

# Accessing Social Rights for Vulnerable Groups Without an Address

Lotte Lammens <sup>1</sup>  and Laure-lise Robben <sup>2,3</sup> 

<sup>1</sup> Institute for Social Law, KU Leuven, Belgium

<sup>2</sup> LUCAS, KU Leuven, Belgium

<sup>3</sup> Centre for Sociological Research (CeSO), KU Leuven, Belgium

**Correspondence:** Laure-lise Robben ([laurelise.robben@kuleuven.be](mailto:laurelise.robben@kuleuven.be))

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## Abstract

The European Pillar of Social Rights (EPSR) underscores the importance of ensuring access to rights and services for marginalized groups. However, in many European countries, access to social rights depends on prerequisites often unattainable for vulnerable groups. A critical barrier is the requirement to provide proof of address, a condition that disproportionately affects people experiencing homelessness (PEH). While the Homeless Bill of Rights recognizes the right to a postal address as a potential remedy to this issue, empirical research suggests this right remains largely inaccessible in practice. Furthermore, the literature highlights that welfare conditionality increasingly restricts access to social rights, as the imposition of stringent eligibility criteria and punitive measures for non-compliance disproportionately impacts vulnerable groups. This study investigates the intersection of legal and sociological perspectives on access to social rights for individuals without a fixed abode, focusing on one case study: “the reference address.” This alternative registration enables PEH to meet the proof-of-address requirement for social benefits in Belgium. Moreover, this study assesses how this policy aligns with international human rights standards, including the European Social Charter (ESC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and whether it adequately meets the needs of their target group. Based on the evaluation of both the “law in books” and “law in practice,” a comprehensive review of the reference address is necessary to address discrepancies both in legislation, and between legislation and implementation, to consider less stringent conditionality, and ensure an inclusive procedure containing effective legal remedies.

## Keywords

access to rights; homelessness; no fixed abode; social rights; vulnerable groups

## 1. Introduction

### 1.1. Homelessness as a Case Study in the Failure to Access Human Rights

Homelessness represents an extreme manifestation of poverty and exclusion in Europe and highlights violations of a wide range of interconnected human rights, including the right to housing, healthcare, education, work, and even life (Otto & Lynch, 2004). People experiencing homelessness (PEH) face significantly reduced life expectancy, violence, criminalization, and systemic stigma, compounded by barriers tied to their lack of an official address, which limits their access to social rights and political participation.

Homelessness is therefore the result of human rights violations and a cause of further infringements. Conceptualizing homelessness as a human rights issue clarifies the state's responsibilities and strengthens the enforcement of its obligations to protect and uphold fundamental rights (Lynch & Cole, 2003). Moreover, employing a human rights framework—in which marginalized groups are empowered to assert legal claims against the state for failing to fulfil its responsibilities—moves the discourse beyond a traditional “welfare” framework based on charitable provision from a compassionate society (Lynch & Cole, 2003).

Homelessness is also a constitutional issue, as European welfare states are constitutionally obligated to ensure social protection and housing. Although these welfare systems are designed to mitigate vulnerabilities, the persistence of homelessness highlights systemic shortcomings and reflects broader societal failures rather than individual circumstances alone. Social protection and housing are matters of public interest, and when these systems fail, the state may be held accountable (Vonk & Katrougalos, 2010). This recognition is further reinforced by the European Pillar of Social Rights (EPSR), endorsed by all EU member states, which explicitly establishes the right to housing, assistance for PEH, and access to essential services as fundamental social rights.

From a sociological perspective, homelessness is known to result from the interplay of structural factors such as housing market dynamics and welfare state retrenchment, rather than personal circumstances alone (Somerville, 2013). The shift from universal welfare provisions to more conditional, means-tested systems has created gaps in social protection, leaving those in precarious situations without adequate support (Dwyer, 2004, 2019; Reeve, 2017). Moreover, the criminalization and stigmatization of PEH reinforce their marginalization, as punitive policies—such as public space restrictions—frame homelessness as a form of deviance rather than a social justice issue (Wacquant, 2009).

Alongside being a systemic failure, a violation of human rights, and a constitutional issue, homelessness is also a matter of internal state organization. In most EU member states, the implementation of public and social policies affecting PEH and homelessness policies specifically are designed at the national level but implemented at the local level, requiring a system of multi-level governance in which different governments collaborate. Due to decentralized governance, municipalities have increasingly become gatekeepers in the implementation of human rights. This is especially relevant in the context of the EPSR, which emphasizes that access to housing and essential services must be ensured through coordinated efforts across governance levels. Local authorities have thus become pivotal actors in bridging the gap between rights on paper and rights in practice (Claessen et al., 2024; Durmuş, 2020).

## 1.2. Homelessness in Belgium

In Belgium, there is no central homelessness department. Homelessness-related policies are fragmented across federal, regional, and municipal levels, making coordination difficult. Historically, housing and social policies have evolved independently, further complicating the development of a unified approach (De Decker, 2004). This challenge is compounded by the absence of a unified definition of homelessness, with political, public, and private actors each applying their own definition (Schepers et al., 2017). For example, the Flemish Centers for General Welfare adopt a broad definition that emphasizes personal, relational, and social vulnerability (Van Menxel et al., 2003). In contrast, the most widely recognized federal legal definition describes a homeless person as someone without their own housing, lacking the resources to secure it, or temporarily staying in a shelter or with friends or family until permanent housing becomes available (FOD Kanselarij van de Eerste Minister, 2014). As with most Belgian definitions, this one primarily focuses on the absence of physical shelter, overlooking the broader spectrum of homelessness. However, international frameworks and academic research adopt a more comprehensive perspective by using the European ETHOS and ETHOS Light typologies, which classify homelessness into multiple categories. These include individuals living without a roof (e.g., rough sleepers), without a house (e.g., those exiting institutions), in inadequate conditions (e.g., extreme overcrowding), or in insecure housing (e.g., temporarily staying with family or friends). In this study, we adopt the ETHOS typology to conceptualize homelessness, acknowledging its capacity to capture the multidimensional and complex nature of housing exclusion and precariousness (FEANTSA, 2005).

Like many European countries, Belgium has seen rising homelessness rates. In Flanders alone, more than 20.000 people are estimated to experience homelessness, including 6,300 children (Mertens et al., 2025). This accounts for 0.3% of the regional population and 32.0% of all the recipients of social integration income in the region. Street counts in Brussels also show a rising trend, with over 7,000 individuals experiencing homelessness recorded in 2022 (Bruss'help, 2022). Consistent with international homelessness research, homelessness in Belgium is highly complex, involving individuals from diverse backgrounds, living situations (Hermans et al., 2024), and both short- and long-term trajectories (Robben & Hermans, 2024).

## 1.3. Reference Address

A registered address is essential for accessing social rights, including unemployment benefits, health insurance, and child allowances. Registration in the population register is not only an eligibility requirement; it also affects the continuation of social benefits and the amount of social benefits, which depends on household composition. To address the challenges faced by those without a fixed address, several European countries have introduced alternative registration mechanisms, such as the ProxyAddress in the UK, domiciliation in France, and the letter address in the Netherlands. These systems differ in terms of accessibility, legal enforceability, and the degree to which they facilitate access to social rights (Robben, 2024a). This study focuses on the “reference address” in Belgium. Notably, Belgium is one of the few European countries that has institutionalized such a system as a legal mechanism to ensure access to social rights for people without a fixed abode.

The reference address is an exception to standard population registration and provides administrative anchorage for individuals without a fixed address. It safeguards and facilitates the access to social rights.

While the reference address does not in itself grant automatic access to other social rights, it enables beneficiaries to meet registration-related eligibility requirements. In the context of homelessness, two types of reference address exist. The first type is a reference address for PEH at a local welfare agency, or public centre for social welfare (PCSW), available in every Belgian municipality. The second is a reference address at another person's residence, allowing a PEH to register at the home of a family member or a friend. Both types are introduced in the Population Register Law of 1991 and further interpreted by the Royal Decree of 1992 and a series of Circulars (in 1997, 1998, 2006, and 2023). The most recent Circular aims to streamline and clarify differing interpretations of these rules, but it contradicts certain provisions of the Law and Royal Decree, potentially creating ambiguity in the implementation of the federal legislation at the local level. Interestingly, circulars normally serve solely as an interpretation of the law and only legally bind the administration.

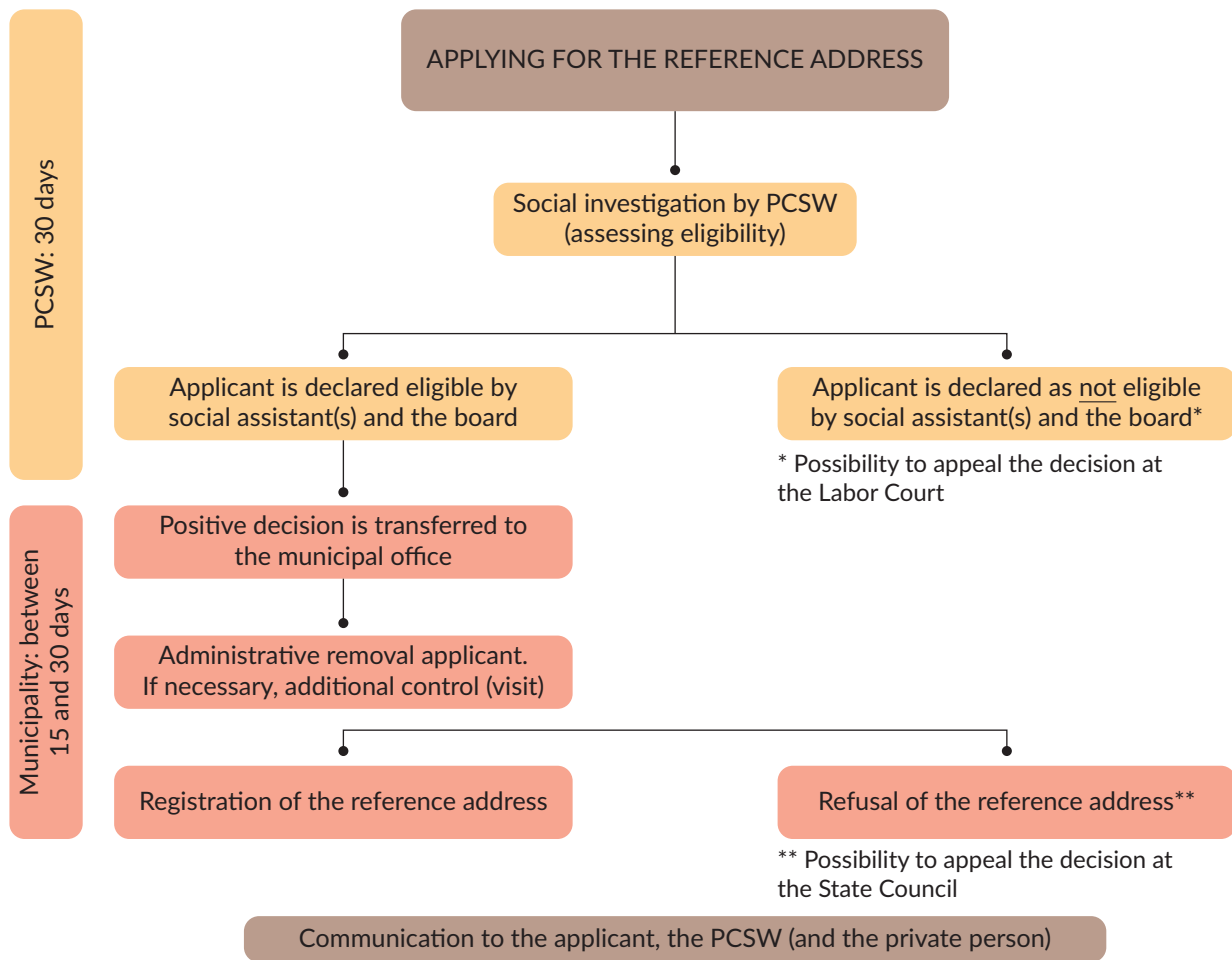
There is a lack of publicly available data, which contributes to a limited general understanding of the reference address. Existing records indicate that nearly 20,000 individuals claimed a reference address in 2018 (National Register, 2023), and most of them utilized this reference address for extended periods (Robben & Hermans, 2024). Conversely, point-in-time counts suggest that only one in four PEH utilize or require a reference address (Robben, 2024b, based on Hermans et al., 2022, 2023, 2024).

### 1.3.1. Conditions

PEH must meet three eligibility conditions to qualify: They must be experiencing homelessness due to financial hardship, they must not be currently registered, and they must apply through a PCSW. For a reference address at a private residence, written consent from the host is additionally required. To retain the reference address, beneficiaries must continue to meet the eligibility criteria, maintain contact with the PCSW by reporting at least once every three months, and must demonstrate a local connection to the PCSW. Furthermore, the scope of application of the reference address is limited to individuals residing in Belgium who qualify for registration in the population register (FOD Binnenlandse Zaken, 1991, 1992a, 2023).

### 1.3.2. Procedure

Figure 1 outlines the key steps involved in obtaining a reference address (FOD Binnenlandse Zaken, 1992b, 2023). First, a PEH must apply for a reference address at the PCSW in the municipality where they currently reside. Such a local connection is generally established based on previous residence, family ties, or access to services in the area. Second, the PCSW conducts a social investigation to determine the applicant's eligibility, which includes an assessment of their financial situation and their residency status. This places a significant burden of proof on the applicant, requiring them to provide documentation from shelters or social workers verifying their homelessness. Third, the eligibility assessment is reviewed by the PCSW board, which makes the final decision. If the conditions are met, the PCSW grants the reference address. The decision is then communicated to the applicant and forwarded to the municipality. Fourth, before completing the registration, the municipality verifies whether the applicant has an existing main residence registration. If the applicant is still officially registered at an address that no longer reflects their actual living situation, the municipality must initiate an administrative removal procedure to deregister them. Finally, once all verifications are complete, the municipality officially registers the applicant in the population register at the reference address. If the PCSW denies the application or if the municipality refuses to register the reference address, the applicant



**Figure 1.** Application procedure for a reference address. Source: Robben (2024b, p. 20), based on FOD Binnenlandse Zaken (2023, p.7).

has the right to appeal respectively before the Labor Court or the Council of State. According to the 2023 Circular, this procedure applies to both types of reference addresses. However, prior to 2023, a PEH applying for a reference address with a natural person could apply directly to the municipality, bypassing the procedure before the PCSW.

### 1.3.3. The Reference Address as a Legal and Sociological Concept

As previously mentioned, registration is a prerequisite for eligibility for certain social benefits. The reference address is therefore a legally and sociologically interesting concept. Legally, it is interesting because it enables one's formal registration and shows that there can be a distinction between "domicile" (where one officially stays) and "residence" (where one actually stays), or the person's location in theory and practice respectively. Furthermore, both legislation and legal doctrine explicitly classify the reference address as a form of social assistance (FOD Binnenlandse Zaken, 2023; Ministerie van Sociale Zaken, Volksgezondheid en Leefmilieu, 1998), while simultaneously it is also a civil law concept. The classification as social assistance is also interesting because the accessibility of the reference address has repercussions on access to other social rights requiring registration. Sociologically, the reference address is interesting, because registration confers administrative "inclusion." Conversely, lacking a (reference) address means one is administratively

“excluded” or invisible, potentially resulting in discontinued social benefits (Robben, Pierre, & Hermans, 2023). Thus, while the reference address functions as a formal, legal, “administrative address,” for administrative purposes, it is more than a bureaucratic step towards registration—it is a foundational element of an individual’s legal identity and rights.

Although a handful of studies have recently examined the reference address in Belgium, including its possibilities and shortcomings (Robben & Hermans, 2021), mechanisms behind its non-take-up (Robben, Roets, et al., 2023), and the administrative burdens that hamper access (Robben et al., 2024), all of these studies are sociological in nature. Apart from one legal study describing the legislation on the reference address (Devriendt, 2024), there is a notable absence of legal analyses on this matter, leaving a significant gap in our understanding of the full implications of the reference address, especially from a human rights perspective. In this article, we explore access to a reference address, and thus to social rights for individuals without a registered address, through both legal and sociological perspectives. By looking into the reference address as a case study, we assess how this specific homelessness policy aligns with international human rights standards.

## 2. Methodology

### 2.1. *International Framework*

This study aims to provide insight into international standards on social rights and their requirements for guaranteeing access to social rights. These standards are crucial for understanding the obligations of states to protect and fulfill the social rights of PEH. The study analyzes the right to social assistance according to the European Social Charter (ESC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both instruments have monitoring bodies (respectively, ECSR and UNCESCR) that issue rulings in individual complaint procedures and report on mandatory self-assessment reports submitted by member states. Additionally, both instruments have a broad scope of application, in contrast to the Charter of Fundamental Rights of the European Union, which is only applicable to member states when they implement EU Law. Furthermore, they have a long-established tradition, unlike the relatively new European Pillar of Social Rights, which has fewer interpretative documents and largely covers the same social rights.

For this study, relevant decisions and reports on access to social assistance are selected and examined. Regarding the ESC, all decisions concerning Article 13 that contain the terms “access,” “homeless,” “fixed address,” “abode,” or “domiciliation” are analyzed. Additionally, country reports from the last ten years containing any of these terms and the statements of interpretation on Article 13 are examined. Country reports are included because they allow us to identify key aspects and they offer nuances on how the provisions are interpreted, particularly regarding aspects not yet addressed in individual decisions. For the ICESCR, all General Comments and Statements on social security (which includes social assistance) and discrimination are studied. Furthermore, all individual decisions concerning Article 9 and all European country reports are analyzed.

## 2.2. Data Analysis

This method integrates both sociological and legal perspectives to comprehensively assess the policy in question. The socio-legal analysis will examine how this policy aligns with international human rights standards and evaluate its effectiveness in meeting the needs of the target group. While the international human rights standards provide a robust foundation, there may be gaps in their application to specific local contexts. This is where the legal perspective (policy in theory) meets the sociological perspective (policy in practice). For this, we analyze the conditions of the policy and assess it against the international human rights standards while reviewing relevant empirical research. This is done through a desk study. For the legal perspective, legislation on the reference address is gathered through Belgian legislative databases and subsequently analyzed. Since this study solely evaluates the reference address, no other forms of social assistance are examined.

## 2.3. Limitations

This study has several limitations. First, the framework is based solely on the ESC and the ICESCR. While these are the most general social rights instruments with monitoring bodies that interpret their often vague and broad provisions, the evaluation might differ slightly if other instruments were included. Furthermore, the framework itself is limited, as only general concepts can be derived for some aspects, which are open to interpretation. Second, the framework only considers access to social assistance, as Belgian legislation explicitly classifies the reference address for PEH as a form of social assistance. However, some aspects of the reference address are so closely tied to the civil law concept of the population registry, e.g., the scope of application, making it impossible to evaluate them against the framework. Third, while both instruments are legally binding, the monitoring bodies' decisions are not enforceable. Moreover, the obligations in the framework are often framed as goals to be progressively realized. This study aims to delineate the requirements set out by human rights instruments and to assess the current legislation, without examining potential state responsibility or the enforceability in case of non-compliance. Fourth, the aim of this study is not to comment on the role of a registered residence in social rights but rather to evaluate access to the reference address, which in turn facilitates access to other social rights.

## 3. Analysis

According to the human rights instruments studied, social assistance benefits must comply with four criteria in order to be accessible: minimal conditionality, an accessible procedure, equal access, and a right to appeal. We will analyze each of these criteria from both a legal and a sociological perspective. Subsequently, they are applied to the Belgian case, to assess both the law in the books and the law in practice.

### 3.1. Conditionality (in Theory)

According to the international framework, social assistance should be subject to minimal conditions. To assess this, four key elements are considered. First, the main criterion for granting social assistance should be the existence of a sufficiently urgent and serious need (*CEC v. The Netherlands*, 2013; *ICJ and ECRE v. Greece*, 2021; *ERRC v. Bulgaria*, 2009). Eligibility should be based on the individual's need, lack of sufficient resources, and inability to obtain the necessary resources independently. The UNCESCR (2016b)

ruled that need is interpreted too narrowly if an income below the subsistence level is considered sufficient. Second, any additional eligibility condition must be reasonable and aligned with the goal pursued by the condition, such as finding a long-term solution for the applicant (*ICJ and ECRE v. Greece*, 2021; ECSR, 2021). Third, social assistance may not be limited in time (*ICJ and ECRE v. Greece*, 2021). If a person remains in need, they should not lose access to social assistance simply because they have already received it for a certain period. A reference address should therefore not be automatically limited in time but should remain available for as long as the person meets the eligibility conditions. Fourth, the eligibility conditions must be clearly and transparently formulated, and generally applicable (*FEANTSA v. The Netherlands*, 2012; UNCESCR, 2015b). However, the international framework does not specify when a condition meets these criteria. This study assumes that a system is non-compliant with international standards if the wording of the conditions is vague, allowing room for interpretation and resulting in large differences in practice depending on who applies the conditions.

To qualify for a reference address, an applicant must meet three eligibility conditions: experiencing homelessness according to the federal definition (Condition A), not being registered (Condition B), and applying for social assistance (Condition C). In principle, no other conditions may be required, but case law demonstrates that additional conditions are often imposed (Interfederal Combat Poverty Service, 2018). Furthermore, to retain the reference address, beneficiaries must also comply with additional conditions (Condition D). What follows is a description and legal analysis of each condition.

### 3.1.1. Condition A: Experiencing Homelessness

Applicants must demonstrate they are experiencing homelessness. This involves two key elements: (a) not having stable housing of their own and (b) the lack of housing is caused by a lack of resources (FOD Binnenlandse Zaken, 1991, 1992a, 1992b, 2023). “Own housing” refers to a private dwelling or a place for personal use. It does not require exclusive use, ownership, or tenancy. “Sofa surfers” or individuals temporarily staying with friends or family are, thus, also considered to lack their own housing, even if they reside at the same address where they have a reference address with a natural person. However, the definition of “temporary stay” is often contested. To assess its temporariness, PCSWs must consider a reasonable period. Legislation indicates that a stay of several months may be deemed temporary (FOD Binnenlandse Zaken, 2023). Additionally, the lack of housing must be caused by a lack of financial means. PCSWs must assess the applicant’s actual financial situation, without predefining a maximum income threshold or excluding those who receive social security benefits or employment income. If the lack of housing is not due to financial reasons, the applicant is deemed ineligible.

Overall, this condition reflects the needs-based assessment and generally aligns with the international framework, but some remarks can be made. A broader interpretation of “means” could more accurately reflect the applicant’s needs by considering factors like the shortage of affordable housing or lack of skills to secure housing independently. Also, the lack of income thresholds may result in cases where an income below the subsistence level is deemed sufficient, which is inconsistent with international standards. Finally, not all forms of homelessness—as defined by the ETHOS typology—are eligible. Legally, this is not problematic, as certain individuals may still be registered provisionally (e.g., those living in unconventional dwellings) and may therefore not require the administrative anchorage a reference address provides.



### 3.1.2. Condition B: Not Being Registered in the Population Register

The reference address is only accessible to applicants without a registration in the population registry and without the possibility of being registered at another residence. However, the recent 2023 Circular provides nuance to this condition. On the one hand, it tightens the condition by requiring the completion of an administrative removal procedure before registering a beneficiary at their reference address. Previously, a simple change of address sufficed for obtaining a reference address with a natural person when the applicant's current registration was outdated and no alternative was available (FOD Binnenlandse Zaken, 1991, 1992a; Ministerie van Sociale Zaken, Volksgezondheid en Leefmilieu, 1998). We find, in the light of the international framework, that requiring administrative deletion may be excessive, especially since it was not required before for obtaining a reference address with a natural person and since the objective pursued is unclear. On the other hand, the Circular eases the condition by allowing PCSWs to grant a reference address while the applicant is still registered elsewhere. Although the reference address only takes effect after administrative removal, this may prevent a gap between the outdated registration and the registration at a reference address.

### 3.1.3. Condition C: Applying for Social Assistance

According to the Royal Decree of 1992 and the 2023 Circular, PEH must apply for social assistance or a subsistence allowance to the PCSW to obtain a reference address. We interpret this—often confusing—requirement as a “pseudo-condition” which in reality functions as a procedural step. As the reference address itself constitutes a form of (preventive) social assistance, the requirement is in principle met simply by applying for a reference address at the PCSW. It remains unclear whether this pseudo-condition applies to a reference address with a natural person, but since this type of reference address also requires an application with the PCSW (see Section 3.3), the pseudo-condition is in theory also fulfilled automatically.

### 3.1.4. Condition D: Retaining a Reference Address

To retain a reference address, beneficiaries must continue to meet the eligibility conditions and report to the PCSW at least once every three months—even when the reference address is with a natural person (FOD Binnenlandse Zaken, 2023). This reporting requirement constitutes an additional condition. For reference addresses with the PCSW, the additional condition is considered reasonable in light of international standards, as it ensures beneficiaries regularly collect their mail, which is one of the purposes of the reference address. However, this reasoning does not hold for a reference address with a natural person. In such cases, failure to report on time may, despite continued eligibility, result in termination of the reference address and necessitate reapplication. This condition may be considered excessive according to the international framework. Additionally, a general obligation to cooperate also applies; the 2023 Circular allows PCSWs to terminate a reference address if the beneficiary is entirely uncooperative, although the specifics of this requirement are unclear. Further additional conditions depend on the type of reference address. With a natural person, the consenting individual must retain their registration. If they withdraw consent or change their registration, the reference address is discontinued. With the PCSW, the beneficiary must retain a local connection. If the beneficiary moves to another municipality, the PCSW may discontinue the reference address instead of referring it to the competent PCSW, potentially leaving a gap in the

beneficiaries' social protection without their knowledge (FOD Binnenlandse Zaken, 2023). No time limitation exists, beneficiaries may retain a reference address as long as they continue to meet the conditions, which is compliant with the international framework.

### 3.2. Conditionality (in Practice)

From a sociological perspective, welfare conditionality has been a topic of considerable debate and research. Scholars have explored how welfare provisions have shifted beyond rights-based programs towards conditional entitlements (Cox, 1998), and how this conditionality affects various segments of society, particularly vulnerable groups (Dwyer, 2019). Research indicates that welfare conditionality often results in disproportionate outcomes for marginalized populations, such as PEH (Reeve, 2017; Veasey & Parker, 2022). Instead of automatically granting social benefits, citizens now need to actively earn their entitlement by meeting certain conditions. Imposing conditional requirements on social rights, such as means-tests or residency assessments, discourages vulnerable individuals from claiming them. Frontline welfare workers often demand hard-to-obtain proof of eligibility, which can deter potential claimants (Bennett, 1995). This verification process can become particularly burdensome for PEH, who lack a stable address to collect documentation or receive postal mail (McCarthy et al., 2015). Furthermore, over the years, conditional requirements have become stricter, making it increasingly difficult for vulnerable groups to comply, especially those lacking social, physical, cognitive, or financial resources (Watts et al., 2014).

Glancing at the reference address, the conditional logic is clear: It is not automatically granted to persons considered—or who consider themselves—homeless. PCSWs assess whether the claimant meets the conditions through a social investigation, and monitor whether they still meet the conditions once it is granted. Robben (2024b) demonstrated that this is not a linear process, as multiple actors are involved, each of whom may hold a different interpretation of the definition of homeless (Condition A), the necessity of administrative deletion (Condition B), and the requirement to apply for (additional) social assistance (Condition C). The stringent conditions for obtaining or retaining a reference address in Belgium often come with additional, sometimes unlawful, local requirements, such as actively looking for a job or (social) housing (Robben, Roets, et al., 2023).

The homeless definition (Condition A) used here does not cover all ETHOS categories, resulting in interpretative issues. A qualitative analysis of interviews with professionals revealed that the definitions used differ among social workers and across PCSWs. As a result, individuals may be refused a reference address if they do not fit the specific social worker's or PCSW's interpretation of homelessness (Robben, 2024b). Rita et al. (2023) emphasized that policies targeting PEH often require applicants to substantiate their homelessness by demonstrating the precariousness of their situation. Consequently, social workers tend to assess the eligibility of individuals sleeping rough more quickly than those who are "sofa surfing," leading to disparities among beneficiaries with equally valid needs (Osborne, 2019; Rita et al., 2023). Moreover, certain poverty organizations advise beneficiaries to describe their living situations as more precarious than they actually are, to increase the likelihood of being granted a reference address (Robben & Hermans, 2021).

The administrative deletion (Condition B) has been demonstrated to jeopardize individuals' access to social rights. Being removed from the registry leads to administrative exclusion and undermines the principle of

universal coverage in civil registration (Robben, Pierre, & Hermans, 2023). A significant group appears to be administratively excluded: approximately 14,000 people in Brussels are de-registered annually, of which a small fraction of 2.8% is due to international relocation (Moriau et al., 2024). For some PEH, administrative deletion occurs without their knowledge, when the municipality initiates a verification procedure and finds that the registered address no longer reflects reality. However, requiring administrative deletion for obtaining a reference address can have serious consequences for applicants, even when followed shortly by re-registration at a reference address. Once removed from the register, official documents such as one's identity card and driving license become invalid, and individuals face significant bureaucratic obstacles in proving eligibility for essential services. Moreover, the procedure has been criticized for being slow and inefficient, often leaving individuals without official residence status while awaiting their reference address or even unaware of their deregistration until they lose benefits (Robben & Hermans, 2021).

Applying for social assistance (Condition C) is another condition that is often perceived as unclear. For example, the Association of Flemish Cities and Municipalities (VVSG) describes this requirement as an initial step towards accepting formal support. They discovered that various PCSWs expect applicants to actively participate in improving their own circumstances (VVSG, 2019). The VVSG recommends imposing conditions to support PEH and closely monitor beneficiaries to provide the most suitable assistance. However, certain PCSWs impose additional conditions to obtain a reference address that beneficiaries cannot or find difficult to meet, such as active job-seeking, applying for (public) housing, debt mediation, and staying sober (Robben & Hermans, 2021). Although well-intentioned in theory, this approach can lead to the exclusion of certain groups in practice, such as those who avoid seeking help or those with negative prior experiences with the PCSW (Robben, Pierre, & Hermans, 2023).

Overall, the eligibility criteria are perceived as vague and open for interpretation, which is one of the myriad factors contributing to the non-take-up of the reference address (Robben, Roets, et al., 2023). In this context, social workers of the PCSW must balance different roles: supporting beneficiaries, monitoring their eligibility, and enforcing sanctions—by refusing, terminating, or threatening to terminate the reference address (Robben et al., 2024).

To sum up, the eligibility criteria for the reference address exhibit shortcomings both in law and in practice. While the legislation broadly aligns with international standards, as the eligibility criteria reflect a needs-based assessment, practical implementation reveals inconsistencies. PEH often feel compelled to exaggerate their situation, while some actors demand excessive proof, indicating an overly stringent application of the “needs” criterium that contradicts the intended framework. As noted earlier, some of the additional legal criteria and those imposed by PCSWs and social assistants may contravene international standards. Although these additional requirements aim to facilitate long-term solutions, they risk being arbitrary and unreasonable. Finally, the clarity and transparency of the legislation fall short of international expectations, both from a legal and sociological point of view. Discrepancies between the latest Circular and higher-ranking legislation generate uncertainty, while vague legislative language fosters confusion and inconsistent interpretation in practice, potentially leading to procedural malpractice and inequitable access to essential services.

### 3.3. Procedure (in Theory)

The international framework emphasizes the importance of the procedural dimension of social assistance (ECSR, 1969; *FIDH v. Belgium*, 2013). However, due to the limited number of decisions addressing this aspect, only general concepts can be derived. First, decisions regarding allocation must be made in a transparent and consistent manner (*FIDH v. Belgium*, 2013). A sufficiently clearly defined and codified procedure is a positive indication of compliance with this requirement. Second, the procedure may not be overly complex (UNCESCR, 2019), though case law does not clarify what this entails in practice. We assume it refers to a minimal initiative required from applicants. Third, states must progressively eliminate practical and administrative obstacles within the procedure (UNCESCR, 2016a), though this obligation remains somewhat hollow due to the principle of progressive realization. However, if new legislation introduces additional obstacles, it is inconsistent with the international framework.

The procedure for obtaining a reference address is outlined above (Figure 1). The following section discusses several procedural challenges. The first challenge concerns the local connection criterion, as applicants must apply to the competent PCSW. Generally, this refers to the PCSW of the applicant's usual place of residence (FOD Binnenlandse Zaken 2023; Ministerie van Volksgezondheid en Gezin, 1965). However, this is specifically challenging for highly mobile groups such as PEH, who often do not have a usual place of residence. For PEH, as an exception to the general rule, the actual place of residence at the time of application determines the competent PCSW. The legislation, however, does not clearly distinguish between the "usual" and "actual" place of residence, complicating the determination of the competent PCSW (Van Leuvenhaege, 2020). To verify the applicant's presence in the municipality at the time of application, PCSWs conduct a social investigation, which requires minimal cooperation from the applicant. The burden of proof regarding the local connection is therefore shared between the applicant and the PCSW. If, after this investigation, a PCSW deems itself incompetent, the applicant must provide additional proof of their connection to the municipality. If the PCSW still considers itself incompetent, it must transfer the application to the PCSW it considers competent.

A second challenge relates to the role of the PCSW. There is confusion regarding its role, especially in cases involving reference addresses with a natural person (Devriendt, 2024). Before 2023, PCSW involvement was not mandatory. Applicants seeking a reference address with a natural person could bypass the PCSW and apply directly to the municipality. However, the 2023 Circular now requires PCSW involvement in all cases. This intervention is said to benefit PEH, as they often not only need an official address but also support in other areas, such as housing, financial, medical, and social support. The PCSW conducts a comprehensive social investigation into the applicant's situation and ensures follow-up of the case. Following this social investigation, PCSWs may grant other social assistance benefits, when they deem them necessary to allow beneficiaries to live in human dignity.

A third challenge concerns the role of the municipality. The municipality handles the official registration of the reference address, but two main issues arise. First, the municipality can refuse registration—even if the PCSW approved the reference address—if it believes another (provisional) registration is possible. If so, the municipality may instead register the applicant at what it considers to be their main residence. The 2023 Circular lacks clear guidelines on this matter, particularly regarding stays with friends or family lasting between three and six months, leading to potentially discretionary decisions by the municipality. Second, if an applicant is still registered at a previous address, the municipality must complete the administrative deletion procedure

before registering the reference address. This involves verifying the applicant's presence at the old address (FOD Binnenlandse Zaken, 1992b, 2023). The new Circular of 2023 sets a one-month deadline for this process, but this period is suspended during the residence investigation, potentially prolonging the procedure.

As only general principles are derived from the international framework, a comprehensive legal assessment is not possible. Nonetheless, our legal analysis conducts a brief evaluation of some notable aspects. First, despite the attempt of the 2023 Circular to unify and clarify procedural elements, ambiguities remain. These arise in part from discrepancies between the Circular and higher-ranking legislation (FOD Binnenlandse Zaken 1991, 1992a). Second, with regard to the complexity of the procedure: initiating the allocation procedure depends on the initiative of the PEH, but beyond that, PEH are only required to cooperate with the PCSW during the social investigation. Following a positive decision, the PCSW directly communicates the decision to the municipality, which proceeds the registration without requiring further action from the applicant. From a legal point of view, the complexity of the procedure thus complies with the international framework.

### **3.4. Procedure (in Practice)**

In contrast, the practical implementation of the procedure reveals numerous challenges. First is the local connection criterion, a contentious issue. PEH often exhibit high mobility, leading PCSWs to declare themselves incompetent and subsequently refuse or revoke reference addresses. This practice has been criticized by scholars, especially concerning its application in shelters (Planije & Tuynman, 2013). PEH are also frequently redirected between PCSWs due to insufficient evidence of residence in a specific municipality. In 2018, the Interfederal Combat Poverty Service noted that some PCSWs limit homeless registrations for budgetary or political reasons, actions deemed unlawful. These practices can lead to jurisdictional disputes among PCSWs regarding applicant responsibility. Moreover, PCSWs often fail to forward applications, leaving applicants uninformed about the appropriate PCSW to approach. This results in individuals being deprived of a reference address and, consequently, their social rights (Robben, Pierre, & Hermans, 2023).

Secondly comes the procedure, and how PEH experience applying for a reference address. Applicants encounter substantial administrative hurdles. The application process for a reference address is more onerous than standard address registrations, often involving lengthy forms requiring detailed personal histories (Robben et al., 2024). The requirement of a social investigation poses a significant barrier, particularly for “care-avoiders” who are deterred by mandatory PCSW involvement. The ambiguous scope of these investigations exacerbates this issue.

Thirdly comes the role of PCSWs in practice. As noted, the PCSW's involvement is now mandatory for all applicants. This imposes heavy demands on social workers, leading to high caseloads and operational strain. Their tasks include eligibility assessments, social investigations with unclear parameters, ongoing follow-ups, guidance, and verification for both types of reference addresses. These investigations can be particularly demanding, requiring evaluations of applicants' broader socio-economic contexts. PCSWs involvement presents additional challenges with “care-avoiders.” These individuals, wary of institutional oversight, may forgo applying for a reference address, complicating social workers' efforts to engage with them. Furthermore, the obligation to monitor beneficiaries—through regular contact, quarterly reporting, and condition verification—adds to the workload (Robben, 2024b; Turpin et al., 2021). While intended to offer

comprehensive support, these follow-ups demand significant administrative and interpersonal effort, especially with vulnerable individuals possessing complex needs. Elevated caseloads, combined with these intensive responsibilities, can lead to burnout among social workers and diminish the efficacy of PCSW interventions. This risks creating a cycle where beneficiaries receive less personalized attention, undermining the system's intended purpose.

To sum up, while the procedure mainly complies with the international framework from a legal point of view, practical implementation presents a contrasting reality. The existence of a codified procedure and regulations identifying the competent PCSW is insufficient if enforcement is inconsistent or discretionary. Although the legislation may not formally breach international norms—given the relatively low threshold for procedural barriers—the practical implications cannot be ignored. Sociological research indicates that PCSW involvement can deter care-avoiders from seeking assistance, suggesting that the expanded role of the PCSW constitutes an additional barrier. This development contradicts the broader goal of progressively removing administrative obstacles. When taking into account both perspectives, it becomes clear that the procedure does not fully adhere to the principles embedded in the international framework.

### 3.5. Equal Access (in Theory and Practice)

International standards require equal access to social rights, both in law and in practice. (Un)equal situations must be treated (un)equally, unless a reasonable and objective justification exists (*ERRC v. France*, 2009; *FIDH v. Belgium*, 2012; *USB v. Italy*, 2018). Therefore, a (lack of) difference in treatment must pursue a legitimate aim, be proportionate, and be necessary for the promotion of welfare within a democratic society. Furthermore, the international framework also underscores that social assistance must be accessible regardless of a person's (place of) residence. States must ensure equal territorial coverage and, where regional disparities exist, implement measures to progressively reduce them (UNCESCR, 2013, 2022). Minimum standards for local authorities serve as a positive indication of compliance with the framework.

The existence of a reference address with a natural person and one with a PCSW raises the question of whether each type's beneficiaries have equal access. The legislation remains unclear on whether both types of reference address should be considered comparable or incomparable. On the one hand, both types are treated differently, as the territorial incompetence of the PCSW only leads only to an automatic reassignment of the competent PCSW in case of a reference address with a natural person and to a termination in case of a reference address with a PCSW (FOD Binnenlandse Zaken, 2023). However, both situations may be considered comparable according to the 2023 Circular, given the equal PCSW involvement. The absence of justification and the existence of less onerous alternatives may render this differentiation discriminatory. On the other hand, the Population Register Law of 1991 and the 1992 Royal Decree distinguish between both types of reference address, which implies their incomparability. Despite this presumed incomparability, both types are treated identically in the 2023 Circular in terms of PCSW involvement, administrative removal, and procedural aspects. The application of identical rules to both without providing justification may result in an unjustified lack of differentiation. Concerning equal territorial access, it must be noted that the same legislation applies uniformly across the territory and that the Circular of 2023 aims to establish minimum standards for implementation. However, empirical studies conducted before 2023 indicate that significant disparities persist in the practical implementation of the reference address, casting doubt on the effectiveness of existing measures in ensuring equal access to administrative anchorage.

From a sociological perspective, the mere existence of a formal legal guarantee does not ensure substantive equality in access to social rights. Structural inequalities, bureaucratic gatekeeping, and the discretionary power of local authorities can create significant implementation gaps, leading to the de facto exclusion of PEH from essential services (Somerville, 2013; Watts & Fitzpatrick, 2018). Moreover, PEH face additional stigmatization and systemic bias in interactions with social service providers, leading to inconsistent application of the legal framework across municipalities (Wacquant, 2009).

To sum up, an assessment of the Belgian legislation shows that it is not entirely compliant with the framework. First, both types of reference address are simultaneously considered incomparable by the Population Register Law of 1991 and the Royal Decree of 1992. They are treated equally by the 2023 Circular, which considers them comparable, yet remain unequally treated in some aspects. Second, while from a legal point of view the access to a reference address is independent of the PEH's place of residence, in practice, significant disparities exist across municipalities and among social assistants in implementing the legislation. The discretionary nature of administrative decisions and local disparities create hidden barriers that systematically disadvantage PEH. Moreover, the ambiguities within the 2023 Circular raise concerns about its capacity to ensure uniform application of the legislation. This results in unequal treatment of individuals in similar situations in practice, thus failing to meet the requirement of equal coverage according to international standards. Recognizing these structural factors and legal ambiguities is crucial in assessing whether legal compliance with international standards leads to effective social inclusion or merely reflects a formalistic legal ideal disconnected from reality.

### **3.6. Right to Appeal (in Theory and Practice)**

To comply with the international framework, individuals must have the right to appeal any negative decision regarding social assistance (*EUROCEF v. France*, 2015; *FEANTSA v. The Netherlands*, 2012). This appeal should take place before an independent judicial body, capable of ruling on the case's merits. For the appeal to be effective, applicants must be informed of their right to appeal and the procedures involved (*FEANTSA v. The Netherlands*, 2012). This requirement is met if the negative decision mentions the possibility of appeal and provides instructions on how to proceed.

The Belgian legislation (FOD Binnenlandse Zaken, 2023; Ministerie van Justitie, 1967) adheres to these requirements. Individuals can contest any unfavorable decision by the PCSW at the Labor Court, which has the authority to rule on the case's merits. Moreover, if the PCSW denies a reference address, it is legally required to inform the applicant about the appeal procedure, the timeframe for lodging an appeal, the required format, and the competent court. Notably, the Labor Court in Belgium is considered more accessible than other judicial bodies (Van Eeckhoutte, 2014; Van Hiel, 2019). Initiating proceedings involves fewer formalities and does not require advance payment of procedural costs. In social assistance cases, it suffices to submit a simple message of disagreement to the court registry (Van Limberghen, 2024). Additionally, a public prosecutor in social affairs participates in these cases to ensure equality between the socially insured and social security institutions, such as the PCSW (Verhaegen & Vandersteene, 2024). The public prosecutor prepares the case, gathers information, and, if necessary, conducts investigative measures. Applicants may also be represented by relatives or representatives of social organizations, not exclusively by lawyers.

Despite the Labor Court's accessibility, practical barriers persist. Research indicates that socially excluded groups, including PEH, are more likely to encounter barriers in accessing legal services (Buck et al., 2005), and justice in general. This involves digital barriers, complexity, lack of information, financial barriers, and limited access to legal aid or representation (Teremetskyi et al., 2021). PEH, in particular, are known to be victimized, yet rarely seek help through the justice system. Berti (2010) demonstrated that PEH perceive the law as a force that applies against them, rather than working for them. Regarding the reference address, applicants may remain unaware of their right to appeal if they are not adequately informed by social assistants, for instance when their request is (unlawfully) denied informally without a formal written decision.

To sum up, compliant with the international framework, Belgian legislation provides for the right to appeal adverse decisions through the Labor Court, which is designed to be accessible and supportive of applicants. However, practical challenges, such as informal refusals without formal notification, and the myriad of barriers PEH face in accessing justice, can impede individuals' awareness of their appeal rights, thereby undermining the system's overall effectiveness.

#### 4. Conclusion

The reference address in Belgium is a rather unique alternative registration mechanism for PEH without a fixed abode. This system enables such vulnerable groups to retain access to social rights. While recent sociological studies have examined this reference address system (e.g., Robben, 2024b; Robben, Roets, et al., 2023), there remains a notable gap in comprehensive legal analyses, particularly from a human rights perspective. This article aims to bridge that gap by employing both legal and sociological lenses to assess access to the reference address system, as it further affects access to social rights for a particularly vulnerable group.

Our findings indicate that the current system does not fully align with international human rights standards, neither in legislation nor in practice. Several conclusions can be drawn from the analysis.

First, discrepancies are found both in the "law in the books" and the "law in practice." Inconsistencies between circulars and formal legislation contribute to confusion. Circulars typically provide more detailed interpretations than higher-ranking legislation; however, the most recent circular introduces new rules. The binding nature of circulars applies primarily to administrative bodies, leaving beneficiaries in a precarious position regarding enforceability. The potential for future circulars to introduce additional conditions or new guidelines underscores the need for legislative clarity and stability. Studies have shown that the system's complexity is often unjustified and that existing circulars may exacerbate rather than mitigate these challenges. From a sociological perspective, this legal and bureaucratic complexity contributes to a system that often excludes those it is meant to serve (Robben, 2024b). Moreover, the complexity of the current system places an undue burden on social workers, who must navigate intricate legal frameworks while fulfilling their roles as support providers. This dual responsibility can result in inconsistent application of rules and may inadvertently disadvantage applicants. Social workers must strive to obtain the best possible care for their beneficiaries, while navigating legislative uncertainty. This also raises questions about the extent to which social workers can be regarded as human rights actors, and how they can or should respond to laws and policies that hinder their ability to work in line with human rights principles (Dibbets et al., 2021). Furthermore, the fragmented regulation leads to contradictions. For example, the legislator



simultaneously considers the reference address with a natural person and with the PCSW as comparable but treats them differently, and as incomparable but treats them similarly.

Second, the system's design inherently excludes certain groups, such as individuals who avoid institutional care or non-EU migrants and refugees who remain unreachable by authorities and lack alternatives. This exclusion renders individuals administratively invisible, exacerbating their marginalization and vulnerability (Robben, Pierre & Hermans, 2023). In sociological literature, this reflects bureaucratic mechanisms that classify individuals into “deserving” and “undeserving” poor, often leaving the most precarious populations without access to essential rights (Lister, 2007). The reliance on restrictive definitions of homelessness further contributes to the exclusionary nature of the system, highlighting the need to adopt more inclusive, scientifically recognized frameworks, such as ETHOS, within formal legislation.

Third, the international framework presents inherent limitations in evaluating the reference address system. One challenge lies in the dual nature of the reference address, which functions both as a form of social assistance and as a civil law concept. Its connection to population registry regulations—particularly its role in defining eligibility and procedural requirements at the municipal level—further restricts the scope of evaluation. A second challenge is that the framework itself relies on broad principles derived from international standards, rather than detailed, context-specific criteria. As a result, legal assessments alone are insufficient; sociological research on the lived experiences of affected individuals remains essential. Furthermore, even when assessment is possible, the framework sets a relatively low threshold on some aspects, requiring only the progressive realization of rights. This makes it difficult to establish clear violations, except in extreme cases, thereby limiting opportunities for individuals to enforce their rights.

Fourth, a key sociological concern is the interplay between legislation and implementation, particularly how administrative discretion transforms procedural requirements into exclusionary barriers. The local connection requirement, for example, is often treated as a substantive condition rather than a formality, leading to unjustified rejections. Similarly, the burden of proof is frequently misapplied. Legally, applicants have a duty to cooperate with the PCSW rather than bearing the burden of proof. However, in practice, this duty is often interpreted so broadly that it effectively becomes a burden of proof for applicants, contradicting the legal framework. These practices raise concerns about the balance between administrative procedures and the rights of the individuals they are meant to protect.

Fifth, our analysis highlights the importance of evaluating both legislation and implementation in light of the international framework. Ensuring access to social rights through compliant legislation is meaningless if the legislation fails to ensure proper implementation in practice. This is particularly relevant for the reference address, which serves as a gateway to other social rights for PEH. Addressing the existing issues is not only a legal matter but also a matter of political choices.

Reflecting on policy recommendations, our analysis underscores the need for a comprehensive review of the reference address system to comply with international standards and to better respond to the needs of PEH. Legislative clarity should be achieved by harmonizing administrative circular(s) and formal legislation, and by reforming conditions that allow for inconsistent interpretations. A critical review of which additional conditions are necessary and reasonable is also essential. The legislator must scrutinize the distinctions and similarities between reference addresses linked to a natural person and those linked to the PCSW. Another

suggestion is to introduce a reference address with a legal entity for PEH, without PCSW involvement, as is already the case for mobile population groups, such as Roma. Only by removing administrative barriers and ensuring consistent implementation of legislation can the protection and promotion of social rights be guaranteed for all, regardless of housing status. The study therefore highlights the commitment to ensuring access to essential services for all EU citizens, as established in the EPSR. Our findings suggest that addressing structural barriers, including bureaucratic inefficiencies and legislative complexity, is key to realizing the EPSR's objectives.

Future research on access to social rights for PEH remains necessary, encompassing both the reference address and the broader role of registration. Regarding the reference address, further studies should prioritize examining access to justice and the right to appeal for vulnerable groups such as PEH. Additionally, further research must explore the decoupling of access to social rights from registered residence requirements, which currently presents an administrative obstacle, and the adoption of more inclusive approaches, as recommended by the UN Committee (UNCESCR, 2011, 2015a). Moreover, the implementation and stringent regulation of the reference address are closely linked to the significant implications of cohabitation status on social benefits, necessitating future research on how housing situations affect these benefits. However, even if access to social rights becomes independent of a registered address, reference addresses will likely remain necessary as they also serve other legal and sociological functions. Further interdisciplinary research on policies targeting PEH, such as the reference address, is crucial to ensure that such policies are aligned with the needs of PEH.

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### Data Availability

This study is based exclusively on publicly available legal instruments, case law, and institutional reports. No new datasets were generated or analyzed.

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## About the Authors



**Lotte Lammens** is a PhD candidate at the Institute for Social Law, KU Leuven. Her research focuses on the access of people experiencing homelessness to social protection from a human rights perspective, in particular by analyzing the ESC and the ICESCR.



**Laure-lise Robben** (PhD) holds a doctoral degree in social sciences. Her main research interests are homelessness, human rights, vulnerability, poverty, and family support policy.