

City of Utrecht: Human Rights First

Niene Oepkes & Jan Braat

Sr Policy Advisors Municipality of Utrecht

Duty or Indifference?

Destitute Immigrants Living Rough in our City Suburbs



Shelter and Care

- Choice on Local Level
 - Providing Structural Shelter
 - Public Order and Safety
 - Human Rights commitment
 - Providing shelter informally
 - Reduction of Symptoms
 - Incidental
 - The street and illegality is never a solution
 - Legalisation
 - Reconnection

Human Rights: Binding for Each and All

- **Rebel City?**
 - Reputation of a Rebel City
- **On the Contrary**
 - Article 3 European Convention on Human Rights
 - EU Return Directive, article 3 (def), Preamble 12, article 9.2
 - EU Directive equivalent to ECSR case?
 - Support by recent Jurisdiction of the High Court
 - WMO cases based on Human Rights Conventions

Strategic impact for local policy makers



- **Win your case by losing it:**
 - Harsh refusals in legal procedures
 - Describe undocumented migrant as even more vulnerable
 - Use all your knowledge of human right treaties/conventions
 - Create jurisprudence that will support your (hidden) agenda
 - Try convince other cities not to lose themselves in senseless technical procedures (e.g. forms not filled in correctly etc)
 - Conference of European Churches filed complaint ECSR
 - Risk of overinclusion of all undocumented migrants?

Eurocities Alliance?

- Decision ECSR public on november 10th 2014
- Lobby by the Netherlands Committee of ministers EU member states against European Social Charter as applicable to undocumented migrants (including Families?)
- Strong advise by Eurocities to plead for shelter food and clothes for asylumseekers at least (conform EU Directive)