



Forthcoming Grand Chamber judgment concerning restrictions on choosing a place of residence

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Garib v. the Netherlands** (application no. 43494/09) at a public hearing on 6 November 2017 at 4.00 pm in the Human Rights Building, Strasbourg.

The case concerns the complaint by a woman living on social welfare about residential restrictions in a district of Rotterdam as a result of which she was unable to freely choose her place of residence.

Principal facts and complaints

The applicant, Ms Rohiniedevie Garib, is a Netherlands national who was born in 1971. At the time when the application was lodged she was a single mother of two whose sole source of income was social welfare.

Ms Garib settled in the Tarwewijk district of Rotterdam in 2005, having previously lived outside the Rotterdam Metropolitan Region. She was subsequently asked by the owner of the property which she was renting to vacate the place, as he wished to renovate it for his own use. He offered to let to her another property in the same area, to which she agreed, given that the new flat was bigger and more suitable for her and her two young children.

In the meantime, the Tarwewijk district of Rotterdam – an area of high unemployment – had been designated under the Inner City Problems (Special Measures) Act as an area in which taking up new residence was only possible with a housing permit. Ms Garib duly lodged a request for such a permit in March 2007. Her request was refused by the authorities on the grounds that she had not been a resident in the Rotterdam Metropolitan Region for the six years immediately preceding the introduction of her request. Moreover, since her income was not from work, she did not meet the income requirement that would have qualified her for an exemption from the length-of-residence requirement.

Ms Garib's objection against that decision was dismissed by the city authorities and, in April 2008, the Regional Court dismissed her appeal. It argued in particular that the Inner City Problems (Special Measures) Act provided for the possibility of temporary restrictions on freedom of residence. Those restrictions aimed to reverse a process of overburdening of the districts concerned by striving for a more diverse composition of residents from a socioeconomic point of view. Her further appeal was dismissed by the Council of State in February 2009. In September 2010 she moved to the municipality of Vlaardingen, where she still lives.

Ms Garib complains that the Inner City Problems (Special Measures) Act and the related city legislation violated her rights under Article 2 of Protocol No. 4 (freedom of movement / freedom to choose one's residence) to the European Convention on Human Rights.

Procedure

The application was lodged with the European Court of Human Rights on 28 July 2009.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

In its Chamber [judgment](#) of 23 February 2016, the European Court of Human Rights held, by five votes to two, that there had been no violation of Article 2 of Protocol No. 4. The Chamber found that the measure had pursued a legitimate aim – namely, it intended to reverse the decline of impoverished inner-city areas and to improve the quality of life – and that it had been proportionate to that aim. In particular, the relevant legislation had included several safeguard clauses for those who did not qualify for a housing permit; and Ms Garib had not been prevented from taking up residence in areas of Rotterdam not covered by the legislation in question.

On 12 September 2016 the Grand Chamber Panel accepted Ms Garib’s request that the case be referred to the Grand Chamber

The Human Rights Centre of Ghent University and the Equality Law Clinic of the Université Libre de Bruxelles were both granted leave to intervene in the written proceedings as third parties.

A Grand Chamber hearing was held on 25 January 2017.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.