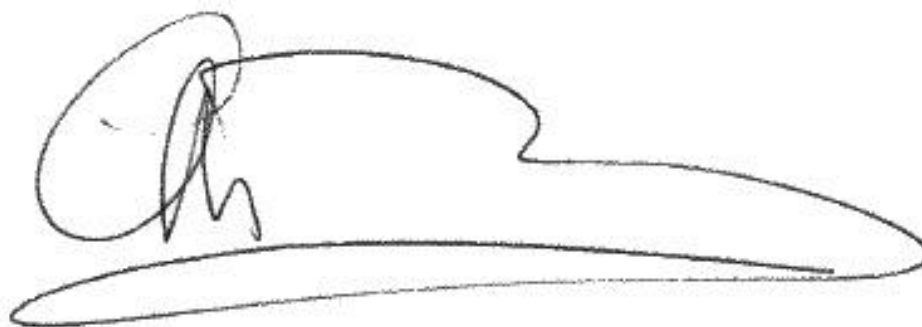
Nature of immediate measure requested (Rule 36§2)

In its observations the Netherlands government argues that the housing first principle is applied by the municipalities. FEANTSA on the other hand has observed that in a

number of cases shelter is denied on the basis of pre-set conditions such as residence permit, local connection, or other criteria. This shows that there is a discrepancy between policy and practice, that limits access to shelter to those in need. However, it also appears that the Netherlands government accepts housing first as one of the primary principles for consideration in these matters. The invitation is therefore that the Netherlands government brings practice in line with this principle. Given the often local nature of the policies concerned, and the divergence between them, this invitation should be extended to all relevant authorities, including the municipalities responsible and their mandate holders.

Therefore FEANTSA asks the Committee to invite the Netherlands authorities to suspend the operation of provisions in law and policy, such as residency, local connection and other criteria, that render the housing first principle ineffective.

Sincerely,

A handwritten signature in black ink, appearing to be 'Rina Beers', written over a large, horizontal, oval-shaped scribble or underline.

Rina Beers
President